

MINUTES OF MONDAY, OCTOBER 6, 1980 REGULAR BOARD MEETING

16th Board of Representatives

City of Stamford, Connecticut

A regular monthly meeting of the 16th Board of Representatives of the City of Stamford was held on MONDAY, OCTOBER 6, 1980, in the Legislative Chambers of the Board of Representatives in the Municipal Office Building, Second Floor, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order at 9:30 P.M. by PRESIDENT SANDRA GOLDSTEIN, after both political parties had met in caucus.

INVOCATION: The Rev. William David, Faith Tabernacle Missionary Baptist Church, Stamford, Conn.

PLEDGE OF ALLEGIANCE TO THE FLAG: President Sandra Goldstein led the Pledge.

ROLL CALL: Clerk of the Board Annie M. Summerville called the Roll. There were 38 present and 2 absent. The absent members were Gerald Rybnick and Mildred Perillo (ill).

The CHAIR declared a QUORUM.

CHECK OF THE VOTING MACHINE: The President tested the voting machine and found it to be in good working order except that voting station #12 did not register the No vote. Mr. Thomsen, who was present, adjusted it. It became corrected after a few more tallies were taken.

PAGES: None.

MOMENTS OF SILENCE:

MORRIS J. FINN, 20 Arlington Road; former member of the Board of Finance.

LESTER ROGERS, 91 Strawberry Hill Ave.; member of Mayor's Blue Ribbon Panel.

NATHAN GOLD, 91 Strawberry Hill Ave., an elder statesman.

The above three late honorable gentlemen's names submitted by Rep. David Blum.

JACK LANGSAM, 1425 Bedford St.

MORTE KAYE, 122 Third Street

The above two late honorable gentlemen's names submitted by Rep. John Zelinski.

THE PRESIDENT asked the members to rise for a Moment of Silence.

THE PRESIDENT said she had several announcements to make prior to the Standing Committee Reports.

RESIGNATIONS FROM COMMITTEES:

THE PRESIDENT accepted with regret the resignation of VINCENT DeNICOLA from the APPOINTMENTS COMMITTEE.

THE PRESIDENT accepted with regret the resignation of GRACE GUROIAN as Co-Chairman and member of the CHARTER REVISION COMMITTEE.

THE PRESIDENT said that RICHARD FASANELLI will sit on the APPOINTMENTS COMMITTEE in place of Vincent DeNicola.

STANDING COMMITTEE REPORTS

MR. BOCCUZZI MOVED to WAIVE the reading of the STEERING COMMITTEE REPORT. SECONDED. CARRIED.

STEERING COMMITTEE REPORT

A meeting of the STEERING COMMITTEE was held on Monday, September 22, 1980 in the Democratic Caucus Room, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut. The meeting was called for 7:30 P.M. and began at 7:42 P.M. at which time a Quorum was present. Chairwoman Sandra Goldstein called the meeting to order.

PRESENT AT THE MEETING

Sandra Goldstein, Chairperson	Jeremiah Livingston
John J. Boccuzzi	Barbara McInerney
Annie M. Summerville	Robert DeLuca
Handy Dixon	Robert Fauteux
Paul Esposito	Audrey Maihock
John Zelinski	Paul Dziezyc
David Blum	Grace Guroian
Donald Donahue	Mary Lou Rinaldi
Alfred Perillo	John Hogan
Michael Wiederlight	ADVOCATE - Rhonda Orin
Richard Fasanelli	WSTC-WYRS - Mr. Gambino
Lathon Wider Sr.	Mrs. Paul Dziezyc (briefly)

(1) APPOINTMENTS

ORDERED ON THE AGENDA were Janet Garelik for the Personnel Appeals Board; Dr. Michael Sabia for the Health Commission. ALSO ORDERED ON was the name of Carol Marshall Walker for the Fair Rent Commission which had not appeared on the Tentative Steering Agenda having come down late. ORDERED HELD IN COMMITTEE, due to late submission, was the name of Charles Durant as an Alternate to the Fair Rent Commission. Also ORDERED HELD IN COMMITTEE was the name of King Whitney, an unaffiliated voter, for the Personnel Commission.

STEERING COMMITTEE REPORT (continued)(2) FISCAL MATTERS

ORDERED ON THE AGENDA were the 12 items appearing on the Tentative Steering Agenda; also a 13th item which was a transfer of \$6,000.00 approved by the Board of Finance from the Police Dept. to the Personnel Dept. (from salaries to part-time salaries, respectively); also a 14th item for \$5,500 for Southwestern Health Systems Agency, having been moved to Health and Protection at the 9/3/80 meeting from Fiscal. It will now appear under both committees.

(3) LEGISLATIVE AND RULES MATTERS

ORDERED ON THE AGENDA were 9 items appearing on the Tentative Agenda; as well as two other items, being proposed ordinance for publication of tax abatement for the Hanrahan Center owned by St. John's R.C. Church; and proposed ordinance for publication for the Church of the Annunciation for tax abatement.

ORDERED HELD were publication of proposed ordinance for gradual increases in assessed values following revaluation; publication of ordinance re safety of construction equipment including cranes; publication of ordinance for acceptable uses of Veterans Memorial Park. ORDERED MOVED to Charter Revision Committee was Rep. Maihock's letter about Supreme Court decision that citizens may sue officials. ORDERED REMOVED from the agenda permanently was publication of a proposed ordinance to name the intersection of Tresser Blvd. and Washington Blvd. as "Advocate Square".

(4) PERSONNEL MATTERS

ORDERED ON THE AGENDA was the labor agreement between the City and the Teamsters Local #145 except that the President ordered this to appear as four separate items to be voted on separately. Also ORDERED ON THE AGENDA was an item from Rep. Blum being a clipping in the ADVOCATE about training of employees and supervisors on 9/12/80 written by King Whitney, Jr.

(5) PLANNING AND ZONING MATTERS

ORDERED ON THE AGENDA were the first two items, being proposed ordinance for final adoption re truck parking in residential streets, and the referral of Zoning Board's action on Application #80-011 of Matthew Rose.

ORDERED HELD FOR NEXT MONTH were the two referrals of Applicant Zoning Board on properties owned by Frederick Adams Groesbeck, Jr. and by Barbara Mulrooney.

ALSO ORDERED HELD was the Memorandum of Decision by Hon. Stanley Novack, Judge of Superior Court relating to the Richard Schlesinger Appl. 72-007.

(6) HEALTH AND PROTECTION MATTERS

ORDERED ON THE AGENDA were the two items appearing on the Tentative Agenda. Also ORDERED ON were: (a) The \$5,500 for Southwestern Health Systems Agency; and (b) Rep. John Boccuzzi's request for examination of \$50,000.00 transfer from Police Dept.'s salary account during the first two months of the new fiscal year.

STEERING COMMITTEE REPORT (continued)(7) PARKS AND RECREATION MATTERS

ORDERED ON THE AGENDA were the three items appearing on the Tentative Steering Agenda.

(8) EDUCATION, WELFARE AND GOVERNMENT MATTERS

ORDERED ON THE AGENDA was one item, that of Rep. Fiorenzio Corbo's 8/4/80 request for a Special Investigating Committee to look into the Price, Waterhouse Review and Evaluation, etc. ALSO from New Business, looking into Nellie Spears case.

ORDERED OFF THE AGENDA was Rep. Flounders' motion made at 8/4/80 meeting that a minority member be appointed to the EDUCATION, WELFARE & GOVERNMENT COMMITTEE.

(9) ENVIRONMENTAL PROTECTION MATTERS

ORDERED ON THE AGENDA was the matter of easement for Holly Pond Associates which had been withdrawn from the Sewer Committee as they found a private solution to their problem. EP to determine if there is any environmental impact.

(10) TRANSPORTATION MATTERS

ORDERED ON THE AGENDA were the two items appearing on the Tentative Steering Agenda.

(11) CHARTER REVISION AND CODE OF ORDINANCE MATTERS

ORDERED ON THE AGENDA were the two resolutions pertaining to initiation of a Charter Revision Commission and the composition of it, its charges, etc.

ORDERED OFF THE AGENDA were two items: (a) information that letters and telephone calls had been received from prospective members for the Commission; and (b) Letter of 7/29/80 from 7 Board members re compilation of 1980-81 mill rate, contingency fund, etc.

(12) COMMUNICATIONS FROM OTHER BOARDS and INDIVIDUALS

ORDERED OFF THE AGENDA was the one item of 8/1/80 letter from Ms. Lillian Filardo, CPA, re setting of mill rates, contingency funds, stating she paid her tax bill under protest

(13) NEW BUSINESS

MOVED TO EW&G was the one item of Rep. Livingston's request of 8/18 to look into Nellie Spears case. ORDERED ON THE AGENDA was matter of Rep. Zelinski wanting to know from Law Dept. if Board should appeal Schlesinger decision of Judge Novack. A note was made to have a Resolution to change date of November meeting to 10th.

ADJOURNMENT

There being no further business to come before the STEERING COMMITTEE, on MOTION duly made, SECONDED and CARRIED, the meeting was adjourned at 10:07 P.M., with some members remaining until 10:25 P.M. to make up their committee agendas.

HMM:MS

Sandra Goldstein, Chairwoman
Steering Committee

THE PRESIDENT recognized MR. DARER who MOVED to SUSPEND THE RULES to take up an item out of order on the Agenda, the Report of the Charter Revision Committee. SECONDED. The vote on the Motion to Suspend the Rules was 21 YES, 15 NO, 2 ABSTENTIONS. The Motion has been DEFEATED.

MRS. GUROIAN, on a Motion of Personal Privilege, said that since it was mentioned that she had resigned from the Committee, she would like to explain her resignation. The PRESIDENT said she would grant that. MRS. GUROIAN read her letter of resignation:

"Dear Mrs. Goldstein:

"Pursuant to our telephone conversation today, Oct. 5, 1980, please consider this written confirmation of my decision to resign from the Stamford Board of Representatives Charter Revision Committee, both as co-chairman and a member as well, effective Oct. 5, 1980 at 8:00 P.M.

"I deeply regret having to take this action since Charter Revision is one area in which I can contribute some experience and some expertise. I thank you for the confidence you placed in me by appointing me to the committee and trust that in the future I can be of better, more constructive service to the Board. Signed Grace Guroian, City Representative 7th Dist."

MRS. GUROIAN: "This is the reason I resigned. It is with the deepest regret that I have made the decision to resign from the Board of Representatives Charter Revision Committee. I welcomed the privilege of serving this Committee both as a member and as Co-Chairman, fully intending to bring any expertise and background I might have into place so as to help that meaningful changes would be submitted for vote to the electorate in November of 1981.

"However, although I had deep reservations about this Committee's success in keeping its deliberations devoid of political considerations or pressure, many assurances were given me by everyone that my misgivings were ill-founded; and, in fact, the Committee would proceed in statesmanlike fashion to fulfill its obligations.

"The Committee's first meeting, and I refer everyone to the minutes of that meeting which are available, set criteria, and I was sufficiently satisfied that my fears were unfounded enough so as to be able to abstain on the vote and recommend the formation of a commission rather than cast the negative vote. I did concur with the objectives formulated at that meeting and with all other votes taken.

"Subsequent to that meeting, matters deteriorated. Decisions reached by the Committee were changed by the Committee, and decisions reached jointly by the Co-Chairmen were changed unilaterally. Information in possession of my Co-Chairman was not shared with me, and as of the time this is being written as Co-Chairman of this Committee, I have seen no information and have not even been given a complete list of all the applicants, all of which information was made available to the Democrat members of the Committee. Moreso, although as late as eleven.....

THE PRESIDENT interposed at this point, saying that she was afraid Rep. Guroian was going way past a Point of Personal Privilege and the President asked that she get ready to terminate.

MRS. GUROIAN: "No, but I haven't got that much more, and I'll cut it as short as I can. As late as Saturday, October 4, 1980, I was assured by telephone that our Committee would recommend a one-month delay so that our Committee could hold interviews.

"On Sunday, October 5th, yesterday, at 5:30 P.M., when we were to meet to establish possible dates on which to hold those interviews, I was informed that, in fact, the Democrat members of the Committee had met previously to Saturday and had come to their choices, and after their choices...."

THE PRESIDENT interposed at this point that she would have to rule Rep. Guroian Out of Order.

MRS. GUROIAN: "I think people are entitled to know why I resigned."

THE PRESIDENT said she would allow that to come up during Charter Revision, and that she had given Mrs. Guroian a Point of Personal Privilege. She, therefore, ruled Mrs. Guroian Out of Order.

MRS. GUROIAN: "Will you allow me to read it during Charter Revision?"

THE PRESIDENT: "Absolutely. And I mean this is really the wrong time. We will proceed to APPOINTMENTS COMMITTEE. You will proceed from the point where you left off."

APPOINTMENTS COMMITTEE - Chairman Handy Dixon

MR. DIXON: The Appointments Committee met October 2nd at 8:00 P.M. Those present and participating in that meeting were Mildred Perillo, Mary Jane Signore, Stanley Darer, John Boccuzzi, Robert Gabe DeLuca, and myself, Handy Dixon.

PERSONNEL APPEALS BOARD

Term Expires

(1) JANET GARELIK (D)
29 Falmouth Road (06903)
Held 5/19, 7/7, 8/4, 9/3.

Re-appointment; whose
term expired 12/1/79.

Dec. 1, 1984

MR. DIXON: This appointment is being HELD IN COMMITTEE.

HEALTH COMMISSION

(2) DR. MICHAEL SABIA (R)
22 Rambler Lane
Held 5/19, 8/18, 7/7, 8/4.

Re-appointment; whose
term expired 12/1/79.

Dec. 1, 1982

MR. DIXON said this is a re-appointment and is about the third term for Dr. Sabia who has done a wonderful job during his tenure on the Health Commission and the Committee feels he is quite capable of serving another term and the vote was unanimous, 6 in favor, and he MOVED for approval. SECONDED. There was one Committee Abstention.

THE PRESIDENT announced the vote as 2 Abstentions (Corbo and Signore); the rest were YES votes (voice). DR. SABIA has been CONFIRMED.

APPOINTMENTS COMMITTEE (continued)FAIR RENT COMMISSIONTerm Expires

- (3) CAROL MARSHALL WALKER (R) Replacing Angelo Gargagliano who resigned. Dec. 1, 1980
 160 Highview Avenue

MR. DIXON: This appointment is being HELD IN COMMITTEE for one month.
 That concludes my report.

FISCAL COMMITTEE - Co-Chairperson Marie Hawe

MRS. HAWE said Fiscal Committee met on Wednesday evening, Oct. 1st. Present were Committee members Betty Conti, Burt Flounders, John Hogan, Jerry Livingston, Moira Lyons, Jerry Rybnick, Paul Esposito, and Marie Hawe. On the Agenda this evening are \$44,062.77 in Additional Appropriations; \$58,360.00 in additions to the Capital Budget; \$6,000.00 in inter-department transfers; and \$385,628.60 in Capital Project transfers.

The following items were MOVED on the CONSENT AGENDA: Fiscal Items #1, 2, 3, 5, 6, 7, 8, 9, and 10. On those items where the secondary committee did not have a report, the proper motions were Moved, Seconded and Carried.

- (1) \$384,228.60 - AMENDMENT TO THE 1979-1980 CAPITAL PROJECTS BUDGET BY THE TRANSFER BETWEEN SEWER PROJECTS AS FOLLOWS. Board of Finance authorized the transfer unanimously on 8/14/80, per Mayor's request of 8/5, stating that "No action was needed on the request for authorization to close-out capital projects totalling \$411,380.94, since these accounts will show zero balances as a result of the action below" (which was listed) under the subject of "Capital Project Closeouts/Transfers/Additional Appropriations".

SEWER PROJECTS:

TRANSFER FROM: #115.372	15.7 Lower Springdale	\$ 79,174.01
#112.381	15.2 Newfield Pepper Ridge	305,054.59
		<u>\$384,228.60</u>

TRANSFER TO: #112.492	West Side Interceptor	<u>\$384,228.60</u>
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(Above also referred to SEWER COMMITTEE)

ITEM #1 APPROVED ON THE CONSENT AGENDA.

- (2) \$ 1,400.00 - AMENDMENT TO THE 1979-1980 CAPITAL PROJECTS BUDGET BY THE TRANSFER BETWEEN GENERAL GOVERNMENT PROJECTS AS FOLLOWS: Board of Finance authorized unanimously on 8/14/80, per Mayor's request of 8/5 with same comments as item #1 above about close-outs.

TRANSFER FROM:

#410.754	Communications Van - Police Dept.	\$1,400.00
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TRANSFER TO:

#410.957	Vehicle Replacement - Dog Warden	<u>1,400.00</u>
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ITEM #2 APPROVED ON THE CONSENT AGENDA.

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FISCAL COMMITTEE (continued)

- (3) PROPOSED RESOLUTION AUTHORIZING MAYOR TO EXECUTE STATE AGREEMENT WITH DEP FOR WATER POLLUTION ABATEMENT FACILITIES per Mayor's letter 9/15/80. This GRANT of \$103,608.00 represents 30% of the City's cost associated with the installation of belt presses at the Sewage Treatment Plant (total cost \$345,361.00).

(Above also referred to PUBLIC WORKS COMMITTEE)

ITEM #3 APPROVED ON THE CONSENT AGENDA.

- (4) \$ 3,077.77 - HEALTH DEPARTMENT - Code 560.1110 SALARIES - PUBLIC SCHOOL HEALTH PROGRAM - Additional Appropriation requested by Mayor Clapes 9/4/80 to pay accumulated sick time to estate of a deceased employee. Board of Finance approved 9/18/80.

(Above also referred to PERSONNEL COMMITTEE)

MRS. HAWE said this additional appropriation is money to pay a former public school nurse who died this summer and had accumulated 65½ days of sick time. Under the terms of the nurses' contract, the City must pay her estate for 47-3/4 sick days at \$9.20 per hour, which calculates up to the \$3,077.77.

Fiscal had voted 4 in favor, none opposed, and 2 abstentions to this. However, in the Republican caucus, it was learned that secondary committee had received some contradictory information than what the Committee had received, which is one reason why it was not put on CONSENT as some might have wanted to change their vote on this. Perhaps the Personnel Committee will now speak on it. The President asked what was the Motion. Mrs. Hawe said it was to pass it and she so MOVED.

MR. BLUM said the Personnel Committee, being the secondary committee, met on this item. Present were the nurses from the nurses union. Dr. Gofstein failed to attend the meeting. Mr. Blum said the Committee agreed that this nurse's estate is entitled to the money, according to the nurses union contract; BUT, looking at the Agenda of the Board of Finance Meeting of Thursday, Sept. 18, 1980, the Health Dept. came before the Board of Finance for a Transfer of \$13,537.00 from a Public School Health Program 560.1110 Salaries to the Health Dept. Salaries 550.1110 Salaries. They also came before the Board of Finance asking for an Additional Appropriation of \$3,077.77 for this particular nurse; and the question was why is he taking this amount of money from the same salary account, when he could have waited; and what we understand from the nurses, that he is not going to fill the Public School Health Program, but he is going to fill a nurse's position within the Health Department. This does not sound right in the way it was handled and transferred around. The estate could have been paid out of the existing budget. The recommendation of the Committee was to HOLD for further information,

MR. DeLUCA said if the Board were to approve these funds tonight, it would be approving the sheer manipulation that Dr. Gofstein is well known for. This is just another one of his under-handed methods, to put it bluntly, to shaft the school nurses. The estate of the late Mrs. Costello has already been paid these funds. The financial back-up material mentions one of the reasons Dr. Gofstein plans to hire a nurse in the public Health Department is the fact that two schools closed. Mr. DeLuca would like the funds rejected and the harassment of the nurses stopped.

FISCAL COMMITTEE (continued)

MR. LIVINGSTON said he is going along with the Chairman of Personnel Committee to hold these funds, not on the merits of the case, but the fact that a department head was requested to come in and talk to one of the Committees and for some reason, failed to do so. He feels that in all respect to the Chairman of that Committee and to the rest of this Board, the members are obligated to go along with the Chairman of this Committee.

MRS. HAWK said that Fiscal Committee was aware of the transfer that the Board of Finance approved, but they felt that the estate of this woman should not be penalized because of the transfer that had occurred and they were under the impression that the estate had yet to be paid. Since then the Committee learned that indeed this money had been paid out for this estate which really changes the complexion of the whole thing, and Mrs. Hawk will vote to either hold or reject, whichever motion comes up tonight.

MRS. SANTY said she agrees with Rep. Livingston; that Dr. Gofstein is going to have to appear before other committees besides Fiscal. It is very important that we get the facts in the case. The nurses are very dissatisfied. They have a listening board with us here and it is important that we listen to them also. The prime reason to hold this is out of respect to the Personnel Committee and its Chairman. Dr. Gofstein should appear and explain these funds.

THE PRESIDENT said there is a Motion on the floor to approve \$3,077.77. If you wish to re-commit, then a different Motion is in order.

MR. ESPOSITO made a MOTION to MOVE THE QUESTION. SECONDED. DEFEATED.

MR. BOCCUZZI MOVED to Return the item to Committee. SECONDED.

MRS. HAWK MOVED to Recommit to the Personnel Committee.

MR. BOCCUZZI pointed out this would be confusing and it should be returned to the Fiscal Committee.

MRS. HAWK withdrew her Motion.

MRS. SIGNORE asked that the record show she is ABSTAINING on this item.

THE PRESIDENT called for a vote (voice) and announced the Motion to Return to Committee was APPROVED for action next month.

- (5) \$ 200.00 - HEALTH DEPARTMENT - Code 550.3480 - UNIFORMS - Additional Appropriation requested by Mayor Clapes 9/4/80 for heavy overcoat for a nurse. Board of Finance approved 9/18/80.

ITEM #5 APPROVED ON THE CONSENT AGENDA.

- (6) \$ 25.00 - HEALTH DEPARTMENT - Code 571.2922 POSTAGE - Additional Appropriation covering S.H.A.P.E. - per Mayor's request 9/80, which is gift from State National Bank of Conn. for postage for mailing patient results of Annual Health Fair. Board of Finance approved 9/18/80.

ITEM #6 APPROVED ON THE CONSENT AGENDA.

FISCAL COMMITTEE (continued)

- (7) \$ 1,950.00 - PARKS DEPARTMENT - Code 620.2210 BUILDING MAINTENANCE - Additional Appropriation for TERRY CONNERS SKATING RINK - requested by Mayor 9/9/80. See Mark Magliola's letter of 8/20/80 to Supt. of Parks Cook re costly breakdown early in the year on a weekend. Board of Finance approved 9/18/80.

ITEM #7 APPROVED ON THE CONSENT AGENDA.

- (8) \$ 3,500.00 - FINANCE COMMISSIONER - Code 240.5120 PROFESSIONAL AUDITING SERVICE - Additional Appropriation requested by Mayor Clapes 9/8/80, also O. A. Hoffman's 9/8/80, to fund audit of Federal Revenue Sharing, approx. \$1.5 M. Community Development grant. Board of Finance approved 9/18/80.

(Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE)

ITEM #8 APPROVED ON THE CONSENT AGENDA.

- (9) \$ 2,805.00 - SOUTHWESTERN REGIONAL PLANNING AGENCY (SWRPA) - Code 295.5604 - Additional Appropriation requested by Mayor Clapes, undated. City's membership fees are based on a weighted formula which counts population twice and land area once. 1980-1981 budget approved for \$6,545.00; SWRPA's invoice is for \$9,350.00; balance needed \$2,805.00. Board of Finance approved 9/18/80.

(Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE)

ITEM #9 APPROVED ON CONSENT AGENDA.

- (10) \$58,360.00 - AMENDMENT TO 1980-1981 CAPITAL RROJECTS BUDGET OF THE LONG RIDGE FIRE DEPARTMENT #473.644 - 2nd Fire House, Upper High Ridge Road - to completely finish the project by early Fall. Mayor's letter 7/31/80, and J. J. Farley, Pres., Long Ridge Fire Co.'s letter 7/25/80. Board of Finance approved 9/18/80.

(Above also referred to HEALTH AND PROTECTION COMMITTEE)

ITEM #10 APPROVED ON CONSENT AGENDA.

- (11) \$ 2,105.00 - CONNECTICUT CONFERENCE OF MUNICIPALITIES (CCM) - Code 295.5602 - Legal Fees, representing Stamford's share to participate against the SNET Co. rate increase application. Board of Finance approved 9/18/80 under Suspension of Rules.

(Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE)

MRS. HAWES said this is a request for \$2,105 for CCM. SNETCO has applied for a rate increase from the PUCA and CCM is challenging it. Last month the Representatives passed a resolution saying "That the City of Stamford will advise CCM that it will join with other cities in a challenge to this rate increase and incur expenses, the funds for which will be approved at the appropriate time by the fiscal boards." That's what this Board passed last month. Fiscal voted 5 in favor and one opposed and she MOVED for approval. SECONDED.

EDUCATION, WELFARE AND GOVERNMENT concurred.

FISCAL COMMITTEE (continued)

THE PRESIDENT said the record will show that MR. ROOS ABSTAINED. The MOTION has been CARRIED with 33 YES votes (voice); 2 ABSTENTIONS (Roos and Alfred Perillo); 3 NO votes (DeLuca, Guroian, and Betty Conti).

- (12) \$ 24,900.00 - PARKS DEPARTMENT - Code 610 (various) - Additional Appropriation to improve appearance and maintenance of West Side Parks - Veterans, Kosciuszko, Lione, Carwin, Jackie Robinson, etc., to be allocated as follows: Board of Finance approved 9/18/80 under Suspension of Rules. (For 1/2 year starting in January, 1981)

* 610.1110 Salaries	(a) Gardener (one)@ \$ 6,464.00	
	(b) 2 Laborers II @ @12,620.00 . . .	\$19,524.00
610.1140 Seasonal		3,500.00
610.2660 Small Tools and Replacements		1,000.00
610.2510 Vehicle Maintenance.		200.00
610.2750 Gasoline		676.00
		<u>\$24,900.00</u>

* Salaries increased by 7% per proposed Teamsters
Contract: Accrual \$440.

(Above also referred to PARKS AND RECREATION COMMITTEE)

MRS. HAWE said this is for the improvement of various West Side Parks, including Carwin Park, Veterans, Kosciuszko, Lione, Jackie Robinson, and other small parks. The \$19,524.00 will pay for a three-man mobile Park crew which will concentrate on maintaining the West Side parks. The \$3,500 is for seasonal help for use in the summer time. This appropriation request is for one-half year. Mr. Cook said that they will get these people on board starting in January. Fiscal voted 5 in favor, none against, and 1 Abstention, and she MOVED for approval. SECONDED.

MR. DeLUCA said PARKS AND RECREATION concurred.

MR. BOCCUZZI asked whether "other small parks" includes Southfield Park. And that since it is not a large park, that some work would be done there as it is needed.

MR. WIEDERLIGHT said he could not understand the mathematics of the salaries.

MRS. HAWE said that 6-months' salary for one gardener is \$6,464.00; that 6-months' salary for one laborer II is \$6,310.00; that 6-months' salary for the second laborer II is \$6,310.00; plus 7% increase via Teamsters' Contract of \$440.00 totals up to \$19,524.00.

MRS. MAIHOCK said she is all for improving the parks in the City but what does a gardener do in January.

MRS. HAWE said Supt. Cook told them the seasonal workers will work in the summer when additional work is required in the Parks, but a lot of parks, especially Carwin Park and Veterans Park are highly constructed parks, and some have masonry and plumbing, things that require maintenance all year around and does not just end on Labor Day. Because these parks require a high level of maintenance, work is required all year around. The gardener works along with the other men year round in this maintenance work.

FISCAL COMMITTEE (continued)

MR. JOYCE said he would vote against this and will continue to vote against all Park Dept. requests as long as the River Walk remains in the disgraceful condition that it is. In the past, he has brought to the attention of Mr. Cook the Mill River Walk and the deplorable condition. There are pipes that have been knocked off and have not been kept up; they are in the stream. It would take a team of men maybe a couple of hours to pick up those pipes and put them back in place. It is a dangerous condition there. They were put there as guard-rails. Why is this incapable of achievement when you consider all the money that is spent. If the people want money, they should work for the money we pay them. When he sees that condition persist after he has told them about it, how can they expect him to vote any additional appropriations, not a penny.

THE PRESIDENT called for a vote on Item #12. CARRIED with 34 YES, 2 NO, and 2 Abstentions. Mrs. Santy will be recorded as voting YES.

(13) \$ 6,000.00 - TRANSFER BETWEEN CITY DEPARTMENTS - Approved by Board of Finance 9/18/80 under Suspension of Rules:

TRANSFER FROM POLICE DEPARTMENT:

Code 410.1110 Salaries \$6,000.00

TRANSFER TO PERSONNEL DEPARTMENT:

Code 270.1130 Part-Time Salaries \$6,000.00

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(Board of Finance agenda: "to replenish the \$6,000.00 transferred from PERSONNEL 270.1110 PART-TIME SALARIES to PERSONNEL 270.3620 MEDICAL EXAMINATIONS, which transfer Board of Finance approved under Suspension of Rules 9/18/80.)

(Above also referred to PERSONNEL COMMITTEE)

MRS. HAWES said this is a transfer between City Departments. Just to give a little background on this, the Board of Finance on 9/18 approved two transfers, the first one which we don't also have to approve was from one account in the Personnel Department to another account in the Personnel Department and this was from their Part-Time Salaries to their Medical Examinations. The Board of Finance also approved this transfer which is before us tonight of \$6,000.00 from the Police Dept. The purpose of this was to allow the Personnel Dept. to proceed with the physical examinations for the new police officers. And the transfer that we are to approve tonight from the Police Dept., this allowed the Personnel Dept. to control the expenditures against the Medical Exam account, while permitting at the same time the department which generated the charges, which is the Police Dept., to provide the funding. Fiscal voted 6 in favor and none opposed. SECONDED.

MR. BLUM said Personnel did not take this up inasmuch as no one attended from the Personnel Commission or the Personnel Department or the Police Department. Mr. Blum said he would like to ask a question in reference to this.

THE PRESIDENT said then there is no Personnel Committee report?

MR. BLUM said he has no report inasmuch as nobody attended.

THE PRESIDENT asked that the Secondary Committee Report be Waived on this.

MOVED. SECONDED. CARRIED. Mr. Blum will be the first speaker in the discussion.

FISCAL COMMITTEE (continued)

MR. BLUM asked how can the Board of Finance act on a transfer of putting funds into PERSONNEL DEPARTMENT before the money is there from the POLICE DEPARTMENT since the item is before the Board of Representatives at this very moment. Mr. Blum would like someone with some fiscal responsibility explain the rationale of this action. How is that possible?

MRS. HAWE said you would have to ask that of the Board of Finance. According to Charter, they are allowed to do that. We just saw that in the case of the Health Dept. transferring the money from the Public School Nurse Program to the Public Nurse Program. It is their prerogative to do that. We only have to approve inter-department transfers, between two different departments. Mrs. Hawe said she really could not answer that.

MR. BLUM said that he asking again, how can they transfer money before they have it in hand? This Board has not approved the \$6,000 to be transferred to the Personnel Dept.

MR. BOCCUZZI said he cannot answer Mr. Blum's request. However, he would ask this Board to please approve this as he doesn't want to hear another excuse as to why we don't have policemen on the road. He asks that the Board approve this transfer.

MR. FAUTEUX MOVED THE QUESTION. SECONDED. CARRIED.

THE PRESIDENT called for a vote on Item #13, the transfer of \$6,000.00. SECONDED. CARRIED with 33 Yes votes, 1 No vote, and 4 Abstentions.

- (14) \$ 5,500.00 - SOUTHWESTERN CONNECTICUT HEALTH SYSTEMS AGENCY - Code 586.3751 - Additional Appropriation requested by Mayor Clapes 8/1/80 of \$5,000.00, and this was DELETED from 1980-1981 Operating Budget by Board of Representatives. SWC Health Systems Agency Pres. Glenna Michaels' letter 12/5/79 requested 10¢ per capita for 1980-81 contribution from Stamford. Exec. Dir. Eugene Michael 7/23/80 re-submitted request for \$10,750, responding to Budget Director Frank Harrison's letter 7/14/80 re Board action on Budget. At 9/3/80 Fiscal Committee recommended denial of this request. Motion was approved to refer to Health & Protection Committee for September Steering. (This subject also appears under Health and Protection Committee on this Agenda.)

(Above also referred to HEALTH AND PROTECTION COMMITTEE.)

MRS. HAWE said this was on the Agenda last month and Fiscal recommended denial of it. However, the full Board chose to return it to the Health and Protection Committee for their further investigation into exactly what the Agency does. Fiscal again voted to deny it, 3 in favor of passage and 4 against. For the purpose of clarity, she MOVED for approval. SECONDED.

MRS. SANTY said the Health and Protection Committee voted 3 opposed and one in favor so we would move for denial of this appropriation. The Committee met on Oct. 1st with Exec. Dir. Eugene Michael; Pres. Glenna Michaels; and HSA Board of Directors members Richard Wright and Roberto Fuentes. HSA is a planning agency. They address health care needs and options for service delivery in the community. Many questions were asked and many answers were received.

FISCAL COMMITTEE (continued)

MRS. SANTY (continuing): The Committee decided that with the two exceptional hospitals delivering primary care and in-patient and out-patient services, that this service was not needed. They could not see any benefits accruing to the City to warrant this appropriation. This agency acts as a kind of jury. They ask such questions as is this project needed? Would it duplicate an already existing service? They could go to a hospital and say we don't think you should have this duplication. Maybe you should consolidate the pediatrics in both hospitals; and that sort of thing. We believe there are enough studies done by the Boards of Directors of both hospitals and that this agency is not needed, or this appropriation.

MR. DZIEZYC said St. Joseph's Hospital wanted to upgrade their out-dated surgical units, but HSA recommended to the State to refuse their request. HSA also recommended that St. Joseph's does not install new cystoscopy equipment. We have professionals that administer the hospitals in Stamford and they have been doing a wonderful job, providing excellent health care. Mr. Dziezyc resents an outside agency telling our hospitals how they should administer their plants. They have applied extreme pressure to bring about the consolidation of the maternity and children's wards, so that they would be located in one or the other hospital only. Another thing, HSA recommended the Teen - Age Pregnancy Grant which was withdrawn because it was headed for defeat due to strong opposition in the City.

MR. DZIEZYC said that HSA recommended that HMO units be set up in different cities. This is a form of socialized medicine in Mr. Dziezyc's eyes, because the one in Stamford received a \$2M. low-cost interest grant to build their facility. They compete with Blue Cross-Blue Shield and all the other private insurance agencies. Now what we are doing is subsidizing HMO to compete with Blue Cross, Blue Shield, etc. He urged the Board members to vote NO.

MR. WIDER said there are many neighborhoods, including the South End, that are in dire need of something more convenient than Stamford or St. Joseph's Hospital. However, if we appropriate the money, this Agency should not be dictating to us, but we should turn it around and we do the dictating about what we want. You can go broke in hospitals.

MR. ESPOSITO said the purpose of HSAs is to coordinate the distribution of health care facilities and attempt to keep medical costs down. As Mr. Dziezyc said, HSA could decide that both hospitals did not need a maternity facility, and they are the only agency that can really push that point of view and enforce it is one like HSA which has region-wide control. We may not like it that the hospital around the corner no longer has a maternity ward but if we have to travel to the other side of town and save \$20 or \$30 a day in the room cost, it might be more beneficial this is a worthwhile proposal and we should vote for it.

MR. BOCCUZZI MOVED the QUESTION. SECONDED. CARRIED.

THE PRESIDENT said we have a positive Motion but both committees have recommended denial of this funding request. MOTION DENIED with 11 Yes votes, 25 No, and 2 Abstentions.

FISCAL COMMITTEE (continued)

UNDER SUSPENSION OF RULES, MOVED BY MRS. HAWE, SECONDED AND CARRIED UNANIMOUSLY
the following item was brought up on the floor:

- (15) PROPOSED RESOLUTION AUTHORIZING MAYOR TO APPLY FOR A GRANT FOR DIAL-A-RIDE BUSES (80% Federal; 20% State) per Mayor Clapes' request. (\$16,031.00)

MRS. HAWE: This resolution would authorize the Mayor to execute an agreement with the State Department of Transportation for a grant for Dial-A-Ride buses. Last spring we passed monies for 3 new vehicles for the Commission on Aging. The City has received a grant to pay for these. We had previously approved a resolution for the Mayor to file for this grant and it was believed that this one resolution would satisfy both the State and the Federal requirements. However it has been found that this is not so and the State needs a separate resolution, passed by this Board now in order to execute this agreement. Fiscal voted 6 in favor and none opposed and she so MOVES for approval. SECONDED.

THE PRESIDENT called for a vote. The Motion passed UNANIMOUSLY (voice).

MRS. HAWE MOVED the following items to the CONSENT AGENDA: #1, 2, 3, 5, 6, 7, 8, 9, 10. SECONDED. CARRIED UNANIMOUSLY.

LEGISLATIVE AND RULES COMMITTEE - Co-Chairmen John Zelinski and Anthony Conti

- (1) FOR PUBLICATION - PROPOSED ORDINANCE RE CODE OF ETHICS (CONCERNING GIFTS TO OFFICERS AND EMPLOYEES OF THE CITY) - Submitted by Mayor Clapes, his letter 5/19/80, advising this is directed towards those actions discussed by Atty. Ralph Elliott in report to Mayor. Also Mayor's letter 5/20/80 to Personnel Director re this ordinance, stating similar appropriate action to be taken with regard to the Classified Service and including provisions for enforcement. Held in Committee 6/2, 7/7 and 8/4 for drafting by Law Dept. Rep. Betty Conti requested meeting with Law Dept. and this Board as "A Committee of the Whole" to discuss. Held in Committee 9/3/80.

MR. ZELINSKI said L&R met on Monday, Sept. 29th, at 7:00 P.M. in the Democratic Caucus Room until approximately 10:45 P.M. Present at that meeting were Reps. Fasanelli, Donahue, Loomis, Pollard, Conti (Co-Chairman), and Zelinski. Absent were Reps. Wiederlight (excused for school); and Blum (absent due to a sickness); and Rep. Corbo joined the Committee at 10:30. Also present were Reps. Maihock, Dziezyc; as well as Mr. Peter Coffin of the Zion Lutheran Church; Howard Silverfarb of Fairfield Health Plan; Attorney Paul Shapero; Attorney William Sherman; and Mr. Fred Krause, a Stamford resident.

The Committee voted to HOLD IN COMMITTEE.

LEGISLATIVE AND RULES COMMITTEE (continued)

- (2) FOR FINAL ADOPTION - PROPOSED ORDINANCE ON ENCLOSING SWIMMING POOLS. ALSO A RESOLUTION: ENFORCEMENT OF SWIMMING POOL SAFETY DEVICES INCLUDING ENCLOSURE which is a companion instrument to the ordinance. (Resolution No. 1320 was approved at 7/7/80 meeting.) Ordinance approved for publication, with amendments.

MR. ZELINSKI said the Committee voted 6-0 in favor of final adoption of the ordinance and he so MOVED. SECONDED.

THE PRESIDENT called for discussion but there was none. She said this is a very important matter and asked all members who were off the floor, to return to vote. The MOTION has been ADOPTED with 37 Yes votes, and one Abstention.

MR. ZELINSKI MOVED for the adoption of the Resolution. Mr. Zelinski asked that the record show that this was submitted by Mr. Zelinski due to a letter drafted by himself to the Corporation Counsel on June 13, 1980. SECONDED.

MR. BLUM said he can now tell his next-door neighbor, Rabbi Pearce, that since April, they have finally done it this evening. He received many letters and phone calls from his Temple regarding this item.

THE PRESIDENT called for a vote and the MOTION CARRIED UNANIMOUSLY (voice).

- (3) FOR PUBLICATION - PROPOSED ORDINANCE FOR TAX ABATEMENT FOR RESIDENCE OF ASSISTANT PASTOR OF ZION LUTHERAN CHURCH located at 17 Fenway. Also requesting refund of taxes paid - their letter 3/31/80. No written text received yet. Held in Committee 4/21, 5/9, 6/23, 8/4 and 9/3/80.

MR. ZELINSKI said the Committee voted 6 in favor and he so MOVED. SECONDED.

THE PRESIDENT called for a vote. CARRIED UNANIMOUSLY (voice).

- (4) FOR FINAL ADOPTION - PROPOSED ORDINANCE FOR TAX ABATEMENT FOR BELL ST. AND TRESSER BOULEVARD PROPERTY (parking lot) - submitted by Mayor Clapes 5/29; by Asst. Corp. Counsel John E. Smyth 5/22/80 stating this is from Atty. Gaynor E. Brennan, Jr., and property is owned by St. John's R.C. Church, and used also for municipal purposes. Held in Steering 8/23 for August agenda.

MR. ZELINSKI said the Committee is HOLDING IN COMMITTEE, awaiting answer to some questions raised at the last meeting. A letter was sent to the Tax Assessor.

- (5) FOR PUBLICATION - PROPOSED ORDINANCE REGARDING GARBAGE COLLECTION FOR CONDOMINIUMS AND MULTI-FAMILY DWELLINGS. Corp. Counsel Cookney's letter 8/18/80 advising text is being prepared. Held in Committee 9/3/80.

MR. ZELINSKI said his Committee voted 3 in favor and 3 against, and the item is being HELD IN COMMITTEE.

THE PRESIDENT said to MR. BLUM that this is being Held in Committee so the only motion to be entertained would be to take it out of committee.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. BLUM MOVED to take out of committee and place for publication. SECONDED.

MR. ZELINSKI felt one more month was needed for proper consideration.

MR. DONAHUE said it should be published this month and receive the input from the interested parties.

THE PRESIDENT called for a vote on taking this item out of committee.
CARRIED with 24 Yes, 10 No, and 4 Abstentions.

MR. DONAHUE MOVED for publication. SECONDED.

MRS. CONTI asked what form of the ordinance is going to be published, the original one, because if that is the one, the Board is being inconsistent. In the beginning, we are saying we are not going to collect from less than six units that do not comply with 8-4. Then we turn around and say with units over six, we will reimburse them. Now that is not fair and you are leaving the City wide open for a law suit. You have to be consistent in both cases. If you are going to reimburse those who do not comply with 8-4 of the Code, then you have to collect from those who do not comply. You cannot be that inconsistent.

MRS. McINERNEY MOVED THE QUESTION. SECONDED. CARRIED.

THE PRESIDENT called for a vote on publication of Item #5. CARRIED with 28 Yes, 3 No, and 7 Abstentions.

- (6) FOR PUBLICATION - PROPOSED ORDINANCE TO CONVEY PROPERTY TO CITY FROM ESTATE OF REGINALD L. BRITTON - located at intersection of Hope, Greenway and Hyde Streets in Stamford (sidewalk) per Mayor's letter 8/1/80. Board of Finance approved 8/14/80. Held in Committee 9/3/80.

MR. ZELINSKI said the Committee voted 5 in favor with one abstention and he MOVED for publication. SECONDED.

THE PRESIDENT called for a vote. CARRIED UNANIMOUSLY (voice).

- (7) REQUEST FOR WAIVER OF BUILDING PERMIT FEE FOR ADDITION TO CONGREGATION AGUDATH SHOLOM - COLONIAL ROAD AND STRAWBERRY HILL AVE., STAMFORD, per 9/15/80 letter of Atty. William M. Sherman.

MR. ZELINSKI said the Committee voted six in favor and he so MOVED. SECONDED.

THE PRESIDENT called for a vote on #7. CARRIED UNANIMOUSLY (voice).

- (8) FOR FINAL ADOPTION (WAIVING PRIOR PUBLICATION) - PROPOSED ORDINANCE FROM LAW DEPARTMENT FOR A TECHNICAL CORRECTION OF NAME FROM "CHAPIN" TO "CHAFIN" RE EASEMENT PREVIOUSLY GRANTED.

MR. ZELINSKI MOVED for WAIVER OF PUBLICATION. SECONDED. CARRIED UNANIMOUSLY.

MR. ZELINSKI MOVED for FINAL ADOPTION. SECONDED. CARRIED UNANIMOUSLY.

LEGISLATIVE AND RULES COMMITTEE (continued)

- (9) FOR PUBLICATION - PROPOSED ORDINANCE FOR TAX ABATEMENT ON PERSONAL PROPERTY (COMMERCIAL FURNITURE) PER GRAND LIST OF 10/1/79 FROM FAIRFIELD HEALTH PLAN, 1200 Summer St., Suite 308, Stamford. (Ordered off the Agenda at Steering 8/18/80.) Additional information being obtained.

MR. ZELINSKI said his Committee voted 5 in favor and one Abstention and he so MOVED. SECONDED.

MR. ANTHONY CONTI said the Committee voted to Waive Publication. It was 5-4 and 1 Abstention.

MR. ZELINSKI rescinded his motion; he mis-read his notes. Rep. Conti is correct.

MR. WIDERLIGHT to Rep. Zelinski, why did he vote to waive publication.

MR. ZELINSKI said he would ask the Co-Chairman, Anthony Conti, to comment on this.

MR. CONTI said they figured the total amount of money needed to place this in the paper would be more than the amount saved, which is \$146.44; so to save the money involved, they decided to waive publication.

THE PRESIDENT said to waive publication requires 27 votes. There are more than 27 people sitting here now, so the vote will be by voice. It has been CARRIED UNANIMOUSLY. There are enough votes to cover the 27.

MR. ZELINSKI MOVED for Final Adoption. SECONDED. CARRIED UNANIMOUSLY.

The record will show that off the floor at time of voting on Item #9 above were: Reps. Boccuzzi, Esposito, Santy, McInerney, Hawe, Guroian, DeLuca, Dixon, and Joyce. This left 29 members on the floor and voting yes.

- (10) FOR PUBLICATION - PROPOSED ORDINANCE FOR TAX ABATEMENT FOR PROPERTY OWNED BY ST. JOHN'S URBAN DEVELOPMENT CORP. KNOWN AS "THE HANRAHAN CENTER" - submitted BY Atty. Daniel M. McCabe 3/11/80. Held in Committee 4/10/80 meeting.

MR. ZELINSKI said Atty. McCabe conveyed he could not attend this meeting so the Committee voted to HOLD IN COMMITTEE.

- (11) FOR PUBLICATION - PROPOSED ORDINANCE FOR CHURCH OF THE ANNUNCIATION - TAX ABATEMENT - submitted by Atty. Paul Shapero.

MR. ZELINSKI said his Committee voted 6 in favor of publication and he so MOVED. SECONDED.

THE PRESIDENT called for a vote on #11. CARRIED UNANIMOUSLY (voice). (Record will show about 8 members off the floor and not voting.)

MR. ZELINSKI said that concludes his report.

MR. CORBO MOVED that Item #1 under L&R "Code of Ethics" be taken Out of Committee. SECONDED.

LEGISLATIVE AND RULES (continued)

THE PRESIDENT called for a vote, if there was no discussion.

MRS. CONTI said she was opposed to taking this out of committee right now. Two months ago, she requested that the Chairmen of L&R have a meeting with the full Board at which Corporation Counsel would be present to answer questions which members had with regard to this ordinance. There has been no such meeting of the full Board and she feels it is very important to have that meeting.

MR. WIEDERLIGHT feels attendance at the L&R meetings would have served the same purpose as A Committee of the Whole meeting, since Mr. Cookney did attend and could have answered questions. He said the Board has got to move on something like this.

MR. BOCCUZZI called for a Point of Personal Privilege. In all due respect to the speaker and the Board, for personal reasons, he would like to ask for a five-minute recess. MOVED. SECONDED. CARRIED.

RECESS: Lasted from 11:05 P.M. to 11:10 P.M. (five minutes)

THE PRESIDENT said we are discussing taking #1 L&R out of committee.

MR. WIEDERLIGHT said there is a need for a municipal code of ethics and that we have studied it and studied it, and there is time for action, and that we should show the community that we are responsive to their needs and desires. We should publish it and can make changes in the future. At this point it should come out of committee.

MR. ZELINSKI said this started with a letter of May 19th from the Mayor asking us to approve a very short, brief ordinance concerning gifts to officers and employees of the City, approximately 1-1/4 pages in length. Upon preparing to put this on the agenda, I was called by Mr. Cookney who asked that it be held since he was going to re-draft it and make it more inclusive. I obliged the Corporation Counsel and it has been held in Committee since then, for re-drafting. Our August meeting was the first opportunity that L&R had any chance to act on it. At the July Committee meeting of L&R for August meeting, there was no quorum, so this item had to be held for the following month, September. Mr. Cookney attended. The next month, the Committee came up with some changes, and Mr. Cookney worked on those. Based on Rep. Maihock's request, we proceeded to obtain codes of ethics from other cities so that we might make comparisons to see if we wished to make any other changes. He would like it held just one more month. It affects not only the members of this Board, but all the employees of the City, and everybody who will be sitting on a board or commission.

MR. DeLUCA said that Mr. Wiederlight mentioned being responsive to the public's needs and desires, but Mr. DeLuca has heard no public outcry for such an ordinance. It just seems to be that certain people in the Administration are clamoring for this. As Mr. Zelinski said, there have been many changes made to this ordinance from its original text and Mr. DeLuca just received his copy over the weekend and he doubts if anybody in this room has had time to digest all the changes. To rush into it tonight would be unfair to, as Mr. Wiederlight says, to the public. We may be rushing into something the public doesn't really want or many of us do not want. Let us wait one more month and thoroughly consider and digest the changes and discuss it later on. Let us leave it in committee for one more month.

LEGISLATIVE AND RULES (continued)

MR. POLLARD said a few things are being confused. There is certainly a desire of many Board members to enact a Code of Ethics. He has two reasons against bringing this out tonight. One is that significant changes were made to well over half of that ordinance just a week ago. And he has yet to sit down, contemplatively, to read the changes that were made. There are a lot of words that are even out of place in that ordinance. Moreover, there is no reason for the kind of haste that is being asked tonight because no one is required to make the filings that are asked for in this code until next April 15th. Mr. Pollard asked, as a member of L&R, that they be given an opportunity to do their job as they give other committees to do theirs. This will all be taken care of within the next two months, which is more than enough time prior to April 15th.

THE PRESIDENT reminded the members that the Motion is taking out of committee; it is not necessary to go into the merits of the ordinance.

MR. DZIEZYC said he attended every meeting of L&R in regard to this ordinance. He made suggestions that were taken into consideration. For one thing, they never received the financial statement form. "What is he doing, holding out on us?" That was the major item in this ordinance. The entire ordinance should be discussed, all the input should be received, and then let the Committee decide.

MR. CONTI said he agrees with Reps. Zelinski, Dziezyk, DeLuca, Pollard in their thoughts. This is still an unfinished piece of legislation. There have been quite a few changes and it's the old story of bolting in haste and repenting at leisure. We need a little more time for clarification; more clarity in our thinking; and additions that have to be digested; come up with logical conclusions and solutions before we put it into print. This way we can make it a very, very good code of ethics for the City.

MR. CORBO MOVED THE QUESTION. SECONDED. CARRIED.

THE PRESIDENT called for a vote on taking out of committee, Item #1 in L&R, which is the proposed Code of Ethics. MOTION DENIED, with 7 Yes votes, 24 No votes, and 5 Abstentions.

PERSONNEL COMMITTEE - Chairman David I. Blum

- (1) LABOR CONTRACT BETWEEN CITY OF STAMFORD AND TEAMSTERS LOCAL #145 for DEPARTMENT OF PARKS AND TREES. Official receipt date: Sept. 10, 1980, from which City has 30 days in which to act. Mayor Clapes' letter 9/8/80 states contract runs for period 7/1/80 to 6/30/82, with 7% increase for each year. Changes are underlined in copies of contracts sent out.

MR. BLUM asked the PRESIDENT if they were going to vote each contract, or vote as a whole. (THE PRESIDENT each contract separately.) The Personnel Committee met with the Teamsters, Mr. Barrett, and discussed these four contracts. The contracts in as far as money is concerned is a two-year contract, effective July 1, 1980, 7%; and 7% July 1, 1981. There are practically no changes in the contract in as far as the contract has the longevity benefits of \$100, \$200, and \$300. The Police was just a comparison that I am reading here from the report from the Board of Finance. They have holiday and personal leave and they added one more holiday: Martin Luther King as a holiday. Vacations, an addition of five days, one for each year worked after 20 years. Insurance and pensions: the City will pay \$5.00 a month towards an improved retirees' package. That means those that are retired will be able to

PERSONNEL COMMITTEE (continued)

MR. BLUM (continuing).... receive their insurance and their medical benefits and the City will give \$5.00 more toward it. There is a clothing allowance, an increase for rain gear for the Public Works and the Traffic and Parking.

THE PRESIDENT asked that Mr. Blum limit his remarks to one contract at a time and give his committee's Motion for the first one, Parks and Trees, and thus limit discussion to that.

MR. BLUM said the Committee voted 3 to 1 to approve the first contract and he so MOVES. SECONDED.

MR. BLUM said he wished to say he was the one who voted against this particular contract only for one reason. He said the contract is acceptable as far as wages are concerned, conditions, and so on, but there is one thing missing. He feels that the non-discriminatory clause should be put into the contract inasmuch as Federal Law requires this clause. He has requested an opinion from the Law Dept. but has not received it as yet. We are jeopardizing our grant program but not putting this non-discriminatory clause in all of our contracts. I don't blame the Labor Negotiator. I don't blame the Personnel Director. I blame The Man on the Fifth Floor. All he has to say is put them into the contract.

MR. DeLUCA questioned the figures quoted by Mr. Blum on the longevity benefits. He said it appears to be \$150, \$250, \$350, and \$450.

THE PRESIDENT called for a vote. CARRIED with 21 Yes votes, 3 No votes, and 12 Abstentions. REP. PHILIP STORK ABSTAINED.

- (2) SAME AS #1 ABOVE, EXCEPT DEPARTMENT IS E. GAYNOR BRENNAN GOLF COURSE - TEAMSTERS' LOCAL #145 UNION CONTRACT WITH CITY OF STAMFORD.

MR. BLUM MOVED for acceptance of this contract. SECONDED.

THE PRESIDENT called for a vote. CARRIED with 28 Yes, 3 No, and 5 Abstentions. REP. PHILIP STORK ABSTAINED.

- (3) SAME AS #1 and #2 ABOVE, EXCEPT DEPARTMENT IS PUBLIC WORKS DEPARTMENT - TEAMSTERS' LOCAL #145 UNION CONTRACT WITH CITY OF STAMFORD.

MR. BLUM MOVED for acceptance of this contract. SECONDED.

THE PRESIDENT called for a vote. CARRIED with 28 Yes, 2 No, and 6 Abstentions. REP. PHILIP STORK ABSTAINED.

- (4) SAME AS #1, #2, and #3 ABOVE, EXCEPT DEPARTMENT IS TRAFFIC AND PARKING - TEAMSTERS' LOCAL #145 UNION CONTRACT WITH CITY OF STAMFORD.

MR. BLUM MOVED for acceptance of this contract. SECONDED.

THE PRESIDENT called for a vote. CARRIED with 28 Yes, 2 No, and 6 Abstentions. REP. PHILIP STORK ABSTAINED.

PERSONNEL COMMITTEE (continued)

- (5) REP. DAVID BLUM'S REQUEST, AND HIS DISTRIBUTION OF CLIPPING OF LETTER TO EDITOR IN ADVOCATE 9/12/80 RE TRAINING OF EMPLOYEES AND SUPERVISORS.
(Letter to Editor was from King Whitney, Jr.)

MR. BLUM said this is REMOVED from the Agenda as Mr. Whitney did not attend the meeting and sent a letter indicating his reasons. Committee voted 4-0 to remove from agenda completely.

REP. STORK asked that the record show that he did not participate in the voting on the four items relating to the Teamsters' Labor contracts.

PLANNING AND ZONING - Chairman Donald Donahue

- (1) FOR FINAL ADOPTION - PROPOSED ORDINANCE RE TRUCK PARKING IN RESIDENTIAL STREETS - Emanating from Chief Building Official and Chief Zoning Enforcement Officer James J. Sotire, Sr.'s letter 5/2/80 re problem of truck storage in residential zones. Held in Committee 6/2, 7/7, 8/4. Public hearing scheduled 9/25/80.

MR. DONAHUE said the Planning and Zoning Committee met on Sept. 30th and voted on the two items that are on the agenda tonight. And all members were present. On Item #1, the Committee voted 5 in favor and none against to AMEND this proposed ordinance to include an effective date which would be at 12:01 A.M. on November 15, 1980, and I so MOVE. SECONDED.

THE PRESIDENT said they would vote on the amendment first. APPROVED UNANIMOUSLY except Mr. Blum Abstained (voice vote).

MR. DONAHUE said with the recommendation of the Committee of 5 in favor, he MOVES for final adoption of the proposed ordinance with the amendment as approved. SECONDED.

MR. CORBO said he would like to delete the following language: Sec. 27(c). No person shall park on the streets within 500 feet of a residential dwelling, and delete the rest of it. MOVED. SECONDED.

THE PRESIDENT asked Mr. Corbo to repeat and clarify his amendment.

MR. CORBO said to delete the language "between the hours of 10 p.m. and 6 a.m."

MR. BOCCUZZI asked for a Point of Information. Does this mean that you can't park on the street at all, is that what you are saying?

MR. CORBO said except for local delivery.

MR. BOCCUZZI said it does not say that. That when you deleted the time, what you did was say there shall be no parking of trucks on a residential street twenty-four hours a day. How is it possible to stop a truck from parking on a residential street if he has business there; or he has to park there to find something; how does it work? How can you say there is no parking twenty-four hours a day? What about a moving van?

PLANNING AND ZONING (continued)

MR. CORBO: Parking for deliveries, etc. are scheduled during daylight hours and would not be concerned with this kind of time restriction of 10 in the evening and six in the morning.

MR. FASANELLI said he thinks Mr. Corbo's good intentions are misguided. The purpose of this ordinance is to prevent the City's residential streets from becoming a truck depot where they drop off either trailers, tractor-trailors, or one or the other remain over two or three days and overnight. What Mr. Corbo is asking is going to prevent tractor-trailers, moving vans, other commercial vehicles from dropping a load off at a house, or just doing their normal course of business on residential streets that they have to do.

MRS. HAWE said she thought Mr. Corbo's amendment was a good one if language could be put in to the effect that a truck could do its business, and be off.

MRS. MAIHOCK agreed with Mrs. Hawe and said it would be difficult for anyone to move or to receive delivery of any big items, if this were in effect.

MR. BLUM said he Seconded this, but now that he realizes what this will do to the trucker, he can't even leave his load there; or how does a furniture man make his deliveries which may take two or three hours. Regarding the deletion of the 10 - 6, what kind of traffic could there be overnight during those hours that a truck cannot be at a private dwelling of a man who owns this tractor. Are we out to put people out of work.

MR. DONAHUE said his committee worked long and hard to come up with an ordinance which fits the request made of it. If this law is to be enforced, it has to answer certain needs. It has to protect the residential areas which is the main cause for our bringing it up here tonight. At the same time it has to allow the servicing of residential areas by delivery vans, service vehicles, throughout the course of the day, the normal business day. What we have attempted to do is to provide for those things. We feel this is a good ordinance just as it is.

MRS. CONTI asked if Mr. Corbo is willing to add a phrase "except when making residential deliveries", or "when making residential pick-ups and deliveries".

THE PRESIDENT said this would be treated as an amendment to an amendment, which is in order, and the vote will be first on this amendment to an amendment if there is a SECOND to this. There is NO SECOND.

MR. FAUTEUX said he agrees with Mr. Donahue. The amendment would make the ordinance unenforceable and would substantially alter it from that offered. Leave it as it is.

MR. DARER MOVED THE QUESTION. SECONDED. CARRIED.

THE PRESIDENT called for a vote on Mr. Corbo's amendment which is to delete the words "between the hours of ten p.m. and six a.m." The Motion was DEFEATED by a vote of 3 Yes, 30 No, 3 Abstentions.

MR. DONAHUE repeated his Motion that the ordinance concerning over-night parking of trucks in residential areas as amended by the Committee be accepted. SECONDED.

MR. BLUM is against this ordinance as nothing has been done for truckers who are private entrepreneurs. These are people who have bought their trucks and are small business men and have no place to store their rigs, their tractors, or their trailers in this town. They have tried numerous sites and have been robbed, stripped, and goods have been taken from their trailers. Millions of dollars of cargoes are in these

PLANNING AND ZONING (continued)

MR. BLUM (continuing)...trucks. What are we going to do to protect these trucks. By making this type of ordinance, we may not be getting this type of cargo into this town in the future. There are trucks that come in late in the day or early evening and cannot unload until the next morning. They are transient and will be off, but they are here to service Stamford commerce and industry. What are they to do with their rigs overnight?

MR. DONAHUE said the reason of the effective date being extended to Nov. 15th was to give these truckers time to make provisions, as in the past they never had to make over-night provisions.

MRS. HAWE commended the Committee on the good work done on this ordinance and she urged an affirmative vote as it is important and is needed. She said it is a legitimate business expense for the truckers to find proper, safe and legal parking.

MR. DeLUCA said we are not in the business of providing parking facilities for truck drivers. We cannot afford to let trucks, or flatbeds, or rigs clutter up residential streets which in essence are safety hazards for fire trucks, ambulances, police vehicles.

MR. DeNICOLA MOVED THE QUESTIONED. SECONDED. CARRIED.

THE PRESIDENT called for a vote on the final adoption of the ordinance regarding parking in residential streets with the committee's amendment. CARRIED with 34 Yes, 1 No vote, and 2 Abstentions.

- (2) REFERRAL OF ZONING BOARD'S ACTION APPROVING APPLICATION #80-011 OF MATTHEW ROSE IN MATTER OF RE-ZONING FROM M-G GENERAL INDUSTRIAL DISTRICT TO R-MF MULTIPLE FAMILY RESIDENCE DISTRICT OF CERTAIN PROPERTY BOUNDED GENERALLY BY HENRY, PACIFIC, LUDLOW, AND CEDAR STREETS. This Board shall approve or reject at or before its second regularly-scheduled meeting following such referral, pursuant to Section 552.2 of Charter. Court reporter's transcript received 9/18/80 and mailed to all members. Public Hearing scheduled 9/23/80. This is second meeting since referral submitted to this Board.

THE PRESIDENT said the record will show that LATHON WIDER and VINCENT DeNICOLA have left the room and are not participating on Item #2 re Matthew Rose referral.

MR. DONAHUE: The next item is the referral of the Zoning Board's action approving Application #80-011 of Matthew Rose. The Committee voted with 3 in favor, none against, and two abstentions to recommend the following Motion to be passed by this Board this evening, and I MOVE that the application of Matthew Rose to change the Zoning Map of the City of Stamford for the land described in subject application from M-G General Industrial District to R-MF Multiple Family Residence District be adopted. SECONDED.

MR. DONAHUE: I think that it is important at this time to recollect a few things that have happened over the course of the last few years in Stamford. I believe that many of us have sat and talked about the need for residential properties in the City, and about the control of the growth of commercial properties. We have

PLANNING AND ZONING (continued)

MR. DONAHUE (continuing).. beforeus tonight an application which was brought by a resident of the South End to provide for a residential district in the South End of Stamford. This comes tonight not as part of the future comprehensive rezoning. However, it has an impact on how this Board will stand on that comprehensive rezoning.

The Planning Board of the City of Stamford has recommended unanimously that this application be accepted and that there is a residential future in the South End. The Zoning Board has by a vote of 4 to 1 recommended that this zone be changed to R-MF. It is in line with the technical planning associate's report entitled "The South End Study", and it agrees with that.

It has further been cleared by the Traffic Dept. of the City as having no major impact in the future on traffic flow in that area. It is interesting also that in reading an analysis of issues, concerns, recommended actions required for community improvement for the City of Stamford and signed by Patrick Grosso, Chairman of the Planning Board, that they state that the South End was the only area to come before the Planning Board in its series of neighborhood workshops with clear-cut goals; and part of those goals included the protection of residential areas in the South End, and also put a stop to the encroachment of industrial properties on residential areas.

So with that, I recommend strongly that we approve the application of Matthew Rose here tonight.

MRS. CONTI: Generally speaking, I am in favor of up-zoning, but then most up-zoning applications change land to a less intense use. In the case of this application, the up-zone would, in fact, permit a denser development than presently exists, by virtue of the fact that despite its M-G Industrial zoning, there has been no industrial zoning to speak of in at least ten years in this area; nor is any anticipated in this block mainly because industry is moving away from the North East generally, and will be doing so in the foreseeable future.

At the public hearing held by our Planning and Zoning Committee, there were a number of people in attendance, but very few spoke. In an effort to determine the general sentiment,, I asked Chairman Donahue if we might have a show of support in opposition to this application. This led to complete confusion as some of the same individuals indicated both support and opposition simultaneously. The following day, Rep. Audrey Maihock and I toured the block thoroughly, to get a comprehensive picture of exactly what we were dealing with. I then went home and prepared a list of property owners in the block who resided there, from the addresses listed in the phone directory. I then called every resident that hadn't spoken publicly on the issue and explained that I was a City Representative who would be voting on the zoning change for the block and that I owned no land there, and thus I had no vested interest. And I offered to explain the difference between the two zones and objectively answer any questions they might have, after which I would like to know their preference.

From the transcript, it appeared that neither side was completely objective in their approach to their neighbors. All that I spoke with were anxious to have additional information and to express their choice. The majority wanted to keep the block as it was and expressed apprehension that a change in zone was usually followed by development which they felt the block could not absorb. Having toured the area, I am of the opinion that the majority is correct. The block is extremely dense now, the largest frontage

PLANNING AND ZONING (continued)

MRS. CONTI: (cont).. being 40 ft., and some 38 and 39 ft. If this were being up-zoned to a less intense residential use, it would be fine, but the up-zone is to the densest residential use permitted.

Had the amendment to the R-MF Zone recently proposed become a successful reality, it might be a more feasible change, but at the present time the R-MF regulations are those in existence since 1951, and if this block were developed to the intensity allowed in those regulations presently in existence, I assure you it would be a nightmare. I have always believed that those who live in a neighborhood are the best judges of the zoning they desire. After all, the purpose of zoning is to preserve the character and stability of neighborhoods, and to protect the value of property. In other words, zoning laws are intended to maintain the equity in property, not depreciate it. All things considered, I am voting to maintain the M-G zone, and I urge my colleagues to join me.

MR. CORBO: Through you, I would like to ask the Chairman of Planning and Zoning, Mr. Donahue, the following questions. What is the difference between the land use of the two zones?

MR. DONAHUE: In twenty-five words or less, Mr. Corbo, the basic difference is in the industrial use in that area. And the proposed use, and the one I think the most people are concerned about; if, in fact, we create a R-MF zone in this area, there is the possibility of a multi-story residential structure going up in that area. Under the current industrial zone, there is no chance of that.

The benefits, however, and I think it's been pointed out, is that those residing in the area, and many have said they intend to live there, and stay there, under the current industrial zone, they could not put additions onto their homes. They are stuck with what they have basically, and they have testified that they want to stay there and if it is changed to R-MF, they will be able to do that. But basically, what many think we want to gamble by passing the R-MF zone, we do it with the full knowledge of those who presented the application, the original application.

The difference is that, come tomorrow, if we go to R-MF, we could have a 13-story apartment house there; however, if we leave it the same, we could have a multi-story office building; and I think the second is far more likely than the first.

MR. CORBO: The next question is this, but first of all, I would like to answer this. That in a commercial zone, all the residential structures are legal and conforming at the present time. However, if they intend to improve and enlarge a building, the only thing they have to do is go before the Zoning Board of Appeals, who will grant a variance because of hardship. They have to continue the legal and conforming status.

The other question is this. What is the percentage of residential versus commercial of the block we intend to vote on tonight.

MR. DONAHUE: In the area currently, there are three industrial properties and the rest are residential. There is also a church, a fire department, and a playground.

THE PRESIDENT said it is now 12:05 and there is a list of about ten speakers. She in no way wants to shut discussion or impede discussion but asked that members be as brief as they can in their remarks.

PLANNING AND ZONING (continued)

MR. DZIEZYC: This zone change would have big impact on the South End. First of all, buildings could go 130 feet high. You could have office buildings there with an R-MF also, professional offices which include doctors, lawyers, architects, engineers, real estate brokers, artists, musicians, designers, teachers, and others.

What they should have done is to move for a change to R-5 which is a lesser density. You could have condominiums. You wouldn't have the density. You would have the residential district. And you wouldn't have any problems. You would have non-conforming buildings, but as Mr. Corbo said, it is easy to get changes from the Zoning Board of Appeals through hardship.

MR. DIXON: There are many reasons why I intend to support this zoning change. It is very risky for a homeowner in an industrially-zoned area to spend money on maintenance or improvements of his property when there is no certainty about what is going to happen next door or across the street. I have had the opportunity to talk to some of the people who live in the South End area, and I have been informed by some of those who either spoke at the hearing or signed a petition opposing the zoning change. Some of them said that they weren't fully aware of what they were doing and if they had the opportunity to change their mind, for whatever it is worth, they would certainly do so. This Board has the rare opportunity to support the up-zoning of an area of land which we had little concern about over the years, mainly because of its location. But people have bought homes and live there. And if we fail to support the decision of the Zoning Board, we will have rendered a disservice to many people of the South End sector, and perhaps to the City of Stamford. The real purpose of this zoning change is to safeguard and preserve the existing residential buildings in that area, since we can no longer afford to build new housing for low or even middle-income people. Those in authority have exercised little foresight in what has become common practice in down-zoning property up from the waterfront to the Merritt Parkway.

And it has always been at the expense of the defenseless, little homeowners and defenseless, little people. Only once during my tenure as a Representative do I recall up-zoning land to preserve and safeguard a residential neighborhood, and that happened about three months ago when Mrs. Guroian was so convincing, and so eloquently pointed out to us what big business and money thirsty opportunists were doing to our people, and I admire her for that display of foresight and perseverance. The rationale by some opponents about decrease in value of property due to this zoning change does not carry the whole truth. The 50x100 ft. lot with a house on it is worth a lot more than business is willing to pay when his interest is only in the land. And usually they'll pack trucks, tractors, bulldozers, and whatever else in front and around, and use all kinds of harassment to those who don't want to sell out at a loss.

As far as the so-called blue-collar jobs that will be created, well, that concept is dead. The blue-collar worker is constantly being dislocated and forced out of Stamford. So who needs, or who will be here to need a blue-collar job. Seventy-five more families are being threatened in the Woodside Village Apartments and are presently in contact with the Zoning Board. In all likelihood, they will have to up-root, pull their children out of school, and suffer the hardships of re-locating. Why? Well, that's a good question. But we all know the answer to it. To make room for another office building. And that makes me sick. S-I-C-K, SICK!

I am voting for this change. I hope that we will consider the best interests and act in the best interests of the people in this neighborhood and in the entire City of Stamford.

PLANNING AND ZONING (continued)

MR. KUNSAW: This application presently before us is very important to me. As you know, this square block is in my district, and whatever action this Board takes tonight will affect my constituents in this block, probably for the rest of their lives, as many of these people have lived the greatest part of their lives in this square block and are now on in years and look forward to spending whatever time they have left right here where they have been happy and contented for so many years, in the area they know best.

Now, into their serene existence, the element of change, extreme change, has been introduced, and they are anxious and concerned, so much so that they have petitioned this Board for relief from a change they do not want! As I said, those who live in the South End know it best.

For those who are not familiar with it - South End is one of the oldest areas of Stamford. It is a peninsula with only two main arteries in and out (IN via Atlantic Street and Washington Boulevard, and OUT via Washington Boulevard or Pacific Street. (since Atlantic Street is now one-way). The streets off the main arteries are narrow and old, so much so that many have been made one-way to ease the flow of traffic. Two of the streets in this application are one-way streets simply because they cannot accommodate two-way traffic. Some of these streets existed from the days when horse-and-wagon was the only means of transportation.

The block under discussion presently contains 28 homes, 14 of which are single-family, and 14 of which are multi-family, the largest having seven units. In addition, there are two churches, three small factories, and a fire house. The majority of these residences have neither driveways nor garages, and the narrow streets are, therefore, over-burdened with parked cars during evenings and week-ends when the residents are home from work.

If this were a R-MF zone, with the high density residential use presently permitted in that zone, the parking problem would be so aggravated that traffic flow would be restricted so that any emergency such as a fire or an ambulance call might well lead to a disastrous loss of life.

With the M-G (General Industrial District), the danger of additional residential street parking does not arise, as further residential development is not permitted.

The majority of the property-owning residents in this block desire to retain the present status quo, and they feel it will best be maintained with the M-G zone, and the fact that both the proponents as well as the opponents of this application all indicated they intend to remain residents of this block, bears out this logic.

Furthermore, there has been no significant industrial development in this block in the last ten to fifteen years, nor will there be, as residents on both sides intend to retain their properties as they presently exist; and the majority of the properties are currently developed so there is no vacant land to speak of, except two vacant lots owned by the Steinnegers; and it is probably too late to keep them from being developed industrially at this point in time.

My first loyalty is to my constituents and the majority of them have made known to me that it is their desire to live in a M-G zone, so I will vote in favor of the applicants, to reject re-zoning this block to R-MF and retaining the M-G zone for this square block. Thank you.

HMM:MS

PLANNING AND ZONING (continued)

MR. FASANELLI: I do not agree with the premise that residents of a particular area should decide the zoning laws that cover their particular area. I believe we have the Planning Board and Zoning Board with a better oversight of things and needs of the City of Stamford to decide that for us. Right now, I believe this area would be better used as an R-MF zone to establish protected area for lower middle class and blue-collar people to live in; a residential area. Looking today and down the road ten years from now, where are we going to put the blue-collar people who live in the City? I think we have to establish a residency for them and this would be an ideal place.

MR. DARER: We've heard some very eloquent arguments on both sides. I think that I'd like to say that my interest in housing, specifically, the South End began some years ago when I asked the Planning Board at a meeting that we had with Housing and Community Development some questions regarding housing. They said why can't we do something in the South End? What's creating that unfortunate decay one only has to go through the area to see. I was told it's a zoning question and until the Zoning Board attacks the question of industrial areas and does some changes to make them into some form of residential areas, this problem would exist.

I think that there are very few places in the City of Stamford that we can offer anything in the way of low and moderate income housing. The South End seems to represent perhaps one of the last major areas that we can look to for some housing relief for our low and moderate income people that any up-zoning in the South End or any area of the City should be considered by us as a positive move. We have heard some comments tonight that nothing will be done in that area in so far as industrial development. I would not like anybody to put a guarantee on that because I don't think they could. I too have looked into this and spoken to many people and I heard that there are projects in the cards right now for some warehouse development.

MR. ZELINSKI took issue with the motion presented by MR. DONAHUE and asked that the motion correspond to the one used in the Schlesinger referral.

MR. DONAHUE defended the wording of the motion. He said that the Schlesinger referral has been appealed twice. He then added that Mr. Frattaroli took great pains to get the proper motion to the Committee. The Planning and Zoning Committee spent an hour with Mr. Frattaroli and got guidance from him. Mr. Frattaroli has been doing nothing but case studies in the area and after a great deal of study, believes the motion as presented is the proper one for us to make.

MR. ZELINSKI stated he didn't believe the motion should relate to Mr. Rose's appeal because the Zoning Board went along with Mr. Rose's decision.

NOTE: A vast portion of the tape recorded during the Planning and Zoning Committee's report is inaudible. This includes statements by Mr. Zelinski, Mr. Boccuzzi, Mr. DeLuca, and Mrs. Maihock.

AK

PLANNING AND ZONING (continued)

MR. WIEDERLIGHT spoke about how many multi-family housing starts Fairfield County had in the past five years and completed. He stated that it was economically unfeasible to put up high-rise apartments in this area. The builders cannot afford to buy land and put-up multi-tenant apartment houses.

MRS. GUROIAN said she would like to comment in support of Mr. Donahue and the way the application is proposed. She stated she did a great deal of research in reference to the Penzance Road application referral and asked two of the Planning and Zoning Committee Chairmen who served after George Russell and both agreed that even though it is an appeal, it is a referral and has to be presented in the same way; just as though it never went before the Zoning Board, never was voted on before the Zoning Board and the presentation has to be in the positive just as it was presented to the Zoning Board.

MRS. GUROIAN concurred with MR. DONAHUE that it was presented properly and correctly as he presented.

MR. DONAHUE spoke concerning the concern that was raised about residential starts and multi-family residential starts. He stated the possibility exists that a 13 story apartment house could be there tomorrow, but did not believe that was going to happen. He stated that there was more a possibility of a commercial development in that area now. The residents in that area stated that they do not want to move from their homes. They want it to stay residential. There is confusion. While the residents say they want it residential but the same people claimed as further stated that they want it to stay industrial.

MR. DONAHUE stated that the petition signed by a number of residents should not be taken as a vote of that community or that section of that community in formation of an industrial zone.

MR. DONAHUE quoted from a transcript of the Zoning Board hearing about what a gentleman said about his living in the South End. After the gentleman was finished speaking, the Chairman of the Zoning Board stated, "thank you, are you speaking in opposition or are you speaking in favor of the application?". The gentleman replied, "what application". The Chairman repeated about the application and the gentleman replied, "I'm in favor of leaving it as it is".

MR. DONAHUE stated that there has been a great many misrepresentations to the individuals that live there. They have been threatened with a junk yard, a housing project; they don't know what they want. The sentiment that ran through their entire testimony was the fact that they wanted it to stay residential and MR. DONAHUE further stated that he thought the R-MF will keep it that way. The Planning Board and the Zoning Board stated they want to restrict the R-MF. They have stated that there may be other classifications that they could develop. This will not only keep it residential but will allow the people to live there.

MR. DONAHUE urged to up-hold the R-MF zoning.

NOTE: TAPE BROKE.

AK

The Motion by Rep. Donahue to approve the Matthew Rose application to change the property from Zone M-G to R-MF has not passed, the vote being 18 Yes, 13 No, and 5 Abstentions. (Tally #15 on voting sheet)

PLANNING AND ZONING (continued) (Tape #4)

MRS. GOLDSTEIN: Judge Novack said that and that's is in writing to us and we have it all before us. Whether that will be appealed or whatever is another source of discussion but that was certainly said by the Judge. We will proceed to the next item unless we choose to take another vote on this particular issue.

The motion that Mr. Donahue made has not been passed.

MR. ESPOSITO: POINT OF INFORMATION: What is the prevailing side?

MRS. GOLDSTEIN: This is highly unusual and I therefore would rule that if anyone wishes to reconsider, since there is actually no action, I am going to say that that is a legitimate motion regardless of which side you voted on. There is no motion to reconsider and Mr. Donahue, you are on. I would just assume that if there is going to be a motion to reconsider, that the Leadership of this Board determine that there is movement in either direction. I'm not saying which direction. There could only be one motion to reconsider.

If you feel there is any movement, if you wish to recess for five minutes, that would be in order.

MRS. McINERNEY said she would like to call a recess for five minutes.

MRS. GOLDSTEIN called for a recess and a machine vote was taken. The vote was 15 in the affirmative; 16 in the negative. NO RECESS. Also 5 Abstentions.

MR. DONAHUE concluded the report of the Planning and Zoning Committee.

MR. CORBO made a motion to reconsider item #2 under Planning and Zoning Committee. SECONDED.

MRS. GOLDSTEIN said she is going to rule that either side would be tantamount to a prevailing side because no action was taken.

MR. LIVINGSTON had a POINT OF INFORMATION. He stated that there is a prevailing side, and said it took 21 votes in order for this to be upheld and it takes 21 votes in order for it to be denied. If our Board took no action, it means we are dead-center and that is it goes back to the original position taken by the Planning Board, and asked if that was correct.

MRS. GOLDSTEIN replied, "yes".

MR. LIVINGSTON went on to say the prevailing side would be those votes who voted in the affirmative.

MRS. GOLDSTEIN said she would have to stay by her original decision, and Mr. Corbo made a motion, which was seconded, to reconsider, and asked for discussion if any.

PLANNING AND ZONING (continued)

MR. DZIEZYC made a motion to MOVE the question. SECONDED; CARRIED.

MRS. GOLDSTEIN said a vote would be taken to reconsider item #2 under Planning and Zoning, and requires a majority vote. The vote was 18 in the affirmative; 15 in the negative. The motion to reconsider has been PASSED. There were 3 Abstentions also.

Item #2 will be reconsidered.

MR. DONAHUE MOVED that the application of Matthew Rose change the zoning map of the City of Stamford for the land described in subject application from M-G (General Industrial District) to the R-MF (Multiple Family District) be adopted. SECONDED.

MR. DZIEZYC made a motion to MOVE the question. SECONDED; CARRIED.

MRS. GOLDSTEIN called for a vote on the motion stated by Mr. Donahue.

MR. ZELINSKI wanted to be put on record that he did not think the motion is correct and would like to be recorded as an abstention.

MRS. GOLDSTEIN announced the vote; 20 in the affirmative, 11 in the negative, and 5 abstentions. The motion was LOST, and according to Judge Novack's decision, we had no action.

MR. FASANELLI made a motion to reconsider.

MRS. GOLDSTEIN replied that we can only reconsider once.

MR. CONTI made a motion to send it back to Committee.

MRS. GOLDSTEIN explained that this was a totally different thing than our usual Board business. The Board was acting as the referral agency.

PUBLIC WORKS COMMITTEE - Co-Chairmen Alfred Perillo and Everett Pollard - NO REPORTHEALTH AND PROTECTION COMMITTEE - Chairwoman Jeanne-Lois Santy

MRS. SANTY said her Committee met on Wednesday, October 1st with Members Dziezyc, Mildred Perillo, Blum and herself attending. Also present were Reps. Goldstein, Alfred Perillo and Corbo.

- (1) PROBLEM OF LOW WATER PRESSURE WHICH IS INADEQUATE FOR FIRE PREVENTION OR FIRE-FIGHTING, which Dolphin Cover Assn. sent to Fire Chief Vittti, submitted by City Rep. John Boccuzzi. July 31st letter from Stamford Water Co. advises their share will cost approximately \$30,000, and that payment replacement will run approximately \$20,000. Committee will make further report.

MRS. SANTY advised that that will remain in Committee. Also, that Corporation Counsel met with the Vice President of the Water Company, Glen Thornhill.

MRS. SANTY asked for attention to be heard.

MR. BOCCUZZI stated that when the Members come back to the Floor, then the Meeting would proceed.

HEALTH AND PROTECTION COMMITTEE - Chairwoman Jeanne-Lois Santy

MR. ZELINSKI asked that a ROLL CALL VOTE be taken.

MR. BOCCUZZI did not think that was necessary.

MRS. SANTY wanted the residents of Dolphin Cove to know that she discussed with Corporation Counsel Cookney. He met with the Vice President of the Water Co. several time. MRS. SANTY said she was going to meet with the Fire Chief. In other Municipalities there is an ordinance or permit system where any builder would have to go to the Fire Department to determine what water volume is needed before building. MRS. SANTY is going to pursue this further with this in mind.

- (2) AUGUST 8, 1980 LETTER FROM PARK MANOR'S OWNER, WM. J. FITZPATRICK TO REP. JEANNE-LOIS SANTY OF H&P RE THEIR ABILITY AND WILLINGNESS TO SERVE THE ELDERLY, ETC., AT A MUCH LOWER COST THAN PUBLIC HOUSING. Held in Committee at Steering, to be handled in October.

MRS. SANTY said the Committee met with the Fitzpatricks and many things were brought to light. Because of this, a special meeting will be held on October 22nd in the Republican Caucus Room at 7:00 p.m. This may be held in Committee for a few months.

- (3) ADDITIONAL APPROPRIATION REQUEST (SEE FISCAL COMMITTEE ITEM #14) FOR \$5,500.00 which Fiscal Committee recommended be denied at 9/3/80 meeting, but Health and Protection received approval to refer it back to this committee for further inquiry.

MRS. SANTY said that item #3 had already been discussed.

- (4) REP. JOHN BOCCUZZI'S REQUEST FOR EXAMINATION OF \$50,000.00 Transfer from Police Department's Salary Account during the first two months of this fiscal year.

MRS. SANTY said her Committee met with Deputy Chief Considine, Capt. Joseph Reilly, and Police Commissioners Cosentini and Montgomery. Also present were Reps. Boccuzzi, Corbo, Goldstein and Alfred Perillo.

MRS. SANTY said that at every Health and Protection Committee the Police Commission was invited. The Chairman, Mort Lowenthal, has never attended any, and she hoped that before the term was over, he would attend. Mrs. Cosentini is Vice-Chairman of the Commission. Last month, the Chief took his place. MRS. SANTY hope that Mr. Lowenthal would show some respect to her Committee.

MRS. SANTY said that Mrs. Cosentini stated with Mr. Montgomery and Chief Considine's approval that funds were needed in the minimum manpower account because of the shortage of manpower and this is an overtime account. The reasons needed because of the shortage of manpower, basically, three reasons: it took 13 weeks for physicals. Of the 44 persons who passed the physicals, only 5 passed and also, it takes two months delay for background study. As of this date, only four patrolmen have been hired and they promised to give it top priority.

HEALTH AND PROTECTION COMMITTEE (continued)

MRS. SANTY stated that she tried to bring that to attention at time that if you give us the money, we will have the policemen on the streets. Police protection is important and concerns everyone of our Districts.

MRS. SANTY asked Mr. Bernstein why the delay in the physicals? She received a letter with conflicting figures and statements, and because of this, this will be HELD IN COMMITTEE.

MRS. SANTY said the prime reason to get the Personnel Department and Police Commissioners together and try to resolve why we do not have patrolmen on the Streets.

MR. BOCCUZZI said he did not want to hear statistics, and wanted policemen to be in areas before crime occurs. He believes that is what the public wants and this Board. Also it was the intention of the Board when we appropriated money. We are transferring \$50,000 and all that means is that we are having the same protection we had before.

MR. BOCCUZZI said that money was appropriated for more protection not the same amount and did not want to hear anymore excuses, and was not against the patrolmen, or the Police Commission but said that by next month if something was not done and the Health and Protection Committee is not satisfied with the attitude of the Police Commission in getting more people onboard that we would have to go to the 5th Floor and change the Police Commission around where they have some respect for the people they are supposed to be representing.

PARKS AND RECREATION COMMITTEE - Chairman Robert "Gabe" DeLuca

MR. DeLUCA said his Committee held two meetings in the past month.

- (1) FOR PUBLICATION - PROPOSED ORDINANCE ENTITLED "CONSOLIDATION OF THE STAMFORD GOLF AUTHORITY WITH AND INTO THE E. GAYNOR BRENNAN GOLF COMMISSION. Code Sections 15-5 through 15-9 are repealed, and new Sections 15-5 through 15-10 are substituted therefor; (Section 15-10 providing Civil Service status for certain Golf Authority employees as specified). Submitted with Corp. Counsel Cookney's letter 8/26/80.

MR. DeLUCA said that item #1 would be HELD IN COMMITTEE, They met on August 25th and the consensus of the Committee as well as members of the Brennan Golf Commission and the Stamford Golf Authority that the ordinance should be revised because to have 5 people control both complexes would not be feasible. A new ordinance will be drafted with the assistance of Corp. Counsel Cookney,

- (2) CITY REP. JEREMIAH LIVINGSTON'S LETTER OF 9/17/80 REQUESTING THAT THE FOLLOWING MATTERS BE RESOLVED AND PLACED ON THE AGENDA:
 - A. Jurisdiction of Carwin Park.
 - B. Curfew at the Park,
 - C. Police patrol so as to prevent illegal activities in the park.

PARKS AND RECREATION COMMITTEE (continued)

MR. DeLUCA said his Committee met on October 1, 1980. The Police Chief was invited to attend but did not feel it was necessary to attend the meeting or send a representative. Something should be done about the complete disregard of the various committees outside of Fiscal.

MR. DeLUCA said the meeting proved to be fruitful. The outcome was a letter was sent to Corp. Counsel Cookney to prepare an ordinance instituting a 9:00 p.m. curfew at Carwin Park. Another meeting is planned for October 14th. MR. DeLUCA said that he, Mr. Livingston and any other interested parties to sit down with the Mayor and possibly come-up with somekind of an action to be instituted whereby a curfew can go into effect prior to the ordinance being drafted, published and effective.

MR. DeLUCA stated that a plan to draft a letter to the Mayor to institute a Resolution to immediately transfer Carwin Park from the Public Works Department to the Parks Department. Also stated was that Mr. Robert Cook was there and Mr. Cook felt that this action should be taken immediately and that given the money and time they can do the job there.

MR. DeLUCA said a letter would be sent to the Public Works Commissioner requesting that he start cleaning up the Park. The residents in the area did a good job in cleaning up the area.

MR. DeLUCA said item #2 will be HELD IN COMMITTEE.

MR. LIVINGSTON stated that Mr. DeLuca and his Committee should be applauded by every Member of this Board and the people of Stamford and especially the people of the 5th District. The Mayor has made a definite commitment to: (1) enforce a jurisdictional decision on Carwin Park, (2) support a curfew at the Park and (3) encourage the Police to probe and prevent illegal activities in the Park. This Board came through with flying colors and we are indebted to Mr. DeLuca and his Committee.

- (3) REQUEST TO HANG A BANNER ADVERTISING SIXTH ANNUAL CHRISTMAS WALK - across Summer St. any time from Nov. 15th thru Dec. 6, 1980. Request from Women's Guild & Home/School Association of the Holy Spirit Parish, 285 Scofieldtown Rd. The "Walk" to be Dec. 4, 5, 6th. From Mrs. C. F. Simonelli, 291 Chestnut Hill Rd., 06903 (322-6990).

MR. DeLUCA said item #3 was approved 5 to zero.

MRS. GOLDSTEIN called for a vote. The vote was APPROVED UNANIMOUSLY.

MR. DeLUCA requested Suspension of the Rules for The Greek Church of the Archangels to hang a banner to announce their Greek Festival and Taverna on October 24, 25, 26th.

MRS. GOLDSTEIN said MOVED, SECONDED and CARRIED.

PARKS AND RECREATION COMMITTEE (continued)

- (4) REQUEST FROM THE GREEK CHURCH OF THE ARCHANGELS TO HANG A BANNER TO ANNOUNCE THEIR GREEK FESTIVAL AND TAVERNA ON OCTOBER 25, 25, 26th.

MR. DeLUCA made a motion to permit the Greek Church of the Archangels to hang a banner. SECONDED, CARRIED.

MRS. GOLDSTEIN CALLED FOR A VOTE. The vote was APPROVED UNANIMOUSLY.

MR. DeLUCA requested Suspension of the Rules for the Patriotic and Special Events Commission to hold a Veterans Day Parade on Sunday, November 9, 1980.

MRS. GOLDSTEIN said MOVED, SECONDED and CARRIED.

- (5) REQUEST FROM THE PATRIOTIC AND SPECIAL EVENTS COMMISSION TO HOLD VETERANS DAY PARADE ON SUNDAY, NOVEMBER 9, 1980.

MR. DeLUCA made a motion for the Patriotic and Special Events Commission to hold their Veterans Day Parade on November 9th.

MRS. GOLDSTEIN said MOVED, SECONDED and CARRIED UNANIMOUSLY.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE - Chairman Robert Fauteux

MR. FAUTEUX referred to the second page of his report that was provided to certain Members, and read about the matter of allegations of past personal wrong doings by the Board of Education, the conclusion of the Special Subcommittee of the E, W, & G Committee concerning the grounds for initiating the Special Investigation remain unchanged.

MR. FAUTEUX quoted from his report directly that the results of the Price, Waterhouse study do not provide a direct basis for developing substantiation for the allegations.

MR. CORBO called for a POINT OF ORDER. He thought the item on the Agenda is altogether different.

MRS. GOLDSTEIN stated that Mr. Fauteux is leading up to that item.

MR. FAUTEUX said that Mrs. Goldstein's statement was correct, and proceeded to say that the results of the Price, Waterhouse study do not provide a direct basis for substantiations of past misconduct and wrong-doing in the function of the School System. Also, there were no facts to provide the grounds for initiating a special investigation of the Personnel Department of School System. The substantiation of such an investigation must come from the Representatives who continue to insist there are obvious grounds for such action.

MR. FAUTEUX said his Committee did not share their views. Since the issuance of his report in August, no further data has been obtained nor did they reconsider on their conclusions that the Price, Waterhouse with recommendations or any of the related and subsequent actions of the Board of Education provide substantiation for a special investigation.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE (continued)

- (1) REP. FIORENZIO CORBO'S request at 8/4/80 meeting that a SPECIAL INVESTIGATING COMMITTEE be formed to further look into the matter which was the subject of the Price, Waterhouse Review and Evaluation; namely, the personnel practices of the Education System of Stamford; including, at Rep. Jeremiah Livingston's request of 8/18/80 that the Nellie Spears' case be investigated. EW&G Committee to report regarding the advisability of forming such a special committee.

MR. WIEDERLIGHT said he challenged that Report. He was in attendance of that Committee meeting and said it was not the consensus of opinion of that Committee that we were not to have a further investigation as indicated under item #1 of E, W, & G. That was not the vote taken by the Committee.

MRS. GOLDSTEIN said that a motion is in order if someone wants to make a motion to set-up a special investigation committee because it is on the Agenda.

MR. CORBO had MOVED to set-up a special investigating committee. SECONDED.

MR. CORBO said the first request for a creation of a special committee to investigate the School System was requested by him on December 29, 1979. He said that Mr. Fauteux's report is talking about the dereliction of the Board of Education in not keeping current with the main personnel functions imposed by the statutory contractual requirement.

MR. CORBO spoke about the recommendations which are needed to bring the Personnel Department up to State of Acceptable Professional Capability by today's norms. He also quoted from Mr. Fauteux's report about the Board, in recent years, not playing a dynamic on-going role in personnel policy development implementation as it should have.

MR. CORBO said that the Board of Education controls half of the tax dollars, and more accountability should be given to the people of Stamford, and MOVED that an investigating committee be voted on.

MRS. GOLDSTEIN asked Mr. Corbo if this would be a special investigation committee under Section 204.2 of the Charter.

MR. CORBO replied by all the powers given by the Charter.

MR. BLUM agreed with Mr. Corbo about the special committee. He also stated that the Board of Education stated that the Board had no rights to look into the Board of Education for the reason that this is a State mandated organization.

MR. BLUM felt that the Board has to be the over-sight committee of the Board of Education.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE (continued)

MR. DARER informed the Board that 204.2 provides that a two-thirds vote of the entire Membership is necessary.

MRS. GOLDSTEIN said to Mr. Darer that that was not a POINT of PERSONAL PRIVILEGE. A motion can be made later.

MR. LIVINGSTON stated that he attended the meeting of the E, W, & G Committee, and was disappointed in the report that Mr. Fauteux gave. It did not reflect what happened at the meeting.

MR. LIVINGSTON asked if it would be in order to ask Mr. Corbo to amend his motion or if he would withdraw his motion. MR. LIVINGSTON said that being present at that meeting, he was requested by Mr. Hogan, who was acting Chairman, to find out from the members of the Board of Education if it would be possible to have a joint meeting between the Board of Representative and the Board of Education. The purpose of this meeting would be to avoid confrontation to make it possible for some of the matters concerning personnel problems in the Board of Education to be asked.

MR. LIVINGSTON continued to say that Dr. Reardon, through the President of the Board of Education, Mr. Weber, told the Members of the Board of Education, and they agreed and they felt that such a meeting would be fruitful. MR. LIVINGSTON reminded the Board that the powers of the Board to investigate are awesome and tremendous and before we use such authority, we should exhaust every avenue possible to bring a solution to our problems and such authority should always be used with ginger and wisdom.

MR. LIVINGSTON said he would like to see this item returned to committee pending a meeting the Board and the Board of Education with the mechanics of such a meeting be worked out between the Chairman of the Education, Welfare, and Government Committee and the President of the Board of Education.

MRS. GOLDSTEIN stated the motion to return this item to committee pending a meeting between the Board of Education and the Board of Representatives at some point in the future. This motion was proper. SECONDED.

MRS. GOLDSTEIN called for a vote to return this item to committee. The vote was 17 yes, 12 no, 4 abstentions.

NOTE: TAPE BROKE

SEWER COMMITTEE - Chairman Michael Wiederlight - NO REPORT

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE - Co-Chairmen Stanley Darer and Lathon Wider, Sr.

NO REPORT

URBAN RENEWAL COMMITTEE - Chairman Richard Fasanelli - NO REPORT

ENVIRONMENTAL PROTECTION COMMITTEE - Chairwoman Audrey Maihock -

- (1) THE MATTER OF EASEMENT REQUESTED BY HOLLY POND ASSOCIATES WHICH WAS WITHDRAWN.
Also appeared on the Sewer Committee's agenda in Sept. and moved to EP.

MRS. MAIHOCK said this item is to be removed from the Agenda.

SPECIAL COMMITTEES

HOUSE COMMITTEE - Chairwoman Doris Bowlby - NO REPORT

TRANSPORTATION COMMITTEE - Chairman Patrick Joyce

- (1) FOR PUBLICATION - PROPOSED ORDINANCE REGARDING THE CONTROL OF AIRCRAFT, HELIPORTS, ETC., WITHIN THE CITY OF STAMFORD. Held since 5/5/80.
A resolution to be presented at the September Steering.

HELD IN COMMITTEE

- (2) PROPOSED RESOLUTION TO AUTHORIZE CONDEMNATION OF CERTAIN PARCELS OF LAND FOR TRAFFIC PROJECTS ON NEWFIELD AVENUE, FIFTH STREET, COLONIAL ROAD, VINE ROAD, HIGH RIDGE ROAD in connection with the TOPICS PROGRAM.
The Board of Finance approved 8/14/80. Mayor's letter 8/13/80 of submission. Held in Committee, as no meeting.

MR. ZELINSKI POINT OF INFORMATION said he thought that the Board only published ordinances, not resolutions.

MRS. GOLDSTEIN said we must publish any land that is scheduled to be condemned. Also, a public hearing will follow the publication.

MRS. MAIHOCK said it does not say for publication, it says proposed resolution and wanted to know the mechanics for changing that.

MRS. GOLDSTEIN stated that according to the Charter, in order to condemn land, you must publish and hold a public hearing. The motion is proper.

MRS. GOLDSTEIN called for a vote for publication. The vote was 27 in the affirmative and 1 in the negative.

ON-SITE GARBAGE CONVERSION STUDY COMMITTEE - Chairman Fiorenzo Corbo

MR. CORBO stated that Mr. Spaulding could not give his full attention to this Committee due to the incinerator problem. When this problem is resolved, the Committee will proceed.

CHARTER REVISION COMMITTEE AND ORDINANCE COMMITTEE - Co-Chairperson Grace Guroian
and John J. Hogan

MRS. McINERNEY stated that the Republican Caucus voted not to accept Mrs. Guroian's resignation and said Mrs. Guroian has agreed to sit as Co-Chairman. The Committee will interview people and come up with a report in November.

MRS. GOLDSTEIN said the decision is acceptable to the Chairman of the Board.

- (1) PROPOSED RESOLUTION "INITIATION OF ACTION BY THE BOARD OF REPRESENTATIVES FOR THE APPOINTMENT OF A 12th CHARTER REVISION COMMISSION" by Rep. J. Zelinski and Rep. G. Rybnick.
- (2) PROPOSED RESOLUTION "CONCERNING APPOINTMENT OF A 12th CHARTER REVISION COMMISSION IN THE CITY OF STAMFORD UNDER PROVISIONS OF CHAPTER 99 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT". (to specify the charge to the Commission, the number of members, names, and date when they shall report to the Board of Representatives.) By Rep. J. Zelinski and Rep. G. Rybnick.

MRS. McINERNEY said the items are HELD IN COMMITTEE.

COMMUNICATIONS FROM THE MAYOR - NONE

PETITIONS - NONE

ACCEPTANCE OF THE MINUTES

August 4, 1980 Regular Board Meeting. Held from 9/3/80 meeting.

September 3, 1980 Regular Board Meeting - APPROVED UNANIMOUSLY (voice vote)

RESOLUTIONS

MR. JOYCE said a copy of a proposed resolution was given to the Members, and MOVED for the SUSPENSION OF THE RULES be made to introduce this resolution which concern a request to declare a moratorium on the approval of the supplemental appropriations of the Stamford Board of Education until such time as the Stamford Board of Education comes back into compliance with Federal law concerning the racial imbalance in Hart School which is in the 10th District, which is in his District. SECONDED.

MRS. GOLDSTEIN called for a vote to SUSPEND THE RULES. The motion LOST; 12 in the affirmative, 14 in the negative, 7 abstentions.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS - NONE

OLD BUSINESS - NONE

NEW BUSINESS

- (1) A LETTER TO BE WRITTEN PER REQUEST OF REP. ZELINSKI WHO WANTS TO KNOW FROM THE LAW DEPARTMENT IF THEY SHOULD APPEAL THE SCHLESINGER DECISION OF JUDGE NOVACK.

MRS. GOLDSTEIN turned this item over to the Chairman of Planning and Zoning, Mr. Donahue, whose Committee met in relation to this item.

MR. DONAHUE said there should be a great deal of concern about the decision of Judge Novack in reference to the Schlesinger referral. It has now been referred back to this Board on two occasions. After the Committee met with Mr. Frattaroli, September 30th and meeting again with him today, and calling to your attention, that you have received a letter from him stating it is not in the best interest of this City to appeal the decision.

MR. DONAHUE believed the Board's allegiance should be to Mr. Frattaroli who is the Counsel who is now handling the case and this issue is not properly before us this evening and will best be handled by the Planning and Zoning Committee once all avenues of appeal have been taken by Mr. Schlesinger.

MR. DONAHUE stated that the danger of this Board appealing any decision of Judge Novack really lies in the fact that what we have gained is the right to consider the Schlesinger case again. If we pursue an appeal, we may just lose that right and a Court could, in fact, decide that the Zoning Board's action should stand which would side with Mr. Schlesinger's application and which would eventually create greater density on the area now surrounding Bracewood Lane.

MR. DONAHUE also stated that the Board has the responsibility to take the advice of Corporation Counsel that is responsible to us and his statement indicates that this Board should not act at this time on this matter.

MR. ZELINSKI said he took strong exceptions to Mr. Donahue's remark about the Board owing allegiance to Mr. Frattaroli. He said the Board owes allegiance to the residents of Stamford. He stated that he did not receive notification from the Chairman of the Planning and Zoning Committee, Mr. Donahue, that Mr. Frattaroli would be in attendance at the September 30th meeting. Had he known that, MR. ZELINSKI would have attended, if notified.

MR. ZELINSKI said he went to Court. The Judge was to rule on some motions that were made. Unfortunately, the Judge was unable to rule on these motions, and it was postponed until October 30. MR. ZELINSKI also stated that he wrote a letter to the Board asking for this item to be on the Agenda. His reason for this was that the Board received a copy of a letter dated September 16 from Mr. Frattaroli and he quoted by Mr. Frattaroli's letter, last paragraph, "I would kindly ask for you to review the enclosed memorandum of decision which is that regarding Schlesinger vs the Board of Representatives, and notify our office as to what action, if any, you may wish to take in regard to said matter."

NEW BUSINESS

MR. ZELINSKI (continuing)...said that now there is a three-page report from Mr. Frattaroli giving all the reasons why he feels we should not appeal.

MR. ZELINSKI also mentioned that there was a 20-day period which the certification to the Supreme Court may be requested in order to seek an appeal the decision of Judge Novack. MR. ZELINSKI asked MRS. GOLDSTEIN to convey to Mr. Frattaroli to ask for an extension of the 20 days because if that would not have been done, the Judge's decision was dated September 9th, the 20 days would have been up September 29th which would not have allowed this Board this evening to even discuss it.

MR. ZELINSKI again referred to Mr. Frattaroli's three-page letter and why Mr. Frattaroli's feels the Board should not appeal it; this would be the third time that this item has come before a Board of Representatives. The attorney for Mr. Schlesinger has already appealed Judge Novack's decision.

MR. ZELINSKI said he spoke to the President of a Neighborhood Association who discussed it with the Board of Directors of the Association, that they would want the City of Stamford to appeal the decision. The Association is going to appeal.

MRS. CONTI asked for a clarification from MR. DONAHUE, and asked if her understanding was correct that Judge Novack has, in fact, ruled that we require 21 votes to reject.

MR. DONAHUE stated that that was the case.

MRS. CONTI asked if we were appealing that aspect of it.

MR. DONAHUE said that no we were not at the present time. He stated that there is a great deal of difference between an appeal to the State Supreme Court and a request for Certification of an action of a lower Court. There is no real appeal yet. Mr. Schlesinger has asked for Certification. The Supreme Court of the State can throw that out, hear it, or not. MR. DONAHUE said that we are now in the process of preparing reasons why it shouldn't be heard. After that, if the State Supreme Court agrees to hear the Case, then we would be able to speak against that issue at that time.

MR. DONAHUE stated that the most important before us and the most important action of Judge Novack was to return this decision to the Board for its reconsideration and that reconsideration will be forthcoming after all roads of appeal have been considered by Mr. Schlesinger. We have to wait on the action of the Supreme Court and then we would be able to hear the case from beginning to end all over again.

MR. CONTI requested that the Records show that he did not participate in any of the activities tonight concerning this because he was an officer of the Association when this came up the first time.

NEW BUSINESS

MR. ZELINSKI said the key point of the appeal is whether or not in 1977 the Board of Representatives voted 13 in favor, 20 against, whether or not 21 votes were needed. Is the opinion of Counsel for the residents of that neighborhood and also of Attorney Frattaroli that 21 votes were not needed and that is why it went to Judge Novack in the first place and that is what the appeal is all about. The bottom line says that 21 votes were needed to deny anything.

MRS. GOLDSTEIN called for a vote on whether this Board should instruct Corporation Counsel's office to appeal Judge Novack's decision. The vote was 2 in the affirmative and 19 in the negative. The motion has been DENIED. There were 12 Abstentions.

MR. ZELINSKI spoke about his letter to the Board Members about the Tishman Office Complex and believe the air must be cleared and the Public must be told all the facts.

MRS. GOLDSTEIN informed MR. ZELINSKI must SUSPEND THE RULES to consider this item which is not on the Agenda.

MR. ZELINSKI MOVED to SUSPEND THE RULES under New Business to consider appointing an investigating committee for the Tishman Complex. SECONDED.

MS. SUMMERVILLE CALLED THE ROLL.

MRS. GOLDSTEIN announced that there were 27 Members present; 13 out. There is a Quorum. To Suspend the Rules, two-thirds are needed of those present.

MRS. GOLDSTEIN proceed to SUSPEND THE RULES to consider an item not on the Agenda. The vote was 5 in favor; 18 opposed. The motion to SUSPEND THE RULES has been DEFEATED. Also there were 4 Abstentions.

MRS. GOLDSTEIN spoke of the Resolution changing the meeting date to November 10th. A motion was made, SECONDED and CARRIED.

ADJOURNMENT

There being no further business before the Board, upon MOTION made by Rep. Darer, SECONDED and CARRIED, the meeting was adjourned at 2:30 a.m.

HMM:AK:SG

By Helen M. McEvoy
Helen M. McEvoy, Administrative Assistant
(and Recording Secretary)

APPROVED:

Note: Above meeting was broadcast by
Radio WSTC and WYRS.

Sandra Goldstein
Sandra Goldstein, President
16th Board of Representatives

MEETING Nonday, Oct. 6, 1980

PAGE 1 of 4

Changes in Seating:

CODE:

O = Absent.
A = Abstaining.
Y = YES vote.
N = NO vote.

#13 Santy voting position
working O.K. on Yes votes
but NO votes were registering
Abstain for a while but
then corrected itself.

VOTING SUBJECT; MOTIONS, ETC.

TESTING

TESTING

Motion to Suspend the Rules to consider
Report of Charter Revision Committee. (#1)
(Needs 2/3) DENIED: 21 Yes; 15 No; 2 Abstentions.

Motion to approve #12 Fiscal \$24,900
Parks Dept. APPROVED: 34 yes; 2 No; (#2)
2 Abstained.

Motion to approve #13 Fiscal \$6,000 Trans-
fer between Police & Personnel. APPROVED:
33 Yes; 1 No; 4 Abstentions. (#3)

Motion on #14 Fiscal \$5,500 HSA. (#4)
DENIED: 11 yes; 25 No; 2 abstentions.

Final Adoption L&R #2 swimming pools;
APPROVED: 37 yes; 1 abstention. (#5)

continued

Dist./Party	Members	Seat No.	T	E	S	T
R - 7	1 CONTI, Betty	1	Y	Y	Y	Y
R - 7	2 GUROIAN, Grace	2	Y	Y	Y	Y
R - 13	3 FLOUNDERS, Burtis	3	Y	Y	Y	Y
D - 3	4 WIDER, Lathon	4	Y	Y	Y	Y
R - 13	5 DARER, Stanley	5	Y	Y	Y	Y
R - 20	6 MCINERNEY, Barbara	6	Y	Y	Y	Y
R - 17	7 POLLARD, Everett	7	Y	Y	Y	Y
D - 10	8 JOYCE, Patrick	8	Y	Y	Y	Y
D - 4	9 ESPOSITO, Paul	9	Y	Y	Y	Y
R - 17	10 BOWLBY, Doris	10	Y	Y	Y	Y
R - 10	11 ROOS, John	11	Y	Y	Y	Y
R - 16	12 SATTY, Jeanne-Lois	12	Y	Y	Y	Y
R - 15	13 STORK, Philip	13	Y	Y	Y	Y
R - 11	14 CONTI, Anthony	14	Y	Y	Y	Y
R - 14	15 DeLUCA, Robert Gabe	15	Y	Y	Y	Y
D - 12	16 HOGAN, John J.	16	Y	Y	Y	Y
R - 19	17 MAHOCK, Audrey	17	Y	Y	Y	Y
R - 10	18 LOOMIS, Ralph	18	Y	Y	Y	Y
D - 1	19 LYONS, Moira	19	Y	Y	Y	Y
D - 6	20 SUMTERVILLE, Annie - CLERK	20	Y	Y	Y	Y
D - 5	21 LIVINGSTON, Jeremiah	21	Y	Y	Y	Y
D - 2	22 BOCCUZZI, John J.	22	Y	Y	Y	Y
D - 3	23 KUNSAW, John	23	Y	Y	Y	Y
R - 14	24 CORBO, Florenzio	24	Y	Y	Y	Y
R - 15	25 DZIEZYC, Paul	25	Y	Y	Y	Y
R - 20	26 FAUTEUX, Robert	26	Y	Y	Y	Y
D - 2	27 DIXON, Handy	27	Y	Y	Y	Y
D - 6	28 FASANELLI, Richard	28	Y	Y	Y	Y
D - 9	29 PERILLO, Mildred	29	Y	Y	Y	Y
D - 12	30 BLUM, David I.	30	Y	Y	Y	Y
D - 11	31 ZELINSKI, John	31	Y	Y	Y	Y
R - 13	32 SIGNORE, Mary Jane	32	Y	Y	Y	Y
D - 9	33 PERILLO, Alfred	33	Y	Y	Y	Y
D - 8	34 DeNICOLA, Vincent	34	Y	Y	Y	Y
D - 5	35 RINALDI, Mary Lou	35	Y	Y	Y	Y
D - 4	36 RYBNICK, Gerald	36	Y	Y	Y	Y
D - 8	37 DONAHUE, Donald T., Jr.	37	Y	Y	Y	Y
D - 16	38 WIEDERLIGHT, Michael	38	Y	Y	Y	Y
R - 1	39 HAME, Marie	39	Y	Y	Y	Y
D - 16	40 GOLDSTEIN, Sandra - PRESIDENT	40	Y	Y	Y	Y