

MINUTES OF REGULAR BOARD MEETING

MONDAY, JANUARY 11, 1982

17th BOARD OF REPRESENTATIVES

City of Stamford, Connecticut

A regular monthly meeting of the 17th Board of Representatives of the City of Stamford was held on MONDAY, JANUARY 11, 1982, in the Legislative Chambers of the Board in the Municipal Office Building, Second Floor, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order at 8:45 P.M. by PRESIDENT JEANNE-LOIS SANTY, after both political parties had met in caucus.

INVOCATION: Given by RABBI JOSHUA BERKOWITZ of Congregation Agudath Sholom, 301 Strawberry Hill Avenue, Stamford.

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President Jeanne-Lois Santy.

THE PRESIDENT: In the absence of Clerk Annie Summerville, I would ask Audrey Maihock to act as Clerk and Call the Roll.

ROLL CALL: Acting Clerk Audrey Maihock called the Roll. 39 Present, One Absent (D. Blum). At 9:30 P.M., 40 Present, as Mr. Blum came in. (Ms. Summerville was not absent from the meeting, but temporarily off the floor.)

CHECK OF THE VOTING MACHINE: President Jeanne-Lois Santy checked the voting machine. Mr. Blais and Mr. Owens changed seats and the proper adjustments were made.

MOMENTS OF SILENCE:

The late ANTHONY GAUDIO, of 122 Hoyt St., who held a law degree, was a dispatcher for the New York, New Haven, Hartford Railroad for 65 years; also served as a Notary Public and Justice of the Peace; and was a Mason. Submitted by Rep. John Zelinski.

The late ARMANDO TARANTO, of 60 Scofield Avenue, who was a retired plumbing and heating contractor; and had been a World War II Army Veteran; a former member of the Board of Directors of the Italian Center, and an Italian Center Club member. Submitted by Rep. John Zelinski.

The late JUDY SANTORO, wife of Canio Santoro, who was taken from her beloved family very suddenly last week. Our sympathy goes to Canio Santoro, Lee Anne, Scott, and her dad, Rayburn Markward. Submitted by Rep. Jeanne-Lois Santy.

NOMINATIONS TO FILL REPUBLICAN VACANCY ON BOARD OF FINANCE (Due to resignation of Joseph Ventura)

THE PRESIDENT: The next Order of Business is to fill the vacancy on the Board of Finance created by the resignation of Joseph Ventura. I have a letter from the Mayor with a copy of the resignation of Mr. Ventura, and we are mandated by Section 113 of the Charter to fill that vacancy. It is a Republican vacancy. Are there any nominations?

MRS. McINERNEY: It gives me the greatest of pleasure to place the name of former Commissioner of Finance, Oscar Hoffman, before this Assembly tonight as the Republican nominee for the Board of Finance. For those of us who have been working on this Board for the past four years, we know the ability and the expertise which Mr. Hoffman has brought to the City of Stamford, and we know that it would be just a continuation of his ability and his dedication to the City to serve as a member of the Board of Finance.

MR. FAUTEUX: I'd like to Second that Motion.

MRS. HAWES: I Move that nominations be closed. Several Seconds.

THE PRESIDENT: Closing nominations, please say AYE. Opposed? Nominations are closed. Since there is only one nomination, I would direct the Clerk of the Board to cast one ballot for OSCAR HOFFMAN, if that is your desire. Those in favor, please say AYE. CARRIED. Congratulations, Oscar Hoffman, new member of the Board of Finance. He is in the audience tonight.

DR. OSCAR HOFFMAN ELECTED TO THE BOARD OF FINANCE TO FILL THE SEAT FORMERLY HELD BY JOSEPH VENTURA.STANDING COMMITTEESSTEERING COMMITTEE - Chairwoman Jeanne-Lois Santy

MRS. SANTY: May I have a Motion to Waive the reading of the Steering Committee Report?

MRS. McINERNEY: I Move to Waive the reading of the Steering Committee Report. Several Seconds.

MRS. SANTY: Those in favor, please say AYE. Opposed? There are a few NAYS.

MR. WIEDERLIGHT: I would like to hear the Minutes read.

MRS. SANTY: We'll take a Division. All in favor of Waiving the reading, as Moved by Mrs. McInerney, please say AYE. Opposed? We'll have a Show of Hands. Will the Tellers please count? By the way, the Minutes are here and could be read if you wish. Mr. Wiederlight is a Teller, and so is Mr. Stork. Please raise your hands. The Motion to Waive the Reading is DENIED.

STEERING COMMITTEE REPORT

The STEERING COMMITTEE met on Monday, December 28, 1981, in the Democratic Caucus Room in response to a CALL for 7:00 P.M. The meeting was called to order at 7:18 P.M. at which time a QUORUM was present.

PRESENT AT THE MEETING

Jeanne-Lois Santy, Chairwoman  
Robert Gabe DeLuca  
Mary Jane Signore  
Marie Hawe  
Anthony Conti  
Philip Stork  
Burtis Flounders  
Paul Dziezyc  
Robert Fauteux  
Audrey Maihock  
John Roos  
David Blum  
John Zelinski  
Annie Summerville

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(1) BOARD OF FINANCE VACANCY

ORDERED ON THE AGENDA was the filling of the vacancy on the Board of Finance due to the resignation of Joseph Ventura.

(2) APPOINTMENTS

ORDERED ON THE AGENDA were the four items appearing on the Tentative Steering Agenda, being two members of the Mayor's Cabinet and two persons to the Board of Tax Review.

(3) FISCAL MATTERS

Of the 23 items appearing on the Tentative Steering Agenda, Chairwoman Marie Hawe placed one item on the Agenda for January 11, 1982, being #4, \$5,000.00 for the Reapportionment Expenses, Code 102.3509. The other 22 items were HELD.

(4) LEGISLATIVE AND RULES MATTERS

ORDERED ON THE AGENDA were eight of the nine items on the Tentative Steering Agenda. The one item being Held in Committee was the proposed ordinance for the sale of City-owned property to Oceanview Construction, Inc.

(5) PERSONNEL MATTERS

ORDERED ON THE AGENDA was the one item concerning ratification of the Firemen's Labor Contract; and the other item on the Steering Agenda was ordered Held, being medical benefits for Rape Crisis Coordinator.

STEERING COMMITTEE REPORT (continued)

(6) PLANNING AND ZONING MATTERS

The four items on the Steering Agenda were ORDERED ON THE AGENDA. One additional item was placed on the Agenda, being an amendment to the Acceptance of Scott Place as a City Street.

(7) PUBLIC WORKS MATTERS

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

(8) HEALTH AND PROTECTION MATTERS

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

(9) PARKS AND RECREATION MATTERS

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

(10) EDUCATION, WELFARE AND GOVERNMENT MATTERS

The one item on the Tentative Steering Agenda was ordered Held in Committee, being resolution for condemnation of sanitary sewer easements.

(11) PUBLIC HOUSING AND COMMUNITY DEVELOPMENT MATTERS

ORDERED ON THE AGENDA was the one item re personnel policies of Community Development Department.

(12) RE-APPORTIONMENT MATTERS

ORDERED ON THE AGENDA was the one item of publication of ordinance.

(13) RESOLUTIONS

ORDERED ON THE AGENDA was a resolution regarding Poland and its problems.

ADJOURNMENT

There being no further business to come before the STEERING COMMITTEE, on MOTION duly made, seconded and carried, the meeting was ADJOURNED at 8:00 P.M., with some members not leaving until 8:40 P.M. discussing committee dates, agendas, etc.

JEANNE-LOIS SANTY, Chairwoman  
Steering Committee

HMM:MS

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APPOINTMENTS COMMITTEE - Mary Jane Signore, Chairwoman

MRS. SIGNORE: The Appointments Committee met on Thursday, January 7, 1982. In attendance were Mr. Conti, Ms. deGaetani, Mr. DeLuca, Mr. Tarzia, and Mrs. Signore. Other members of the Board of Representatives were also present. The Committee interviewed Commissioner Bruce Spaulding for re-appointment as Commissioner of Public Works. Mr. Spaulding is a native of Stamford, and a graduate of LeHigh University with a major in metallurgical engineering. He served as a lieutenant in the Ordnance Corps of the U. S. Army where he had experience in vehicle maintenance and as a supply officer. Upon completion of military service, Mr. Spaulding continued his education at Yale, receiving a Master's degree in Industrial Administration. He has an extensive background in plant construction, manufacturing, and management, having been employed by Olin Industries, Westinghouse Electric Corporation, and The American Iron & Steel Institute. He currently resides with his wife and two children on Cedarwood Road in Stamford. The Committee was impressed with the long-range planning and budget management of Mr. Spaulding during his tenure as Public Works Commissioner. The Committee voted for his re-appointment to that position with a vote of 5 in favor, none opposed, and I so Move. Several Seconds.

MR. BLAIS: Point of Order, Madame Chairman. I object to the consideration of the question.

THE PRESIDENT: Mr. Blais, I understand what you are trying to do here tonight, and I will read part of Robert's Rules that you are quoting from right now because we are going to put that to a vote, and I think that it is very pertinent that at this time I read something. Page 168 "Don't for Members". "Don't use your knowledge of parliamentary law to hinder business by constantly raising points of order and insisting upon strict observance of every rule at a meeting in which the majority of the members have no knowledge of these Rules." Mr. Blais, this is the Board of Representatives elected by constituents here tonight. And I think that you are certainly acting regarding Robert's Rules on this page. And since you want to turn to Page 168, but we will vote on the consideration of the question....

MR. BLAIS: Madam Chairman, I may remind you that if you are going to take the floor, you should hand over the gavel to somebody else.

THE PRESIDENT: I am just answering you. The consideration of a Main Motion can be debated, and I have to put the question to a vote; so if there is any debate on consideration of the question of Commissioner Spaulding as Commissioner of Public Works, please raise your hand.

MR. ZELINSKI: May I ask, through you, if Mr. Blais would give his reason for that Motion?

THE PRESIDENT: Through the Chair, you certainly may, Mr. Zelinski. By the way, Mr. Boccuzzi, you are first on the list to speak, but this is another Motion. Mr. Blais, would you answer Mr. Zelinski through the Chair?

MR. BLAIS: Yes, my objection is that there have been no Democratic members of the Appointments Committee - the Democratic members of this Board of Representatives have not participated in this appointment; and therefore, I think it is inappropriate at this time to bring the question up.

APPOINTMENTS COMMITTEE (continued)

THE PRESIDENT: Under consideration at this time is the Main Motion, and Mr. DeLuca is next on the list. Mr. DeLuca, are you speaking to that motion?

MR. DeLUCA: Yes, and in essence, no, but I don't believe it is the Republicans, or the President's, problem that the Democrats have refused to sit on <sup>any</sup> committees. If they refuse <sup>to</sup> attend our Steering or Appointments Committee, we operate in accordance with Robert's Rules of Order; and our own 16th Board Rules under which we are operating right now, which says that as long as we have a quorum, we can conduct a committee meeting and take a vote. We had 5 people present, which is a quorum. I don't know where Peter Blais is coming from, or if he is just trying to antagonize people and stop the business of government from moving on from the Steering Committee, then I am sorry to say this, but his constituents made a poor choice.

THE PRESIDENT: Yes, Mr. Blais, I will grant that Point of Personal Privilege, although a Point of Personal Privilege is only granted if you did not attend a meeting or your character is attacked. The Chair does not feel that your character was assassinated, but I will give you time.

MR. BLAIS: On the contrary, Mr. DeLuca, I am representing my constituents in the manner that I see fit and best for my constituents, and that includes full participation of all Democrats on this Board.

THE PRESIDENT: If there is no further discussion on the Motion, I will put it to a vote. Mr. Blais has made a Motion - Mr. Blais, will you repeat your Motion although the Rules call for all Motions to be in writing. Next time, I'd ask you, Mr. Blais, to please put that in writing. Would you please repeat your Motion?

MR. BLAIS: Madam Chairman, I was not aware, first of all, that a high order had to be in writing. My Motion was to object to the consideration of this question.

THE PRESIDENT: All those in favor of not considering this item on the agenda, say AYE. We need a Division, and it is requested that you stand. Mr. Wider and Mr. Blais do not want it considered. That is two people that do not want it considered. All those in favor of considering the appointment of Mr. Spaulding tonight, please stand. It is obvious there is a majority vote. We will hear the other speakers on the list.

MR. BOCCUZZI: The Democrats feel that since the Board of Representatives and the respective committees have not been officially appointed and worked out, the Democrats feel that we should Return to Committee all four appointments as they now stand on the Agenda. Mr. Spaulding is still acting Commissioner of Public Works. Mr. Cookney will still be in the position as acting Corporation Counsel; and the two members of the Tax Review Board will not be needed until after February 1st; and we will meet again on Feb. 1st to take up these items. We feel that by that time, and I am hoping that tonight we can straighten out our differences on the Board. If we proceed to put all four names on the floor, under these conditions, the Democrats will be forced to vote NO. Thank you.

THE PRESIDENT: Are you putting that in the form of a Motion to Return to Committee?

MR. BOCCUZZI: I am making a Motion to return all four names to committee at this time. Seconded by Mr. Wider.

APPOINTMENTS COMMITTEE (continued)

THE PRESIDENT: There are two Motions on the floor....

MRS. McINERNEY: The Motion on the floor right now is to Return to Committee, is it not?

THE PRESIDENT: The Motion on this floor is to confirm Mr. Spaulding, but there is another Motion, but we can't have the two Motions....

MRS. McINERNEY: I wanted to speak on the Main Motion.

MR. BOCCUZZI: How do I then ask that the name be Returned to Committee? What Motion are we discussing now?

THE PRESIDENT: We are discussing the appointment of Mr. Spaulding.

MR. BOCCUZZI: But on the floor, are we going to speak against returning it to committee? Where are we going right now?

THE PRESIDENT: There are two Motions on the floor, and Return to Committee can be on the floor as the Main Motion.

MR. BOCCUZZI: Through you, is Barbara (McInerney) going to speak against returning it to committee, or is she going to speak....

THE PRESIDENT: Her name is on the list to speak. I don't know what she is going to speak to. She is going to speak after you, Mr. Boccuzzi.

MRS. GOLDSTEIN: I have a Point of Order. The Motion to Recommit, which is to send back to committee takes precedence over the Main Motion which is the Motion to Approve. Therefore, I believe that that has to be acted upon first, so therefore, I believe it would be in order to be discussing the Motion to Recommit, and if that fails, then we discuss the Main Motion. The Motion we should be considering is the Motion with higher precedence, which would be the Motion to Recommit Mr. Spaulding, and I assume you are going to do it one at a time rather than all four.

THE PRESIDENT: Yes, we are, except that Mr. Boccuzzi made a Motion for all four.

MR. BOCCUZZI: I will go one at a time, if you prefer.

THE PRESIDENT: Let me review it. Mrs. Signore made a Motion to accept Mr. Spaulding and it had several Seconds. Mr. Boccuzzi asked to Return this one name to Committee. Has this been Seconded? SECONDED by several. At this time, we will only discuss returning to committee.

MRS. McINERNEY: It is unfortunate that we do sit with the full complement of committees. However, as appointed by the President of this Board, there are committees who have ample members to require a quorum at each meeting. The chairman of this committee indicated that she had a quorum, and that the quorum took a vote; and I do not feel that partisan politics should take precedence over the City's business, and the operation of the City's business. Therefore, I would speak against the Motion to Commit Mr. Spaulding's name to committee again.



APPOINTMENTS COMMITTEE (continued)

MR. LIVINGSTON: I am going to speak in favor of sending this back to Committee. I don't believe it was Mr. Boccuzzi's intention to even imply that it was a matter of partisan politics as the reason that these names are not coming out with either an AYE or NAY endorsement from the Democratic side. The truth of the matter is our people would like the opportunity to scrutinize these people and approve of them, or come out with recommendations against them. In no way will it be harmful or hold up the City's business if these names are placed back into Committee. As Mr. Boccuzzi pointed out, the Mayor's Cabinet are currently holding those jobs and they will continue to hold them until they are either approved or disapproved by this Board; and so I am hoping that in a spirit of cooperation, that these names will be sent back to committee.

MR. DeLUCA: This evening we had a wonderful invocation by Rabbi Joshua Berkowitz. One thing he mentioned was let us use political astuteness rather than political chicanery, and with that, I'd like to say what guarantee do we have that the Democrats will sit at our next meeting? What guarantee do we have that we won't have to hold this up another month? We met. We had a quorum. There were other committee members present, other than the five members of the committee, and I feel that we should act on this tonight rather than belabor the point and keep on holding this up. So far, for two months now, we have delayed the City's business. There is no reason why we should keep delaying, and I therefore recommend against sending this back to committee.

MRS. MAIHOCK: I would also like to speak against the Motion to send this back to committee. It is most important for the continuity of our City's business that these two significant positions, <sup>namely</sup> Mr. Spaulding's and Mr. Cookney's, be voted upon tonight. I am sure that all members of our Board know the qualifications of these two gentlemen and would be in a position to vote on them. I would agree with Mr. Boccuzzi that perhaps we are not as familiar with the two candidates for the Board of Tax Review, and perhaps they could be returned to committee; but I do feel that Mr. Spaulding and Mr. Cookney's appointments should be recognized tonight.

MR. WIDER: I want to make one thing perfectly clear. I have absolutely nothing against either one of the candidates. Nevertheless, my constituents have questions who elected me and until such time as we will be able to sit down and get some answers to those questions, I can't find myself sitting here voting for candidates which I have had absolutely no input on. So I would prefer that we get together so we can all sit down and represent our constituents. Some of us aren't really representing our constituents, because we don't have that opportunity, and I would hope that before we vote on any people to fill these vacancies that we will have our input. Thank you so much.

MR. WIEDERLIGHT: I'd like to speak in favor of returning these names back to committee. Firstly, Mr. DeLuca, you're really a very nice guy. Please, in the future, address yourself strictly to the issues and not to the...and not make innuendos about us on our side of the aisle. We like you, really. Please don't say those things about us.

Moving on to the issue of putting it back into committee, we want the opportunity to sit in and listen to the various questions that are going to be, or should have been put to the two appointees, or I should say the four appointees. Unfortunately, let me coin a phrase, due to "circumstances beyond our control", the opportunity was not granted, and I feel that in order for all of the members of the Board to cast an intelligent vote, it is necessary to ask the questions and hear the

APPOINTMENTS COMMITTEE (continued)

MR. WIEDERLIGHT (continuing)....answers that will be asked and would be asked of these candidates before we can make our choice, and that is why I want it back in committee.

MRS. SAXE: First of all, I think all of us seem to be in favor of all four candidates, and I'd like to thank the Democrats very much for that, because they've all come across and said so now. I also would like to say that the personnel hearing was an open meeting. Any of us could have gone. Any of us could have been heard. We all have received credentials in the mail of all four of these people. I would like very much to say that we are very fortunate in this town to have the two people that are Commissioners willing to work for us. They not only do a good job. They have saved us many tax dollars. The gentlemen that are going to be on the Board of Tax Review have credentials. They are going to be volunteers. I don't think it is bright to ask them to volunteer their time now thinking that possibly they may or may not be selected next month. Our Board of Tax Review should be working at the present time, and it is not right for them to go forward and use their time, and our life time is very precious. Therefore, I ask the people on both sides of the aisle to stop being political, to come forward and be reasonable, and also to be ladies and gentlemen. Thank you.

MRS. GERSHMAN: I must agree with what several of the speakers said, and while I have the highest regard for Mr. Spaulding, which is the question before the Body now, I do feel that if some of the committee members did not have a chance to question him because they had not been officially appointed, that they should be given that chance, and it will not disrupt the City business. And I am quite sure that by returning Mr. Spaulding to committee this month, next month he will be overwhelmingly voted in.

MRS. CONTI: As a matter of curiosity, I wonder why the Democrats want to recommit Mr. Spaulding; if it is a matter of principle, as they seem to indicate, why did they overwhelmingly support former Commissioner Hoffman's appointment and now challenge on the matter of principle, the appointment of....

MR. BOCCUZZI: I will answer that.

THE PRESIDENT: You're out-of-order, Mr. Boccuzzi.

MR. BOCCUZZI: A Point of Personal Privilege. The question was asked why the Democrats did a certain thing....

THE PRESIDENT: The Chair rules that you are out-of-order, Mr. Boccuzzi. You will be given a chance to speak. We are putting your name on the list again. There are two other speakers and then you will be able to answer the question.

(Tape turned over to next side here and Mrs. Signore's first comments not on tape)  
MRS. SIGNORE.....I just wanted that clear. Members from both sides of the aisle were at that meeting and did participate in the questioning and I am speaking against returning this to committee.

THE PRESIDENT: That's what we are speaking to now: returning it to committee.

MR. CONTI: It seems that this has been expanded from Mr. Spaulding's name to include all four. As I said, they have been speaking in that respect. Now, Mrs. Saxe and Mrs. Signore put it very eloquently. Now every member of this



APPOINTMENTS COMMITTEE (continued)

MR. CONTI (continuing)...Board had been notified by mail, that there was going to be an Appointments Committee meeting, and we did have a bi-partisan group there, and we were there at length. We did do our job. We did do what was expected of us, and it has been brought before the Board now. Now, if the first two names are held up, that I can see, but the last two, the ones under the Tax Review Board is of extreme necessity and importance, and we must continue with the work of the Board by taking them then in the order so Mr. Spaulding's name is first, then we have Mr. Cookney's, and then the other two names.

MR. FAUTEUX: I would like to speak against returning this to committee. The legitimacy of this appointment and the other three appointments coming in front of this Body cannot be questioned. It is in accordance with the Rules that we are operating under and also the committees. The delaying of this issue should not and cannot be made hostage to the other considerations that have been interjected into the workings of the Board at this time.

MR. WIEDERLIGHT: A question was raised with reference to Commissioner Spaulding. The reason that the Democrats, I feel, voted in favor of Mr. Hoffman is that this man did not have to come before a committee, and the fact is that we all were very familiar with Mr. Hoffman having worked hand-in-glove with this man and knew the good work that he could do. However, he did not have to come before committees and no questions were necessary. This is not the situation with the four appointments we are going to propose go back to committee for further discussion.

MR. BOCCUZZI: I think Mr. Wiederlight answered the question to Mrs. Conti as to why the Democrats voted unanimously for Comm. Hoffman for a position on the Board of Finance. As he stated, Mr. Hoffman did not have to come before any committee of this Board to be questioned. He was an appointment of the Republican Town Committee to fill a vacancy and there is the difference. If Mr. Hoffman had to come before the Appointments Committee, I assure you, the same situation would be with him as it is with the four names before the Board.

THE PRESIDENT: There are no further speakers and we will move to a vote with the machine. Vote YES to return Mr. Spaulding's name to committee. Vote NO if you are against returning his name to committee. Mr. Blum is present now and we have 40 members. The Motion is DEFEATED, a tie vote, with 20 Yes and 20 No votes.

We will now vote on the Main Motion, Mrs. Signore's Motion to approve Mr. Spaulding as the Commissioner of Public Works. The Motion is DEFEATED with 19 Yes votes, 19 No votes, and 2 N.V. (not voting). Mr. Spaulding is not nominated at this time.

MAYOR'S CABINET - PUBLIC WORKS COMMISSIONERTerm Expires

(1) <u>BRUCE W. SPAULDING</u>	(R)	Re-Appointment	Nov. 30, 1983
126 Cedarwood Road			
Held in Steering 12/10/81.			

Vote: 19 Yes; 19 No, 2 N.V. Motion Defeated.

MAYOR'S CABINET - CORPORATION COUNSELTerm Expires

(2) LEONARD COOKNEY (R) Re-Appointment Nov. 30, 1983  
266 High Ridge Road  
Held in Steering 12/10/81

MRS. SIGNORE: Attorney Cookney was interviewed by the Committee for re-appointment as Corporation Counsel. Mr. Cookney has been an attorney in Stamford 21 years, and a member of the Mayor's Cabinet since 1980. He is a graduate of Fordham College and Fordham University School of Law. Among his community activities, he lists former member of Connecticut Parole Board, Past President of the North Stamford Exchange Club, Director of The American Cancer Society, and a former manager of the National Little League Team. He and his family live at 266 High Ridge Road in Stamford. Mr. Cookney informed the Appointments Committee that he would remain as Corporation Counsel, if approved, only until the end of February of this year. He wishes to return to private practice at that time. When questioned about a new Corporation Counsel succeeding him, Mr. Cookney stated he was aiding the Mayor in the search and would aid in the transition. The Appointments Committee voted in favor of Attorney Cookney's re-appointment by a vote of 5 in favor, none opposed and I so Move. Seconded.

MR. BOCCUZZI: I Move to Return to Committee. Seconded.

THE PRESIDENT: Any one who wishes to speak to return to committee?

MRS. SIGNORE: I think that this is a travesty on this Board of Representatives, if we are going to keep sending these back without having a vote on them.

MRS. McINERNEY: I would like the public to realize that all meetings of the Board of Representatives are open to any City official, as well as to any citizen within the City of Stamford. They are open meetings. Any one who has any kind of input, any one who has any desire to find out what is going can come to any Committee meeting of this Board, be it Fiscal, Appointments, Personnel, or any other one.

MR. LIVINGSTON: I Move the Question.

THE PRESIDENT: All in favor of Moving the Question, please say AYE. Opposed? One No. The question is Moved. We will go to a vote on Corporation Counsel Cookney's re-appointment going back to Committee. We will use the machine. The Motion is DEFEATED with 21 No votes and 19 Yes votes.

We will now vote to confirm Leonard Cookney as Corporation Counsel. Moved and Seconded.

MR. ESPOSITO: As Mrs. McInerney correctly pointed out that all committee meetings are open to the public, as well as the Democratic members of this Board, through you to Mrs. McInerney, I would like to know how many Democratic members of this Board have a vote on the Appointments Committee at this point.

THE PRESIDENT: Will you answer Mr. Esposito's question through the Chair, Mrs. McInerney.

APPOINTMENTS COMMITTEE (continued)

MRS. MCINERNEY: Mr. Esposito, as you clearly know, the present composition of the Appointments Committee was made by the President of the Board at its Organizational Meeting. We, and I speak for the Republican Leadership, have attempted to meet time and time again with the Democratic Leadership of this Board; and to coin a phrase which was earlier mentioned by Rep. Fauteux, we are finding ourselves holding the City at hostage due to the fact that....

MR. FAUTEUX: I asked a question and it was very specific, and that was how many Democratic members can vote on Appointments Committee.

MRS. MCINERNEY....Mr. Esposito, as I indicated, the City is being held hostage since earlier this evening, and certainly you know, as you were at a caucus last week, that we were given Democratic names; and Democratic names were discussed and Mr. Boccuzzi, your Leader, went back to your group, and the Republicans were given an ultimatum this evening, so as a result of that particular ultimatum, we have not yet named any Democrats because we are awaiting answers from your caucus, and I would say that in accordance with Mr. Boccuzzi's statement earlier this evening, that the President of this Board was requested not to name any Democrat to any committee this evening, or to coin Mr. Boccuzzi's quote "None of them would serve!"

So, in answer to what you ask, there are presently no Democrats on the Appointments Committee, and that is not through the fault of the Republican administration of this particular Board.

MR. BOCCUZZI: Point of Personal Privilege. Mrs. McInerney made statements with direct reference and she mentioned my name. May I answer that? If you will listen, Mrs. Santy, Mr. Boccuzzi was blamed for not having names. If you want to discuss this openly on the floor, I will. I want the Point of Personal Privilege.

THE PRESIDENT: Mr. Boccuzzi, Mr. Esposito raised a question. There is a Motion on the floor to confirm the Corporation Counsel. I will put you down right after the next speaker, who is Mr. Wiederlight.

MR. ESPOSITO: I have the floor. I asked her a question.

THE PRESIDENT: Mr. Esposito, you are not going to have the floor. She answered your question.

MR. ESPOSITO: I was waiting for the answer, and then you took the floor away from me. The point was that the Democrats were invited to that meeting to attend, as the public was, but the reason we wish to return this to committee is because we did not have a vote on it. We did not have a vote to confirm or not to confirm. That's the first point. The second point is since Mrs. McInerney chose to bring it out in the public, my understanding, as she pointed out, as I was at that caucus last week, was that we did not present an ultimatum to the Republican Party. It was a proposal. She said it was an ultimatum, and if that is what you went into your caucus and told them, that was not what came out of our caucus.

APPOINTMENTS COMMITTEE (continued)

THE PRESIDENT: We have a Motion on the floor, and I am going to direct any speakers only to that Motion. It is the confirmation of Leonard Cookney as Corporation Counsel.

MR. WIEDERLIGHT: I've heard these phrases bandied around here that the City is being held hostage, and the Democrats are obstructing.....

THE PRESIDENT: Mr. Wiederlight, are you speaking to the confirmation of Mr. Cookney?

MR. WIEDERLIGHT: I'll get there.

THE PRESIDENT: I want you to get there now.

MR. WIEDERLIGHT: I would like the same privilege you accorded your side of the aisle in going around the mulberry bush.

MR. BLAIS: Point of Order. That's an equal treatment.

THE PRESIDENT: Mr. Wiederlight, I want you to continue and speak to the Motion.

MR. WIEDERLIGHT: I'm getting there. I'm getting there, Madam President. As I was saying, I've heard these two phrases that by us voting in favor of putting this name back into committee, we are obstructing the City business and we are holding the City hostage. That is baloney, because, quite frankly, these people will continue to perform their functions within the City government for the next 30 days as they have been doing for the previous 30 days, whether they are confirmed here tonight, or they are not. So let us call the shots the way they are. We are not obstructing the City business, and we are, by no means, holding the City hostage.

THE PRESIDENT: There are still 2 first-time speakers on the list. The Motion is to confirm Leonard Cookney and I only want you to speak to that Motion.

MR. LIVINGSTON: If I may, I would like to raise a Point of Information directly to you, and respectfully I am going to say to you, there seems to be quite a difference as to how you are handling speakers from each side of these aisles. I don't understand how you could allow Mrs. McInerney to make her statements and then tell our people that they must speak to the Motion. We believe that you are going to be fair, Madam President, and we definitely are asking that our people be treated with the same treatment that you treat the Republicans.

THE PRESIDENT: Thank you, Mr. Livingston. Every time you can challenge the ruling of the Chair and my position.

MR. TARZIA: I Move the Question. Seconded.

THE PRESIDENT said we will vote on Moving the Question.

MR. BLAIS: I would like a Roll Call vote.

THE PRESIDENT: Who would like a Roll Call vote? I'm sorry, Mr. Blais, you are only one vote.

We will now vote on Mr. Cookney's confirmation as Corporation Counsel.  
APPROVED with 21 Yes votes; 18 No votes; and 1 N.V.



APPOINTMENTS COMMITTEE (continued)BOARD OF TAX REVIEWTerm Expires

(3) <u>DONALD SOLOROW</u> (R)	Replacing Herman Rockoff	Dec. 1, 1985
65 Prospect St.	whose term expired	

MRS. SIGNORE: Mr. Solorow was interviewed by the Committee to replace Herman Rockoff whose term expired. He is a graduate of the University of Bridgeport and has been a resident of Stamford for 8 years. He is self-employed and there are no real estate holdings. His business experience in executive recruitment, finance, mergers and acquisitions, in the opinion of the Committee, would make him an asset on the Board of Tax Review. The Committee voted 5 in favor, none opposed, to this appointment, and I so Move. Seconded.

MR. BOCCUZZI: I Move Mr. Solorow's name back to committee. Seconded.

MR. ESPOSITO: I would just like to point out that the Board of Tax Review at the earliest, will meet in February, and that our next meeting is Feb. 1st, so that the fact that we hold these names in committee, would not in any way endanger the work of the Board of Tax Review.

MR. CONTI: I beg to differ with Mr. Esposito. I believe they do need some time to become acquainted with the workings of the Board, and they have designated, or so mentioned the night of the meeting, that they will look into the matter and use the time remaining as an educational period, so I do believe it is very, very important that we do this tonight. It is of extreme importance that the Tax Review Board be in full force before February.

MR. TARZIA: I wish to speak against Mr. Boccuzzi's motion for the reason that we have approximately 22,000 taxpayers out there with reassessments. Many of these taxpayers will be appealing their cases. We need a full complement of the Board of Tax Review. By law, they have to meet in February. It does not give these two gentlemen very much time to get acquainted with a very crucial part of the City's business and that is the Board of Tax Review. The citizens out there expect a Board of Tax Review that knows what it is doing, and I don't think we can wait.

MRS. SAXE: I agree with Mr. Tarzia.

MR. DONAHUE: How long has Mr. Solorow resided in the City of Stamford?

MRS. SIGNORE: Yes, through the Chair, as I stated in my report, 8 years.

MR. DONAHUE: I would also add one other item. We will be meeting in special session next week, and if this really has the significance that we are talking about, in fact, that if these gentlemen must sit on the Board of Tax Review between now and February 1st, we would have the opportunity to include that in the Special Call of the Meeting to be held next Monday night.

MR. ZELINSKI: I feel that that would be a disservice to these two gentlemen. First, I will talk about Mr. Solorow. They are willing to serve on this Board. As was mentioned at this particular time because of the reassessments, it is imperative and urgent that this particular Board have a full complement as soon as possible. It is a different situation from Mr. Spaulding and Mr. Cookney.



APPOINTMENTS COMMITTEE (continued)

MR. ZELINSKI (continuing)....And I would sincerely urge my colleagues to think twice before they vote to put this back into committee, because this involves the taxpayers in Stamford and I do not think it would be fair to them, or as I said, to these gentlemen who have been willing to serve on this Board of Tax Review. I think we should vote to confirm them this evening.

MR. DeLUCA: Through the Chair, a question to Mr. Donahue.

THE PRESIDENT: I'm sorry but Mr. Donahue has left the floor.

MR. DeLUCA: I wanted to ask him a question. He said that we are going to have a special meeting coming up before Feb. 1st, around the 19th of January. By his suggestion that we wait for the special Call of the meeting that we are going to be having, that the Democrats agree to sit on Committees, and we would have to recall these two people back for interview?

MR. DONAHUE: That may be a proper way of handling it, Mr. DeLuca. I would leave that up to the committee and the Leadership of the Board.

MR. DeLUCA: Well, if the Leadership decided not to call them back, how would you still make a valid vote, then. For some reason, you said you did not have a chance to interview, and now<sup>if</sup> the Leadership were to decide not to call these people back for a second interview, as it did come before our Committee in good faith and they are willing to serve, and as Rep. Tarzia says, time is of the essence so these people can work with the Tax Assessor, what would you suggest? There are expert tax appraisers scheduled to give them some training and set up the ground rules so we can get the ball rolling for our constituents who have complaints and wish their appeals heard by the Board of Tax Review.

MR. ROOS: I Move the Question. Seconded.

THE PRESIDENT: All those in favor of the Motion, please say AYE. Opposed? The question is Moved.

We will vote on Mr. Boccuzzi's Motion to return Mr. Solorow's name to Committee We will use the machine. Motion DEFEATED with 18 Yes votes, 19 No votes, 1 Abstention, and 2 N.V.

MR. CONTI: I've been apprised there has been a meeting of the Tax Review Board tonight with Mr. Solorow and Mr. Colatrella sitting in as listeners and there are 2 or 3 more work sessions going to go on before the tax review starts. The first meeting of the Tax Review Board to hear appeals is February 1st. It is imperative that these 2 people are confirmed tonight.

MR. DZIEZYC: We should not hold up this important Board's work. There are many reviews scheduled to be heard.

MR. TARZIA: As I stated earlier, the Board of Tax Review will be meeting throughout the entire month of February, almost on a daily basis, which means that if we don't have 5 members on that Board, it could be a situation where you don't have a quorum. Here you would have a taxpayer come before the Board of Tax Review with no quorum, what is going to happen, I don't know. You need 3 out of 5.

APPOINTMENTS COMMITTEE (continued)

MRS. SIGNORE: Mr. Cookney mentioned the other night that he and his office staff will help train the Board of Tax Review people in the legalities involved in evaluating the assessments. And we are talking about a Feb. 1st deadline. And the training period is going to take time. I urge you, please, do not send this back. Confirm this appointment.

MR. DeLUCA: The Tax Assessor has gone all out to accommodate the taxpayers. The Law Department has gone all out to accommodate the taxpayers. They even sent one of their legal staff to school to learn all about tax assessments, appraisals, etc. Yet, to sit here tonight and think of not acting on these appointments, can cause a lot of chaos in the City of Stamford. Can you imagine people coming on Feb. 1st and not finding a quorum, because we did not take the time out tonight to approve these appointments? Let us forget our differences here tonight and act for the City and its best interests. After all, that is what we are elected for.

MRS. PERILLO: I Move the Question. Seconded.

THE PRESIDENT: Please say AYE for Moving the Question. Opposed? The question is Moved.

We will now vote on Mr. Solorow's appointment. Please use the machine. APPROVED with 29 Yes votes, 3 No votes, 5 Abstentions, and 3 N.V.

BOARD OF TAX REVIEWTerm Expires

(4) <u>ROCCO COLATRELLA</u> (D)	Replacing Peter Hoover	Dec. 1, 1982
302 Vine Road	who resigned	

MRS. SIGNORE: Mr. Colatrella appeared before the Appointments Committee, and has been a resident of the City for 47 years. Currently, he is employed as a sales executive by the Ward Mfg. Co. of Manchester, Conn. His list of community service is long and varied. He was a former member of the Board of Representatives, served on the Board of Education for 6 years, and assisted in the organization and management of the Stage Door for Youth and Young Artists Philharmonic. The Committee felt that his experience as a business man and a public servant would make him a good candidate for Tax Review, and they voted 5 in favor, none opposed, and I so Move. Seconded.

MR. ZELINSKI: I happen to know Mr. Colatrella personally. He is an outstanding individual; has worked hard in the community, and I hope he will be confirmed on his qualifications and not because of the differences with our Board.

MRS. PERILLO: I Move the Question. Seconded. CARRIED with one No vote.

THE PRESIDENT: We will vote on Mr. Colatrella's appointment. APPROVED with 33 Yes votes, 3 No votes, 2 Abstentions, and 2 N.V.

MRS. SIGNORE: That concludes my report.

FISCAL COMMITTEE - Chairwoman Marie Hawe

- (1) \$5,000.00 - BOARD OF REPRESENTATIVES - Code 102.3509 RE-APPORTIONMENT Request for an appropriation to fund expenses relating to RE-APPORTIONMENT. Submitted by then Co-Chairperson Grace Guroian 10/20/81. Held in Committee 11/16/81. At Special Meeting of 11/21/81 referred to 17th Board. Held in Steering 12/10/81.

Above also referred to RE-APPORTIONMENT COMMITTEE.

MRS. HAWE: Since we did not have a quorum, I Move to Suspend the Rules to take this item up. Seconded.

THE PRESIDENT: We need two-thirds to Suspend. Please raise your hands to indicate a yes vote. All opposed? Motion Approved.

MRS. HAWE: The Committee met last Wednesday, January 6th, with Co-Chairman Donald Donahue of the Re-Appportionment Committee. We discussed the fact that the Committee, out of the \$30,000 that was originally appropriated, \$1,200 was remaining after they went out of existence. The Committee has currently spent \$600.00 and there is \$600.00 left in the account. The Committee anticipates that they will need additional funds for things such as over-time for the Public Works Dept. for the map drafting, they might need some more for duplication of more maps, publicity in the papers for public hearings, another computer run possibility, and other unforeseen expenses which should not come above \$5,000.00. Anything not spent would be returned to the General Fund. The four present, even though it was not a quorum, were in agreement with the granting of this appropriation, and I so Move. Seconded.

MR. FAUTEUX: I would also like to have Co-Chairman Donahue speak on this. As indicated, it is not anticipated that we will spend a total of \$5,000.00, that is certainly on the high end of it, but we should provide a cushion so that we would not have to come back in case we did. I think the work of the Committee is essentially completed at this time. Unfortunately, we cannot put our hand on exactly what the expenses are going to be at this time. As I said, they certainly are not going to be at the high end of the \$5,000.00.

MR. DONAHUE: I believe the Committee will be very happy to return the bulk of this money to the City, but because we are running into a deadline, and because of unforeseen expenditures that the Committee must undertake, we feel that this is a fair sum to ask for and hopefully we will return most to the City. We have already done some advertising for the public hearing to be held next Monday and I believe that says it all.

MR. WIEDERLIGHT: I Move the Question. Seconded. CARRIED unanimously.

THE PRESIDENT: Please vote up for YES, down for NO. APPROVED with 38 Yes votes, 1 Abstention, and 1 N.V. The \$5,000 is approved.

MRS. McINERNEY: I'd like to Move for a RECESS. Seconded by Mr. Boccuzzi. CARRIED.

THE PRESIDENT: We will limit the period of Recess. It is now 10:10 P.M. At 10:45 P.M. we will resume the business of the Board.

RECESS lasted from 10:10 P.M. until 12:25 A.M.

LEGISLATIVE AND RULES COMMITTEE - Anthony Conti & John Zelinski, Co-Chairmen

MR. CONTI: Legislative and Rules met on January 4, 1982, and the meeting started at 8:09 P.M. Present were Anthony Conti, Co-Chairman, John Zelinski, Co-Chairman, Barbara McInerney and Audrey Maihock. In attendance at the meeting also were James Ford, Carmine Longo, Jim Purcell, Jean Ellis, Josie Smith, and Sandra Gilbane. We did not have a quorum so we could not meet as a L&R Committee but we did meet informally. We did listen to James Ford, Carmine Longo, and Jim Purcell speak about #6 on our Agenda which is the proposed ordinance concerning regulation of traffic and parking. That was about all we could do at that time, just listen to them, and we have to hold everything until the next meeting. We can bring out #7 the Rules of Order of the Board by bringing it out of committee and onto the floor, and I so Move. Seconded.

MR. BOCCUZZI: Then #1 through #6 are being held?

MR. CONTI: Yes, of necessity, because we did not have a quorum.

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- (1) FOR FINAL ADOPTION - PROPOSED ORDINANCE SUPPLEMENTAL REGARDING FREE USE OF ANY MUNICIPAL RECREATIONAL FACILITIES BY ANY MEMBERS OF BOARDS, COMMISSIONS, ELECTED OFFICIALS OR CITY EMPLOYEES. Submitted by Rep. Barbara McInerney 8/19/81. Approved 10/5/81 for publication as amended. Re-committed to Committee 10/5/81 for public hearing. Returned to Committee 11/16/81. Held in Steering 12/10/81.

HELD IN COMMITTEE

- (2) PROPOSED RESOLUTION TO APPLY FOR STATE GRANT FOR CHLORINE FACILITIES - MODIFICATION, WATER POLLUTION ABATEMENT FACILITIES - per Mayor Clapes' request November 19, 1981; State will reimburse City for 30% (\$41,760) of cost. Held in Steering 12/10/81.

HELD IN COMMITTEE

- (3) PROPOSED RESOLUTION TO APPLY FOR GRANT TO ACQUIRE LaGUARDIA PROPERTY UNDER LAND AND WATER CONSERVATION FUND PROJECT, STATE DEP (adjacent to Carwin Park also see Resolution #1324, 9/3/81) - Federal Share \$37,500; State Share \$18,750; Local Share \$18,750. Requested by Mayor Clapes 11/20/81. Held in Steering 12/10/81.

HELD IN COMMITTEE

- (4) PROPOSED DRAFT RESOLUTION AUTHORIZING EXECUTION OF PERSONAL SERVICE AGREEMENT WITH STATE DEPARTMENT OF HEALTH SERVICES FOR PURPOSE OF HEALTH SCREENING OF REFUGEES (INDO-CHINA, HAITI, CUBA AND OTHER COUNTRIES) SETTLING IN STAMFORD - AMOUNT NOT TO EXCEED \$2,500, per Mayor Clapes' letter 11/10/81. Held in Steering 12/10/81.

HELD IN COMMITTEE



LEGISLATIVE AND RULES COMMITTEE (continued)

- (5) REQUEST FOR WAIVER OF BUILDING PERMIT FEE FOR RENOVATION OF YERWOOD CENTER BASEMENT TO HOUSE A HEAD-START CENTER per Mayor Clapes' request 12/10/81.

HELD IN COMMITTEE

- (6) FOR PUBLICATION - PROPOSED ORDINANCE SUPPLEMENTAL CONCERNING REGULATION OF TRAFFIC AND PARKING, per Dec. 8, 1981 letter from James W. Ford, Director of Traffic and Parking.

HELD IN COMMITTEE

- (7) ADOPTION OF RULES OF ORDER OF THE 17th BOARD OF REPRESENTATIVES ATTACHED HERETO - submitted by the Republican Caucus of the Board.

HELD FOR FEBRUARY MEETING AS A SPECIAL ORDER.

THE PRESIDENT: One through six is being held, Mr. Conti? You are moving Item #7 onto the floor?

MR. CONTI: Yes, I am.

THE PRESIDENT: Is there a second to that? Yes. Is there anyone that wants to speak to that? Mr. DeLuca.

MR. DELUCA: Yes, Madam President, I would like to make a motion at this time to hold this in committee for one more month because of the lateness of the hour, and there are other items. Seconded by Mr. Wider.

MR. BOCCUZZI: Point of Information. I believe before Mr. DeLuca can make a motion...it's not on the floor. I mean, he's making a motion to put it back into committee when we haven't taken it out of committee.

THE PRESIDENT: We have to vote. We have to take it out of committee Mr. DeLuca, I thought you were speaking to that.

MR. DELUCA: I stand corrected.

THE PRESIDENT: That's alright Mr. DeLuca, we'll put you down next. Would anyone like to speak to the motion to take it out of committee? Then we will move to a vote. We are voting on the motion to take Item #7, Adoption of Rules of Order of the 17th Board, out of committee.

MR. DELUCA: I would like to ask a question. If we were to reject taking this out of committee, would that mean that at the February meeting when we do take this up we would need 2/3rd's vote to pass this?



LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: Yes, Mr. DeLuca.

MR. DELUCA: If that is the case, then I would recommend that each and every member here tonight be sure that we get, at least, 21 votes to take this out of committee. Therefore, we can then make a motion to hold them in committee until our February meeting when we can pass these rules with a majority vote, rather than a 2/3rd's. Let's remember what we are about to do tonight...on this particular item, before you vote no to take this out of committee.

THE PRESIDENT: You are speaking to take it out of committee, affirmative?

MRS. GUROIAN: Point of order, Madam Chairman. At the last meeting this was tabled to be voted on specifically stated in the motion during the January meeting. There is no reason to take it out of committee. It is before you for discussion because it was specifically stated that on this day we would vote on it. If you wish to re-table it then that should be the motion, but the motion should not be to take it out of committee. It was specifically stated it would be on the agenda for this meeting and this is the meeting that it will be on the agenda.

THE PRESIDENT: Mrs. Guroian, you are right. The motion made by a majority vote.

MRS. GUROIAN: That's right.

THE PRESIDENT: Excuse me, Mr. DeLuca, Mr. Fauteux is next to speak, and then you.

MR. FAUTEUX: I will pass, Madam President.

MR. BOCCUZZI: The item is on the agenda. It was assigned to Legislative and Rules by the Steering Committee. The Legislative and Rules Committee had no quorum so, therefore, they cannot bring it out on the floor. If Legislative and Rules wants to bring this particular item out onto the floor, they have to make a motion to get it onto the floor first. The discussion then will concern how many votes, etc., but you have to get it on the floor first.

THE PRESIDENT: I will ask the Parliamentarian and the Assistant Parliamentarian to get together right now. The Chair understands this; it is already before us because a motion was made to consider it at the January meeting by a majority vote. It didn't have to be in committee anyway because we were considering this. The motion was to put it before us at the January meeting but I will ask a parliamentary ruling on that. Mrs. Guroian, would you and Mr. Fauteux get together right now. Meanwhile, speakers to discuss this. Mr. Donahue is first.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. DONAHUE: Yes, I would just say that this is a Point of Order and Mr. Boccuzzi is right. On top of that, the motion was not to put this automatically on the floor of the January meeting, it was to allow a vote by a simple majority at the January meeting.

MR. WIEDERLIGHT: I would like to remind the Chair that the Chair closed discussion on this issue. For some reason or another, you are just about to ask for a vote. For some reason or another, you then recognized Mr. DeLuca for discussion and we are now in the position we're in. Now if you accepted the motion, there was a second, and no further discussion. You had just called for a vote and you then recognized Mr. DeLuca.

THE PRESIDENT: I did not call for a vote. I wanted a clarification of this item, since it was before us officially since our Organizational Meeting. It is before this Board and since the committee did not meet, I am having the Parliamentarian and Assistant Parliamentarian by Rules of Order to decide if it is properly before the Board at this point.

MRS. GOLDSTEIN: I couldn't agree more with Mr. Boccuzzi. To begin changing what is on the agenda, and what is not on the agenda, we have the item on the agenda. The only thing that we voted on was that when we discussed the Rules at this meeting, they get passed by a majority vote. I don't what kind of way one could maneuver saying that it doesn't have to be taken out of committee. It would be most unfortunate if such maneuvering takes place, but to get this item discussed before our board tonight, it must be taken out of committee with a legitimate vote. If it gets that vote, then we have rules on the floor to discuss tonight and pass by a majority vote. If the votes go against that, if it doesn't come out of committee, then we discuss it at a future meeting with a 2/3rd's vote, as you stated. To say that it is improperly before us and that we don't have to get it out of committee is really subverting the intent of Agendas, boards, and Rules.

THE PRESIDENT: Mrs. Goldstein, no one is subverting anything. We are asking for a clarification if it is properly before this committee since it was voted to vote on it tonight at the regular January meeting. Mr. Blum is the next speaker.

MR. BLUM: I would like to read the minutes of the Organizational Meeting Tuesday, December 1, 1981. "Mr. DeLuca without belaboring the point as to whether we should go by the agenda, I wish at this time to make a motion that we hold this meeting under the Rules of the 16th Board of Representatives, subject to the change of a majority vote at our January, 1982 meeting. We have followed this procedure at our Organizational Meeting of the 16th Board and past Boards, and seconded." What I am trying to bring out when this was before us on the Organizational Meeting, it never went to any committee. Had we, on that evening, passed as the agenda talked about on the procedures or new rules, we would never have to go to any committee. Why tonight, after that meeting of the organization, we voted to put this off. Voting on the rules of the board till January doesn't make it any different than if it had been before us December 1, 1981, the day of the Organizational Meeting. If it was passed by a vote of the majority,

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. BLUM: (continued) that means it is before us today as it would be at an Organizational Meeting. We only put this off because we felt that we had no time in which to discuss it on December 1; therefore we put it off to the January meeting. In other words, that particular item is part of the Organizational Meeting, even though it went to the Legislative and Rules Committee we have now before us the Rules of the Board it is the same as December 1, 1981.

THE PRESIDENT: Thank you, Mr. Blum. The chair would like to read from the Organizational Meeting of Monday, December 3, 1979 Meeting. I think if there is a precedent to be set, we have one here. Mrs. Goldstein is speaking: "Yes, Mr. President, I think that Mr. Darer's request is reasonable. I know there are many of us who are sitting here tonight who want to see rule changes. If we could make the adoption of these rules subject to majority vote for an amendment at the next regular Board Meeting, or whenever we do present this, I take no issue with that. I wonder if anyone else does. I mean, really that is a reasonable request. Mr. Darer: "Mr. Chairman, I made it at the January Meeting for the simple reason that it would give the Legislative and Rules Committee a chance to go through the changes and present to the Board in a sensible way just their thoughts and ideas on this. Mrs. Perillo: "I would like to move the question." The question was moved, and passed. This is it exactly, it did not go through L&R for a vote to come out of committee, it went to go through so they could present their changes in a sensible way.

MR. BOCCUZZI: You have the minutes there of the Organizational Meeting?

THE PRESIDENT: Yes.

MR. BOCCUZZI: I don't mind talking to both presidents, if necessary.

THE PRESIDENT: Mr. Boccuzzi, that was uncalled for.

MR. BOCCUZZI: You have the Organizational Meeting minutes? Isn't it a fact that the following month L&R met and brought it out on the floor. Isn't it a fact that indeed we did vote the majority. Nobody did anything then that wasn't specified. The only difference between that Organizational Meeting and this particular meeting is the Legislative and Rules Committee did not have a quorum. It does not automatically come out on the floor unless you have a vote of this Body to put it on the floor, and then, discuss it and do as this Body sees fit. Nobody's saying if it gets on the floor you don't need a majority. All we are saying is, you need a vote to get it out of the committee.

THE PRESIDENT: The Chair has asked for a ruling from the Parliamentarians. Are they ready with that ruling? Mr. Fauteux? Mrs. Guroian?

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. FAUTEUX: Madam Chairman, I find a reference here.

THE PRESIDENT: Excuse me, will you give the page for anyone who wants to follow it.

MR. FAUTEUX: Yes, this is in Section #3 of the Robert's Rules of Order, Basic Procedures, under the section called "Call to Order - Order of Business", beginning on page 20. I would refer over to page 21 where in the Order of Business the items come up for consideration at the meeting under Item #4. Special Orders, i.e., matters which have previously been assigned a type of special priority which is explained in Sections #14 and #40." So we have to go to Section #14, which is page 150, and Section #14 is entitled "Postponed to a Certain Time or Indefinitely" I read from the beginning of the section: "The subsidiary motion to postpone to a certain time is the motion by which action on a pending question can be deferred within limits to a definite day, meeting, or hour, or until after a certain event. This motion is sometimes referred to as 'postponed definitely' or simply as a motion to postpone. It can be moved regardless of how much debate there has been on the motion to propose. or postpone. A question may be postponed either so that it may be considered at a more convenient time or the debate has shown reasons for holding off a decision until later. This motion should not be confused with postponed indefinitely which is a..." which, to paraphrase, is a motion to kill. I have not gone on further in Section #40 as I cannot find any reference at this point that an assignment to a committee would not change its status for being an item in front of the Board at the next meeting.

THE PRESIDENT: Mrs. Guroian, do you have any comments on that since you are Assistant Parliamentarian?

MRS. GUROIAN: No. I just repeat what I said before, by virtue of the fact that we voted, as a Body, to postpone the voting on the Rules of Order until the January meeting at which time it would be voted on by a majority vote. It is automatically on the agenda.

THE PRESIDENT: Thank you. I accept that as<sup>a</sup> parliamentary ruling. Mr. Donahue.

MR. DONAHUE: Madam President, I, after listening to that reading, would have to say that the only determination we can make, since the rules are this broad which have been adopted and which you have sworn to uphold, and have been accepted, that the motion by Mr. DeLuca was improper and should not have been accepted by the Chair, since it puts us in conflict with our rules which place very definite restrictions, and stipulations on how an item gets to the floor of the Board. It violates the power of Steering; it violates the power of the agenda, and defeats the integrity of the entire agenda. So, in fact,...I beg your pardon Madam..



LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: What motion are you referring to?

MR. DONAHUE: Mr. DeLuca's original motion.

THE PRESIDENT: At the December. Organizational Meeting?

MR. DONAHUE: Was improper and now this Board sits in error which casts a certain aspersion on any action that this Board takes. So, therefore, I Challenge the Chair.

THE PRESIDENT: There is no decision on the Chair. We had a parliamentary ruling and we are discussing that, Mr. Donahue. Then in 1979 and 1977 we were all in error? Is that what you are saying, that this Board was in error? I don't find that. Are there any other speakers?

MR. DONAHUE: Is there, therefore, a ruling from the chair?

THE PRESIDENT: I am waiting for the Parliamentarians. We are going to make a ruling right now. Mr. Esposito. Mr. Rybnick.

MR. RYBNICK: I vote that anything that the Steering Committee put on the agenda, and assigned to the committee, must be taken out of the committee if there isn't a quorum. We have done that for the past years that I've been on this Board. I've been here for the past couple of years, so this is the way we used to rule.

THE PRESIDENT: Mr. DeLuca for the second time.

MR. DELUCA: I guess that I would have to agree with Jerry that we would have to take this out of committee. But I have a little hang-up with Representative Donahue there, that the motion was in error to begin with. We keep talking...and hear from the other side of the aisle that we should do things based on precedent. Yet when we try to do things based on precedent, they seem to be contrary to what Representative Donahue or anyone else seems to agree with, then we're in error. If we do things based on precedent, which are agreeable to Representative Donahue, even though we may disagree, we are forced to establish and go along with precedent. Therefore, I think some of his comments are uncalled for, out-of-line, and the motion that was made was really not in error. It was a motion based on something that we have been doing for years, I think it was a logical motion, a good motion. It was accepted at our Organizational Meeting. It should stand.

THE PRESIDENT: That motion was made at the Organizational Meeting; it was passed. We were all under the assumption that we would be voting on that tonight. Mr. Fauteux are you coming up with a parliamentary ruling? You and Mrs. Guroian?



LEGISLATIVE AND RULING COMMITTEE (continued)

MR. FAUTEUX: Yes, Madam Chairwoman. I cannot find any reference to the overruling that I consider this business to be a Special Order by the assignment to a committee. There is no reference in the Robert's Rules of Order that I can discern that would take priority and put this into committee assignment permanently. I rule therefore, that it is a legitimate item on our agenda tonight by the fact that it is a so-called Special Order. It is legitimate for consideration without a motion to take it out of committee.

MR. DONAHUE: Point of Order, Madam Chairman. That puts us in contradiction with the Rules that we have adopted.

THE PRESIDENT: Excuse me, Mr. Donahue, I don't want you to keep blurting out here. Raise your hand, and you will be called on. Mrs. Guroian is the Assistant Parliamentarian...

MR. DONAHUE: Point of Order...

THE PRESIDENT: Mrs. Guroian, do you have a statement on this?

MRS. GUROIAN: Yes, I agree with Bob. Everything you read is postponing to a Certain Time, points to direction that simply postpone the question to the next meeting when it will have precedence over new business. I moved to postpone the motion to the next meeting. That's exactly what we did, and it takes precedence over new business, comes up, from what I read, in the order in which it would normally come up if you haven't specifically set a time for it, and it's part of the agenda.

THE PRESIDENT: Thank you. The Chair is making a decision that we accept the Parliamentarian's ruling that it was a proper motion of Mr. DeLuca at the Organizational Meeting. You can appeal the decision of the Chair by a vote and you'll need a Second for that. I don't know if Mr. Donahue wants to do that, or Mr. Esposito. The Chair is ruling that we have a proper motion before us, we can act on the Rules of the 17th Board.

MR. ESPOSITO: I challenge the Chair.

THE PRESIDENT: There has been an appeal to challenge the judgement of the Chair, and it's been seconded. We will vote on that by using the machine. Any discussion?

MR. ESPOSITO: The one point that I feel is very important here regardless of all that Mr. Fauteux has read from Robert's Rules, is that the Steering Committee in its judgement assigned this to a committee. It has been put on the agenda, approved L & R; it is in that committee regardless of anything else that was stated in Robert's Rules. That committee met, did not have a quorum, could not bring it on the floor of the Board without a vote. That's why I'm supporting the challenge to the Chair.

LEGISLATIVE AND RULING COMMITTEE (continued)

MRS. GOLDSTEIN: Thank you. I am, too. I don't believe the Parliamentarian has made any case at all for considering this agenda item without first taking it out of committee. The proviso that we made at the last Board meeting in December<sup>was</sup> that we consider this item with a majority vote. There's no question that it is properly on the agenda. Now we have to consider it the way we consider properly-placed agenda items which is to vote to take it out of committee if there was no majority, no quorum at the committee meeting. And if we take it out of committee then, by virtue of the vote taken at the Organizational Meeting, we must pass these rules with a majority rather than 2/3rds. That is the issue. There is no question that it isn't properly placed on the agenda; it's on the agenda. Now we have to take it out of the committee because L & R didn't have a quorum. That's why I am opposed to the ruling of the chair and I don't believe that Mr. Fauteux made a case at all for<sup>not</sup> taking this out of committee.

MS. GERSHMAN: Point of Order. Isn't that Mr. Conti's original move, to take it out of committee?

THE PRESIDENT: Yes. But it was decided that he may not have to take it out of committee since it's properly before the Board by a motion at the Organizational Meeting.

MS. GERSHMAN: But didn't he place a motion, and wasn't it seconded?

THE PRESIDENT: Then we went into a discussion. Then it was brought for clarification that a motion was made at the Organizational Meeting to place it on our agenda tonight before us. It doesn't necessarily have to be in committee.

MS. GERSHMAN: But Madam Chairman, don't we have a motion on the floor now?

THE PRESIDENT: Yes, we are discussing...

MS. GERSHMAN: ...which Mr. Conti made?

MR. CONTI: May I withdraw my motion?

THE PRESIDENT: Yes, you may Mr. Conti, if you'd like to.

MR. CONTI: Thank you.

THE PRESIDENT: We have a second. Alright. Fine. The Second is withdrawn.

MR. BLAIS: If I heard Mr. Fauteux properly, and it was quite low from here, he has stated that Robert's Rules do not specifically address our problem; however, in this case our own rules, our own Board rules, do refer to this specific issue and they say you have to take it out of committee. Now rules are the only thing that hold us together. Are we going to honor the rules

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. BLAIS:(continued) that we made together or are we going to let them fall by the wayside anytime somebody decides that it is not in their interest to follow the rules. I would sincerely like to see all the members of this Board stand up and enforce the rules that they made together.

THE PRESIDENT: Thank you, Mr. Blais, I will remember those words.

MRS. GURIOAN: The question is being befuddled. If you want to go to the crux of the question it comes down to the point where a committee, whether it be a Steering Committee or a L & R Committee, or whatever, is trying to override a majority vote of the full Board, this is what it boils down to. Anything you read in Robert's Rules will point to that; in essence, the full Board voted on something. The Steering Committee you are trying to tell me, overruled the decision of the full Board, put it into committee and referred back to rules which do not apply because the motion was made at a full Board meeting, the full Board voted on it, and no committee of that Board can override the decision of the Board. The full Board put it on the agenda. The Steering Committee or the L & R Committee, or any combination of committees, cannot override the decision of the full Board. And that is the essence and the crux of the question.

THE PRESIDENT: May I remind the Board that right now we are discussing an appeal of the decision of the chair that this is properly before the Board. That's what we're discussing now. A motion was made, and seconded, challenging the decision of the chair that this is properly before the Committee. The next one to speak is Mr. Wiederlight.

MR. WIEDERLIGHT: Thank you. Before I speak, what is your ruling, Madam President on whether it is properly before us?

THE PRESIDENT: That's what we are voting on. Mr. Wiederlight.

MR. WIEDERLIGHT: How did you rule?

THE PRESIDENT: I have ruled that it is properly before the Board and we are voting on it. My decision has been appealed.

MR. WIEDERLIGHT: Okay. I know what we're discussing. I didn't hear how you came out with your ruling however. If you read the minutes of the Organizational Meeting as we have read about 13 times already, it simply says "subject to change by a majority vote at our January, 1982 meeting," okay. Page 3, 4th paragraph, Mr. DeLuca speaking, "we will hold the meeting under the rules of the 16th Board subject to change by a vote at our January, 1982 meeting;" it doesn't say, it is hereby recommended to the Board that this be put on the agenda. The Republican caucus, in its infinite wisdom, decided to put it in the L & R committee for its scrutiny and review. At that point, the Steering Committee considered this item, put it on the agenda, and it was put properly before this body

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. WIEDERLIGHT:(continued) i.e., the agenda as per the Steering Committee. It is thusly on our agenda to be considered. There was nothing in the minutes that said, and we are going to discuss this at our meeting period. There were no rules to be discussed when this thing was made up on December 1, 1981 when Mr. DeLuca made his motion. It makes logical sense that the rules of the Board will be put in a committee so that the committee can read them, review them, scrutinize them, and change them, instead of sitting here on the floor of the Board with 10 pages of rules seeing them for the first time and saying okay, I like this; no, I don't like this, yes...We will be here to four o'clock in the morning that way. It makes sense for it to be put in by Steering, and that's what we have right now - everything. Precedent, if you want to talk about precedent, everything is always put in a committee before it's discussed on the floor of the Board. I can't remember one thing we discussed on the floor of the Board, in the 16th Board, that wasn't put in committee. But, all of a sudden, because it suits certain members of this Board we're going to say: let's take this out of committee. It doesn't even have to be in committee. It shouldn't have been in committee in the first place. As James Monroe said:...I can't take this rudeness, Madam President, I wish you would maintain order over here...

THE PRESIDENT: Mr. Wiederlight, would you continue.

MR. WIEDERLIGHT: I'm continuing.

THE PRESIDENT: And would all the Board members please be polite; Mr. Wiederlight has the floor.

MR. WIEDERLIGHT: As President James Monroe said: Where law ends, tyranny begins. If you don't follow the set of rules that you've established, you're going to have tyranny and anarchy. That's what we have right now.

THE PRESIDENT: We will go to the first-time speakers. Mr. Fauteux, as Parliamentarian, do you have a ruling on this?

MR. FAUTEUX: Yes, Madam, I have another reference here which puts a specific time on an item which makes it a so-called Special Order which must be considered by the Board. I will read page 157, Section #14....

THE PRESIDENT: Excuse me, Mr. Blum, I know you are the next speaker, but Mr. Fauteux is the Parliamentarian and he can shed some more light on this. You will be the next speaker.

MR. FAUTEUX: And I read to wit: "As previously stated if a matter is made a Special Order for a definite day or meeting without naming an hour under the heading in the order of business, it does take precedence over unfinished business and general orders." I think the significance here is that this is a Special Order because it was given a specific time in which it was going to be considered. From what I can interpret, and I can find no other restrictions on it, it is<sup>in</sup> front of this Board for consideration without having to go through committee approval or whatever it might be. Thank you.



LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: Fine, Mr. Fauteux, that was the Chair's original decision. A first-time speaker, Mr. Blum.

MR. BLUM: Thank you, Madam Chairman. I came to a meeting December 1st called the Organizational Meeting, and under those rules we were observing the 16th Board of Representative Rules. The agenda was as follows: The Order of Business, The calling of the Roll, The Adoption of the Rules of Order,...at this moment, Mr. Gabe DeLuca according to the agenda got up and made his motion. His motion was made because he is thoroughly knowledgeable of the fact that when he asked for a majority rule, that he knew that if he didn't put this motion before us, if we never took these rules up under a special...asking for this to be postponed to the January meeting under majority rule...If he never asked for this motion," at the next meeting, which is tonight's meeting, we would be working under the fact that the rules of order for an Organizational Meeting would require 2/3rd's. We'd be voting under 2/3rd's. That's why he asked for this rule to be changed to the January meeting because of the length of the agenda. Now the agenda on the 16th Board when it comes to Organizational does not vote to any committee. They follow the rules of the Board. Therefore, any time when it came to the rules of the Board, we always postponed it to the following meeting. It happened in the 14th Board, the 15th Board, the 16th Board and now the 17th Board. Precedent is there and I think we ought to get on with the business of government, and stop this stalling action.

THE PRESIDENT: I want to remind the body here that we are appealing the decision of the chair and it's been seconded. I say that this motion to adopt the rules of the 17th Board is properly before this body. But that is what we are speaking to now.

MRS. CONTI: I move the question.

THE PRESIDENT: Second? All in favor of moving the question signify by saying aye. Opposed. We will have to use the machine. The question before the body is to move the question. I will tell you when to vote. We are waiting for the machine, very patiently here. All in favor...up for yes against moving the question, down for no. Has everyone voted? There is not 2/3rd's sufficient to move the question. So, we will continue with the speakers. To speak for the first time, Mr. Zelinski.

MR. ZELINSKI: Thank you, Madam President. As I see it, this is a very confusing technical point that we are addressing. I've heard arguments on both sides and it seems to me, it's my opinion anyway, whatever that's worth, that the adoption of the rules of order which were due to be heard at our Organizational Meeting, at that particular time there was no committee set up so, if it were discussed it would have been discussed off the floor of the Board. Now there were no committee assignments. Now Mr. DeLuca did make the motion, and it was adopted by the majority of those members at the Organizational Meeting to postpone it, if you will, until the next meeting, which is this evening, to discuss it. Any changes at that time would be a simple majority and not a 2/3rd's. Bear with me, I lost my train of thought...Oh yes, it seems to me, that this inadvertently was

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. ZELINSKI:(continuing)..mistakenly put in committee by the Steering Committee where, in essence, and I think the proper procedure would have been to put it under Old Business. I don't think it was anyone's fault but just an honest mistake. But, I believe, that's the proper place it should have been and when we got to Old Business, it could have been discussed. I think it was a mistake to put it into a committee and that's why this problem came about this evening. I believe, that based on what I said it would be proper to discuss any changes of the rules and require a simple majority and not have to take it out of committee because I don't believe it should have been in a committee in the first place. Thank you.

THE PRESIDENT: To speak for the first time, Mr. Dziezyc.

MR. DZIEZYC: Pass.

THE PRESIDENT: To speak for the second time, Mr. Donahue.

MR. DONAHUE: Madam President, we have a certain set of rules that we have adopted here. They are very specific on the powers of Steering, and they're very specific on what actions must be taken by a committee that is given an item to be considered by Steering. Whether or not it was in error, or whether or not the motions in the past were improper or not, the item was, in fact, placed within the committee by the Steering Committee. As I said, the action that must be taken now is very clear; it is only subversion of the rules that has kept us here debating this for quite some time. On top of that, and while it must be moved from committee, before we can consider it on this Board, and even if we didn't move it and move changes were to pass, they would be improper because they were not duly consitituted. Beyond that I don't even see why, since it is clear and you are very familiar with the rules yourself, Madam President, what the procedure must be, what the 16th Board rules stated and were adopted, at least temporarily, by this Board, that they are properly placed in the committee and that committee has not met nor has not deliberated, nor has not investigated the validity of changes that may be proposed here tonight. It is only by making a motion to bring it out of committee that it can legally come to the floor. Once that is accomplished, that's all well and good. If it comes to the floor that's fine, we could deliberate. But until such time we cannot deliberate. I would also quote from the rules of order of this Board which are very clear. Once again, and which state the rules of parlimentary procedure as contained in Robert's Rules of Order revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these rules. The ruling that the parlimentarian made, the ruling that the chair has made, is inconsistent with the rules of the Board. You cannot simply dream up decisions based on partisan politics or anything else. The rules are clear, Madam President, and you have sworn to uphold those rules. The Steering Committee has placed an item within the agenda of L & R. L & R has neither met or deliberated on these issues. If a motion is made properly to bring it out of committee, again, that would be a proper motion, but you cannot accept the ruling of the parlimentarian or of Robert's Rules when, in fact, that ruling places this Board and the chair in a position of inconsistency with the rules that have been adopted.

LEGISLATIVE AND RULES COMMITTEE - (continued)

THE PRESIDENT: We will go to first-time speakers. Mr. Livingston, have you spoken before?

MR. LIVINGSTON: We recognize the fact that there wouldn't be this much discussion about these rules, or if it should come out of committee, or if it should stay in committee unless there was some dissatisfaction by a large segment of people on both sides of the aisle. If we continue to pursue our present course, I can imagine it will probably take the rest of this year before we finally organize this Board, and finally adopt rules to govern ourselves by. I honestly think that at this point it would be best if we allow these rules to remain in committee until our L & R committee has had a chance to go over them with a quorum in that committee. For us to continue to pursue this we are only doing damage to ourselves, most certainly the hour is getting late, some of us have to go to work in the morning. I think this whole thing could be settled. It could be settled in a nonpartisan way if this entire matter is placed back into the L & R committee, and I'm hoping, somehow or other, we will get off this dilemma and continue with the business at hand.

THE PRESIDENT: Speaking for the first time, Mr. Flounders.

MR. FLOUNDERS: I make a motion that we put this back into the Legislative and Rules Committee until the next meeting.

THE PRESIDENT: There has been a motion to return - this to committee. We still have a motion on the floor also on appealing the decision of the chair. Does anyone want to speak to this recommitment? It is a top-ranking motion that we send this back, We can vote on this now,

MRS. GUROIAN: I would like to amend this motion that it only be a recommendation from L & R, and that it be a Special Order of business to appear on the agenda...

THE PRESIDENT: Excuse me, Mrs. Guroian, could someone write this down? Helen, would you write this down and make sure we get this wording right.

MRS. GUROIAN: To appear on the agenda for voting by majority vote at the February meeting.

MRS. GOLDSTEIN: Point of Order, Madam Chairman.

THE PRESIDENT: There is a motion on the floor, Mrs. Goldstein.

MRS. GOLDSTEIN: Yes, but it's a legitimate Point of order. You cannot interrupt an appeal of the chair with this motion. You must first dispose of the appeal of the chair's ruling.

THE PRESIDENT: This is going back to committee and that's a top-ranking motion

MRS. GOLDSTEIN: No, no, no, not on appeal. The appeal to the chair must be disposed of before any other business can be dealt with.

LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: Can I have a ruling from the parliamentarian on that one. Meanwhile, can we repeat that motion. Are you writing that, Grace? All motions, according to our rules, are supposed to be in writing.

MRS. GUROIAN: The only person who ever put a motion in writing on this Board is me. Now you're expecting me<sup>do</sup> to it a second time when nobody else...

THE PRESIDENT: The Administrative Assistant is doing it in shorthand, she can interpret it. Mr. Flounders, did you want to get back to this motion? Do you want to speak?

MRS. GOLDSTEIN: Madam Chairman, I have the citation in relation to the appeal of the chair, on page 218: "The appeal takes precedence over any other question." We must dispose of this first.

THE PRESIDENT: There is an appeal that this is not properly before the Board. I do maintain that it is properly before the Board by the parliamentarian. So, now you're going to vote to either sustain the chair or overrule the chair. Voting by machine. Mr. Fauteux, our parliamentarian.

MR. FAUTEUX: Madam President, I believe Mrs. Goldstein should read further in that paragraph. It goes on to say: "It yields to all privileged motions provided they are in order time according...(etc.)...it also yields to the subsidiary motions to limit or extend the limits of debate, for the pre-discretion...postpone definitely, or to lay on the table provided they are in order of time according to the order of precedence of motions." So I challenge your interpretation.

THE PRESIDENT: I did have that in the rules here, but I did not have the section. Thank you for that clarification. I'm under the impression that it was right.

MRS. GOLDSTEIN: But is that to commit the appeal, or is it to commit the question?

THE PRESIDENT: Mrs. Goldstein, please go through the chair.

MRS. GOLDSTEIN: I am asking you that, Madam Chairman, is it to commit the appeal or question?

MR. FAUTEUX: I cannot answer that definitively at this point. I will have to look further.

THE PRESIDENT: But, Mr. Fauteux, your ruling is that we can consider the top-ranking motion, is to reconsider. That is the top-ranking motion over anything that is on the floor.

MR. FAUTEUX: That is my interpretation.



LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: That is my interpretation, too. Mrs. Guroian, is that yours? I will accept the parliamentary ruling as that, and we will act on Mr. Flounders' motion to send this back to committee with an amendment by Mrs. Guroian. Is that seconded. Several Seconds,

MR. DELUCA: How can you send something back to committee that is not on the floor?

THE PRESIDENT: We are discussing the rules of the 17th Board and he is saying to commit it to the L & R committee. The L & R committee did not rule to send it out of committee. He is saying to send it back to committee. The chair...

MR. DELUCA: Send it back from where?

THE PRESIDENT: To send it back from the floor to committee.

MR. DELUCA: It hasn't reached the floor.

THE PRESIDENT: We are discussing the rules of the 17th Board.

MR. FLOUNDERS: I don't know from Robert's Rules. I'm listening to all the experts and I've been listening to them for 45 minutes. I have got to get up for a 5:30 train. I just think the whole thing is absolutely absurd. I can, even though I am not familiar with Robert's Rules, see a distinction between how this got into the Legislative and Rules Committee and how most items get into committees. There certainly was a distinction; it was on our agenda of our Organizational Meeting in December. It was voted on by the Board. How many items get into any committee by a full vote of the Board. It definitely, therefore, could well be considered a Special Order since it was being considered...it wasn't something that one of the Representatives mailed into the president and the president got it onto the Steering Committee agenda. It was a vote by the full Board and I can, therefore, well understand that it could become a Special Order. Specifically, it was mentioned in that motion at the December Organizational Meeting that the matter would be taken up at the January meeting. It is not a normal, usual item and I quite agree with Mr. Zelinski. I think it did get onto the agenda under Legislative and Rules rather than Old Business quite by mistake. I resent the suggestions that there is some subversion or conspiracy. Let's just deal with it and find a way in our infinite wisdom to get this pushed out of the way tonight for reconsideration next time. I don't care how we do it, but let's do it.

MR. FAUTEUX: Yes, Madam President, I have another reference here which also buttresses my argument that this is a Special Order. We have identified that it is a Special Order because it was a specific time in which it was to come up for consideration in front of this Board. On Page 317, Section #40 entitled "Taking up items in an Agenda". It reads accordingly: "Wh

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. FAUTEUX: (continuing) the assigned time for taking up a topic in an agenda arrives, (remember we are talking about a Special Order here) the chair announces that fact. Then he should put to a vote any pending questions without allowing further debate unless someone immediately moves to lay the question on the table, postpone it, or refer it to a committee. If any of these subsidiary motions are moved, they are likewise put to a vote, together with any amendments to them, without debate. Besides recognizing the subsidiary motions, the chair also should recognize a motion to extend the time for considering the pending question if such a motion is made, while an extension of these conditions it is seldom desirable (remember we're talking about a Special Order now) it is often unfair to the next topic, it is sometimes necessary that a motion for the extension can be adopted without debate by 2/3rd's vote." Thank you.

THE PRESIDENT: Thank you. Now we do have a motion on the floor. Mr, Fautuex, you are making a motion to commit this to L & R Committee? Oh, I'm sorry, it was Mr. Flounders' motion to submit this back to L & R Committee. That was seconded and amended by Mrs. Guroian. Her amendment is as follows: "It only be<sup>a</sup> recommendation to L & R and be it a Special Order to appear on our February agenda to be voted on by a majority vote." And you want this in the L & R Committee?

Mr Zelinski: Point of Personal Privilege. To move this off of deadcenter could I ask for a consensus of my colleagues to agree (all 40 of us, or however many are here tonight) to postpone this, and to have a simple majority for any changes. I would ask that now. Otherwise we are going to be here until...

THE PRESIDENT: You want a consensus, not a motion?

Mr. Zelinski: Consensus to have it postponed until the next meeting, and have it voted on by a majority vote rather than be tied up here for another two hours.

THE PRESIDENT: I think that that is exactly the motion, to send it back to L & R Committee and Mrs. Guroian amended it by a majority vote at our February meeting.

MR. ZELINSKI: But it hasn't been taken out of committee.

THE PRESIDENT: It is a Special Order deemed by the chair, and it's going to the L & R Committee and to come up at the February meeting by a majority vote.

MR. ZELINSKI: But aren't we also in the middle of a challenge of the chair?

THE PRESIDENT: To recommit takes precedence over an appeal of the chair. Now we will consider sending it to L & R for discussion.

MR. BLAIS: Point of Order. We have to vote on the amendment first.

THE PRESIDENT: Yes, we'll vote on that now.

MRS. GUROLAN: I withdrawn my amendment and accept Mr. Zelinski's amendment.

LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: They are actually the same.

MR. LIVINGSTON: Point of Order, Madam President. There is still a challenge to the chair on the floor and Mr. Zelinski's motion to have a consensus of this Board should be out of order.

THE PRESIDENT: The motion on the floor is primary to send back to L & R, or just commit it to L & R, with the amendment that it come out at the February meeting with a majority vote.

MRS. CONTI: I would request that Mr. Zelinski amend that to say that it requires no vote to be taken out of committee next month, that it will automatically be on the floor for next month's meeting.

MR. ZELINSKI: I'll accept that.

THE PRESIDENT: Mr. Zelinski, you did make a motion and we have an amendment. Mrs. Guroian, is your amendment still standing?

MRS. GUROIAN: They are saying the same thing.

Thank you.

THE PRESIDENT: Is there a second to the amendment. We have a motion and an amendment. Now we are going to speak to the motion and amendment on the floor. I would like to go to first-time speakers; Mr. Wider I don't think you've spoken all evening.

MR. WIDER: Thank you, Madam Chairman. I am afraid that sometimes you get too many cooks stirring the soup and they tend to mess it up. I think we really messed this soup up good tonight. We started off right; I think it was with the right committee; it had to be looked at by the Legislative and Rules Committee. Mr. Conti reported it and everything was being put together and Mr. DeLuca decides to turn it back. Now we let people argue for 2½ hours about absolutely nothing. Now we are going to do the same thing that was going to be done before; I don't think we've learned very much from what we argued about. Now I am hoping that these rules can be finalized by some committee, and brought to us. I don't want to see them come to this floor without a vote, incomplete. When I read them, I see things which I feel are incomplete. I think they should be completed before we act on them. Thank you.

THE PRESIDENT: We still have several speakers; I'll go to the first-time speakers first - Mrs. McInerney.

MRS. MCINERNEY: I would like to move the question.

THE PRESIDENT: Seconded. All in favor of moving the question, say aye. Opposed? All in favor of using hands for a vote, raise your hands. Two Tellers, Mr. Wiederlight and Mr. Stork. The question is to move the question and we need a 2/3rd's vote. All in favor of moving the question, please raise your hands. I'm sorry, that's not 2/3rd's. May we have the no votes? The motion to move the question...Mr. Blais, is it really a Point of Order?

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. BLAIS: I move to adjourn.

THE PRESIDENT: That takes precedence and there is a motion to adjourn. I would ask the Representatives to take their seats; there is too much off-the-floor discussion.

MR. ZELINSKI: Point of Information. If the votes are here to adjourn, where does it leave the rules of order of the Board as far as how many votes are needed at our next monthly meeting?

THE PRESIDENT: You will need 2/3rd's at the next monthly meeting.

MR. ZELINSKI: Thank you.

THE PRESIDENT: Because our rules state that, Mr. Zelinski. May I remind the Representatives that we have the Firemen's contract here and we have an important Zoning appeal before us. I just want you to be aware before we adjourn, that these things are pending. We will now move on Mr. Blais' motion to adjourn.

MR. ZELINSKI: Point of Order, Madam Chairman, a motion to adjourn is not open to discussion.

THE PRESIDENT: I am just stating the business of the Board. We will now move and take a machine vote to adjourn. I will tell you when to vote, wait until your names are posted. Up for yes, down for no. Has everyone voted? The motion to adjourn has been denied, 21 No; 18 Yes; 1 No Vote. We will continue with the discussion of Mr. Flounders' motion amended by Mrs. Guroian to send this to the L & R Committee with a recommendation that we vote on it at our February meeting with a majority vote. To speak for the first time, Mrs. Perillo.

MRS. PERILLO: Pass.

THE PRESIDENT: Mr. Franchina.

MR. FRANCHINA: I pass.

MRS. B. CONTI: Point of Order. When you stated that amendment you, failed to mention the fact that it does not require a vote to take it out of committee at the next meeting.

THE PRESIDENT: I stand corrected. It will be so added.

MRS. GUROIAN: If Mr. Flounders will accept this as part of his motion, then we won't have to vote on the amendment.

THE PRESIDENT: Mr. Flounders, will you accept this as your motion?



LEGISLATIVE AND RULES COMMITTEE (continued)

MR. FLOUNDERS: The amendment you just read?

THE PRESIDENT: Yes. That this item, the rules of the 17th Board be given to the L & R Committee for their recommendations, and to come out at the next Board without a committee report by a majority vote,

MRS. GUROIAN: We want to make it clear that it requires no vote to remove it from L & R Committee next month, otherwise we will be back into the same discussion we're in now.

THE PRESIDENT: That is what the motion is.

MR. FLOUNDERS: Yes, I will accept that.

THE PRESIDENT: That was the motion.

MRS. GUROIAN: Madam President, may I ask you a question?

THE PRESIDENT: Yes.

MRS. GUROIAN: Why is this going into L & R Committee if they are not going to act on it?

THE PRESIDENT: As stated in the 1979 minutes are the recommendations and their opinions of this, and that's exactly what happened two years ago. The motion is under the rules of the 17th Board it is a Special Order be voted on by majority vote at the February meeting and no vote be needed to take it out of committee, and just L & R make recommendations.

MR. ZELINSKI: Madam President, would it be proper at this time to make another amendment?

THE PRESIDENT: Yes, it would be proper. This is a motion, you would be making the first amendment. Excuse me, was there a second to that motion. Seconded.

MR. ZELINSKI: To expedite this, and we've got to get this off center or we will be here all evening. I would hope...

THE PRESIDENT: If you are making an amendment, just a second, the Administrative Assistant is taking it in short-hand.

MR. ZELINSKI: I would hope that Mr. Flounders and Mrs. Guroian would accept my amendment, which is simply not to put it in L & R, put it under Old Business and let's discuss it. That is its proper place. Please, otherwise, we will get into discussing <sup>more</sup> technicalities next month. That's my amendment, Thank you.

THE PRESIDENT: Mrs. Guroian? Mr. Flounders?

MRS. GUROIAN: Accepted.

THE PRESIDENT: Mr. Flounders, you made the original motion. Would you like Mr. Zelinski's amendment that it be under Old Business and not refer to the L&R Committee?

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. FLOUNDERS: I don't quite understand that because I can see us sitting here...we put it under Old Business, even though that may well have been where it properly belonged, Someone has got to evaluate this and it's pretty clear that there are disagreements; that there's not uniformity as to the acceptance or rejection of these rules. Someone has to take a look at this I think and I would like to do what we did two years ago. Rep. Darer handled it with Sandy Goldstein very easily and I don't know why we can't do the same.

THE PRESIDENT: Fine. Mr. Zelinski I didn't notice a second to your amendment. Is there a second. There's no second, Mr. Zelinski.

MR. FAUTEUX: Madam President, in effect, what you are doing, you are extending what is the so-called Special Order. The fact that it goes back to the committee for advisory work does not restrict it for coming out by a vote of that committee. It comes out regardless. That is the status of the Special Order period.

THE PRESIDENT: I will read the motion again.

MR. BOCCCHZZI: If this is the case, what Mr. Fauteux said, then we have to go back to the challenge of the chair to see if it was right. He just can't make the statement and the next moment we're stuck with it. If he's going to make that statement then the challenge of the chair now has to be voted on because we disagree on the challenge of the chair.

THE PRESIDENT: Right, Mr. Boccuzzi, but can I read the motion again that was made by Mr. Flounders? That the rules of the 17th Board be a Special Order to be voted on by the majority vote at the February meeting that no vote be needed to take it out of the committee, that L & R just make recommendations. That is the motion that was made and seconded. Now obviously there is still an appeal from the decision of the chair, who said that this was properly before the committee. But this takes precedence. We are voting...

MR. BOCCUZZI: Are you now saying that this is not a Special Order or anything like that...is that what you are saying?

THE PRESIDENT: There is a top ranking motion on the floor...which says it goes into committee.

MR. WIEDERLIGHT: Page 36 on the top, it simply says in the first paragraph, "instead of considering them, the assembly may appoint another time for consideration; if not taken up on the day specified, the Order falls to the ground. In other words, it's dead, and it's got to go all over again, if we don't take it up tonight.

LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: The parliamentarian ruled that this is properly before the committee. We are voting on the Special Order. The motion was made and the chairman said that. There was an appeal to the chair. In between that appeal there was a motion made to refer this to the L & R Committee with a special motion. We still have a motion to consider.

MR. WIEDERLIGHT: Robert's makes rules for what happens if this Special order now all of a sudden, this thing became a Special Order. If it's a Special Order and we don't take it up, it says in Robert's Rules what is supposed to happen to it. You can't make a motion to supersede Robert's Rules, if you're going to live by Robert's.

THE PRESIDENT: Excuse me, Mrs. McInerney.

MRS. MCINERNEY: As a point of clarification, on page 36 in Robert's Rules, Mr. Wiederlight, and I can't find the paragraph you're speaking of. Are you working with the Robert's Rules, the revised edition? Could you tell me from what section you're reading so I can follow along. Section #13?

THE PRESIDENT: It is now 25 of 2, and we are still discussing this. There is a motion before this committee made by Mr. Flounders and it's been seconded and it's a Special Order. We can properly vote on it.

MR. ESPOSITO: May I ask what happened to my challenge of the chair?

THE PRESIDENT: I told you before; the chair mention<sup>ed</sup> that this takes top priority, to commit to a committee.

MR. ESPOSITO: I would like to challenge that decision.

THE PRESIDENT: I know you did that before...Let's have order here. We have a parliamentarian and an assistant parliamentarian. Let's all try to remain professional. I know we are all getting tired and our tempers are very short at this point. But you know, people elected us, and we are here to represent them; let's try to do the best we can. Mr. Fauteux, a decision, you said before that we can commit this to committee and it does take priority over appeal to a chair. That is what we are discussing now. It was moved several times, to move the question. And it's obviously the desire of this Board that you do not want to. You want to go on to speakers...

MR. ESPOSITO: Point of order, I challenged your decision that we are even discussing this. I challenged your decision that we deal with my first appeal.

THE PRESIDENT: There's been a challenge to the chair, and it's been seconded, so, now we will vote on the challenge of the chair. What exactly is your challenge, Mr. Esposito?

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. ESPOSITO: My challenge to the chair is on your decision that we do not have to deal with the first challenge.

THE PRESIDENT: Alright. Mr. Esposito is challenging the fact that the parliamentarian's rule that the top ranking motion to commit to a committee of the rules of the 17th Board is not proper. So, now we will vote, whether to sustain the chair or overrule the chair. Do you know what you're voting on? Yes, Mrs. Conti?

MRS. CONTI: Does it take a yes or a no vote to sustain the chair?

THE PRESIDENT: It takes a yes vote.

MRS. CONTI: Point of information. Is he challenging that a motion to recommit does not supersede...

THE PRESIDENT: Yes, that's basically what he's challenging, the first challenge.

MRS. GUROLIAN: What proof does he have?

THE PRESIDENT: Mrs. Gurolian is the assistant parliamentarian, and Mr. Fauteux is the parliamentarian; they have been reading from Robert's Rules. Mr. Esposito, through the chair, would you like to answer that question?

MR. ESPOSITO: My basic point is that we cannot go on and discuss this matter that seems to be coming out of the backdoor. The issue was is this on the floor. You made a decision, which we challenged. Now all of a sudden, we have a ruling or motion to recommit, completely superseding the challenge. My argument is that the challenge has to be dealt with first.

MRS. GUROLIAN: Why?

THE PRESIDENT: The parliamentarians ruled that that's not so, Mr. Esposito. But he does have a motion and wants to overrule the decision of the chair so, that's what we are voting on now. If you want to sustain the chair, excuse me, Mr. Livingston:...

MR. LIVINGSTON: Madam Chairman, what would be the sense of challenging the chair if we're going to vote on something. It's just not jiving.

THE PRESIDENT: Mr. Livingston, the chair did not make the challenge, but Mr. Esposito did.

MR. LIVINGSTON: What is the sense of taking the vote, either negative or positive...as far as Mr. Flounders' motion is concerned. At the same time, after that happens we're going to challenge the chair. What is the purpose of it? I honestly believe that our parliamentarians, in all of their wisdom, somehow, somebody is making a mistake. This isn't working out here.



LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: Well, it is, Mr. Livingston. We have a motion on the floor to overrule the decision of the chair and that's what we're voting on. Will you please use the machine. The yes vote sustains the chair, a no vote overrules. Has everyone voted? The decision of the chair is upheld 20 Yes; 18 No; and 2 abstentions.

MR. ESPOSITO: Point of information, Madam President. There is still another appeal of the chair that's still on the floor.

THE PRESIDENT: Yes.

MRS. CONTI: Point of order, Madam President. I moved that question sometime back but the people on that side of the aisle all voted against moving the question. So, that's why it's still up in the air.

THE PRESIDENT: Right, Mrs. Conti. We now have a motion on the floor to commit the rules of the 17th Board, and I think you all know it by heart now - because I repeated it so many times - to the L & R Committee for their recommendation that it be a Special Order and that it come out on this Board by a majority vote at our February meeting, and that no vote be needed to take out of committee. That is what we are discussing now. Anyone that would like to speak to this, Mrs. Saxe?

MRS. SAXE: May we just move the question?

THE PRESIDENT: Seconded. All in favor of moving the question, please signify by saying aye. Opposed. We will have to vote by machine. Ladies and gentlemen, the question has been moved: 29 Yes; 7 No; and 4 Non-Votes.

MRS. SAXE: I move that we adjourn.

THE PRESIDENT: It's been moved to adjourn. Seconded. It's been moved and seconded to adjourn. Please vote by the machine. The motion to adjourn is not debatable, but Mrs. Saxe did make the motion.

MRS. SAXE: May I rescind my motion?

THE PRESIDENT: Mrs. Saxe certainly can withdraw her motion. We will have to vote on the motion to adjourn since the second will not withdraw. The motion to adjourn is defeated, 22 No; and 18 Yes; There is a motion on the floor, the motion is made by Mr. Flounders that the 17th Board rules be submitted to the L & R Committee to come out with a recommendation at the February meeting by a majority vote, but that no vote be needed to take it out of the L & R committee, that this be a Special Order. That is the motion on the floor. It has been made and seconded. Does anyone want to speak to that motion?

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. WIEDERLIGHT: I would like to make an amendment, to read a 2/3rd's vote is necessary for approval on the floor of the board.

THE PRESIDENT: The question was moved. I'll have to ask a parliamentary ruling on that. Could we accept an amendment after the question has been voted on to move the question?

MR. DONAHUE: Madam President, I believe I can clarify this...

THE PRESIDENT: Mr. Donahue, please take your seat, Mr. Fauteux will be making a decision.

MR. DONAHUE: Point of order, Madam President. We didn't vote on the question at all, we voted on the adjournment of the meeting.

THE PRESIDENT: Mr. Donahue, the chair would like your respect. We did move the question. It was voted upon.

MR. WIEDERLIGHT: Madam President, didn't you ask for discussion just now?

THE PRESIDENT: Yes, Mr. Wiederlight, but we are asking if you can possibly amend a question that is being moved.

MRS. GUROIAN: A point of order. Once a question is moved, you cannot discuss it, you cannot amend it.

THE PRESIDENT: Please go through the chair, Mrs. Gurioan. That is Mrs. Guroian's decision. Mr. Fauteux, I find this in Robert's Rules of Order that the previous question into closed debate takes precedence over an amendment that is the lower motion. On page 135, if you have Robert's Rules of Order. That's Mrs. Guroian's decision. Would you agree with that, Mr. Fauteux?

MR. FAUTEUX: What section are you referring to?

THE PRESIDENT: It's Subsidiary Motions, or "Most Frequently Used Motions of Parliamentary Procedure," and it gives a ranking position of motions, First, by laying on the table, second previous questions in closed debate, and that's in essence when we moved the question, we are closing debate. An amendment is under that. So that I would say the chair would certainly move that we should act on the question.

MR. FAUTEUX: That is the correct interpretation.

THE PRESIDENT: Thank you, Mr. Fauteux. Thank you, Mrs. Guroian. We will now Move the Question that has been stated several times. Is there any further clarification on that? We will use the machine.

MR. BLAIS: Will you repeat the question?

THE PRESIDENT: Excuse me, Mr. Blais has every right to have asked that question. The Chair has repeated it, but I will repeat it for you, Mr. Blais. It is that the Rules of the 17th Board of Representatives be a Special Order to be voted upon by a majority vote at our February meeting, but that no vote be needed to take it out of committee, and that L&R may only make recommendations. We will vote on that when the machine is ready.

LEGISLATIVE AND RULES COMMITTEE (continued)

THE PRESIDENT: Please vote now, yes if you agree with Mr. Flounders' Motion, and no, if you disagree with it. The Motion is CARRIED with 22 yes and 18 no votes; no abstentions and no non-votes.

Mr. Stork, will you give your report on the PERSONNEL COMMITTEE? Just a moment, Mr. Wiederlight is standing.

MR. WIEDERLIGHT: I Move to Adjourn. Seconded by Mr. Blais. Please say AYE if you wish to Adjourn; opposed NAY. We will need a DIVISION. Mr. Blum?

MR. BLUM: Point of Order. I would like to know if the appeal from the Zoning Board is not taken up tonight, does that affect it coming back here some other time? Is there a particular time that it has to be voted on?

THE PRESIDENT: The Chair understands that the ruling is 21 negative votes or 21 affirmative votes are required, but we can consider it at the February meeting. But now we are ready for a vote, and the motion is.... Is that a question to the Chair, Mrs. Guroian?

MRS. GUROIAN: As as I have been given to understand, we have to vote on it at this meeting.

THE PRESIDENT: To answer that question, Mrs. Guroian, I think it is important, before we go, is if you all think that it is important to consider that item tonight. We will go on with the vote for Adjournment, but there is a pertinent question here, and you must decide if you are interested in the answer or not.

The vote on Adjournment is DEFEATED 20-20, a tie vote. Mr. Stork, please go ahead with your Committee report.

PERSONNEL COMMITTEE - Chairman Philip Stork

MR. STORK: The Personnel Committee met on Thursday, January 7th, in the Republican Caucus Room. In attendance were Representatives Dziezyc, Gaipa, Gershman and Stork.

THE PRESIDENT: I would ask the members to please be respectful to the speaker. This is an important issue. This is the Firemen's contract.

MR. STORK: Rep. Blum was also in attendance as an interested member of this Board. We had one item on our agenda and that was the ratification of the Firemen's Labor Contract.

- (1) RATIFICATION OF FIREMEN'S LABOR CONTRACT for one year from 9/1/81 to 6/30/82, per Mayor Clapes and Labor Negotiator Thomas Barrett's official submission to this Board as of December 19, 1981. Finance Board Chairman Everett Pollard under date of 12/21/81 advised they will not be issuing an advisory opinion in this instance.

MR. STORK (continuing): Speaking for the City on this matter was Thomas Barrett, the City's Labor Negotiator; Chief Vittti of the Fire Department; and Dr. Wm. Linke of the Fire Commission. Speaking on behalf of Local 786 of the International Association of Firefighters was Peter Brown, President of the Union.

Some of the changes in this contract are the hiring of two new firefighters. This is due to the mini-pumper being added as a new piece of equipment. The mini-pumper will be used to handle the majority of calls the Department receives such as brush fires, automobile fires, etc. Four men per shift will be assigned to this equipment, necessitating the two extra firefighters. Each employee who is required by the Board of Fire Commissioners to wear his dress uniform, shall be paid \$400.00, and that is up from \$300.00 as a Clothing Maintenance Allowance per contract year. All other employees shall be paid \$300.00 which

PERSONNEL COMMITTEE (continued)

MR. STORK (continuing) is up from \$150.00 as a clothing maintenance allowance; a fully-paid optical plan, which previously cost \$5.00 a month for individuals and \$11.00 per month for families. A fully-paid family medical retirement package for all members who defer their retirement until age 55 or older. The pension for those individuals already retired between three and eleven years will be increased 5%, and for all those retired 12 years or more, their pension will be increased by 7%. For those firemen retiring now, their pension will increase from 66-2/3 of their pay after 28 years, to 74% after 32 years of service, and Mr. Barrett reported will save money on this increase for firemen that live up to 77 years of age and currently the average life expectancy as reported in the press recently is 69-1/2.

THE PRESIDENT: Thank you, Mr. Stork.

MR. STORK: I'm not finished,

THE PRESIDENT: I would ask the representatives Mr. Wiederlight, Mr. Livingston, Mr. Blais, Mr. Conti, if you are going to be here, please take your seats as it is very disrespectful to the speaker.

MR. STORK: The final item of the contract that I would discuss is that firemen attending college will receive full tuition refunds for successfully completing job-related courses. Previously they could get refunds for any course they would take, but it must now be job-related.

THE PRESIDENT: I would like to announce that Mr. Wiederlight has left the meeting. Mr. Livingston, are you leaving the meeting? Mr. Livingston is leaving the meeting. Go ahead, Mr. Stork.

MR. STORK: Thank you, Madam President. The duration of this contract is one year at an estimated cost of \$684,300.00. It is in this area and this area alone that the personnel committee has a problem with this contract. It doesn't seem fair or an exercise of sound judgment to this committee that the City of Stamford can be held up for ransom on an annual basis for both the police and fire department contracts. It is the position of the personnel committee that the City's labor negotiator should not negotiate any contract in the future for a duration of less than two years. We think that the taxpayers are entitled to have their hard-earned tax dollars spread out over a longer period of time. To further affirm this position, Madam President, the personnel committee voted unanimously four to zero (4-0) to put the City of Stamford and its labor union on notice that this personnel committee will not accept for consideration any contract in the future that contains a duration of less than two years. That being our only objection to this contract, Madam President, the personnel committee voted unanimously four to zero (4-0) to approve ratification of the firemen's labor contract and I so move.

THE PRESIDENT: Is there a second to Mr. Stork's motion to accept this labor contract. Seconded. Are there any speakers?

MR. DeLUCA: Let's look at this contract and look at the police contract which we just voted on several months ago. The personnel committee chairman made some strong recommendations, but I don't believe they are strong enough. I think we should also recommend to the labor negotiator that we will no longer approve any contract with the police, firemen, or anyone, especially the police and firemen, unless the provisions were made whereby all new firemen or policemen



PERSONNEL COMMITTEE (continued)

MR. DELUCA(continuing) unless the provisions were made whereby all new firemen or policemen cannot retire until the minimum age of 55 before they can even collect 50% of their pension. We talk about the city being held hostage by just signing one-year contracts. Look at this contract here on page 20, now a firemen will be getting 6 days' funeral leave for the death of a parent, spouse or a child. We just approved a contract for the police for 5 days so you can bet your bottom dollar that the next contract for the police will call for 6 days, and all the other units will be calling us for 6 days for the death of a parent, spouse, or child. We can no longer keep affording to give benefits in this manner, or permit people to retire after 20 years. Our federal government has realized the fact that social security has gone broke. That is why they are coming out with incentives for people who generate their own IRA plan even though they are covered by a pension plan by their employer. This is more or less like enforced savings; and social security going broke, so you better be prepared to have your own savings for your future; and at the rate we are going, the city is going to be going broke with these 20-year pensions whereby after 20 years a person can be 40 years old and retire at age 41. I don't think we can keep affording any privilege like this here plus more days off for them. I would urge a rejection of this contract and let it go back to arbitration.

THE PRESIDENT: Before I go to the next speaker, I would like to make special note that Mr. Dixon has left the meeting. Next to speak is Mrs. Saxe.

MRS. SAXE: Thank you, Madam President. The city fathers, of which I am one, must have more information on the effect the amount of the bonded indebtedness has on each taxpayer, not just written by contract, the pressure from the group that will benefit from the results of the yes or no vote. It is my feeling that the firemen and the policemen and the municipal workers do not wish to be the cause for which their children and their grandchildren and their grandchildren will not be able to afford to live in Stamford. By having their children and grandchildren pay for these retirement benefits through bonded indebtedness through 20 years plus high interest rate. To compound the cost of indebtedness, these contracts will add tax dollars to all of our budgets for years to come, so please reconsider this contract and ask the rank-and-file do they want to have their roots in Stamford or work for just from the ages of 20 to 40 and leave. If this group of real Stamfordites want to stay and have their children stay here, please consider that bonded indebtedness and recall the contract so the taxpayers have a break. We have been very fair with your salaries, so please be fair to yourselves and <sup>the</sup> taxpayers. I vote No for this contract.

THE PRESIDENT: Thank you, Mrs. Saxe.

MR. ZELINSKI: Thank you Madam President. Let me start by saying that I am concerned with the taxpayers and the money allocated. However, what amount of money can we put on a fireman's life? He lays his life on the line every time when that bell rings and he has to go out. He never knows when he might be in a position throughout the country firefighters have been killed; we have read about it in the paper time and time again. I don't think we can put a price on life. These men lay their lives on the line, okay. Because of their jobs where that bell rings at various times, they have to jump and go out, it takes years off their lives, okay, and I don't think any amount of money can justify that.

PERSONNEL COMMITTEE (continued)

MR. ZELINSKI (continuing) I really feel that tonight we should be concerned with those issues that override the issues of dollars and cents. If someone is saved by one of these men because of a fire, you can't pay them enough for it. And I don't think this is the time now and here to criticize certain aspects of a contract. I may not be in agreement of all the different aspects of it, but I think it would be a tragedy to deny these men their deserved money. I would also like to state in all respect to Mr. Stork that possibly the comments pertaining to the one-year contract is not germane to this item on the agenda that I would respect if should put it on next month under a new piece of business because that is not germane to this particular item the firemen's contract. Whether I agree with him or not, I think that the committee should be present and it should go to Steering and should be put on and then they should take a vote on it; but on this particular contract, I sincerely hope tonight that we consider the lives and the jobs of the firefighters above the monetary funds here. Thank you.

MRS. McINERNEY: Yes, I feel very strongly that the economic climate that presently prevails within this country and within this city, an understanding that there is a clamor by taxpayers within the City of Stamford who are concerned about the reassessment value and the possible effects reassessment will have on their future taxes. I agree with the previous speakers, Mrs. Saxe and Mr. DeLuca. I think that this contract should be rejected and I think the prime concern by all governmental workers, be it local, state, or national, should be one of job assurances and job retention in an area where the unemployment rate is rising significantly and I would urge everyone to reject it.

MR. BOCCUZZI: I believe Mr. Stork said the personnel committee was going to advise that the Board would not look favorably upon contracts that only go for one year. Am I correct in assuming that most contracts now will be...the end of the contract will be in 1982? June 30, 1982?

MR. STORK: That is correct.

MR. BOCCUZZI: Well, going along with your suggestions, I think the time has come to notify both the City and the Negotiator that the time of the percentage raise is over. When you give percentage raises, you continually open the gap between the lower echelon and the upper echelon. I think we should go on record as asking the negotiator plus the administration to come up with a figure that everyone gets the same amount. I think these whole salary accounts, due to the percentage raises, are getting out of hand. The top of that half of the union is getting twice the dollar increase as the lower half, and the lower half pays the same amount for food and etc. as the top half.

MRS. GERSHMAN: Madam President, due to the late hour, I feel that we really cannot address these important issues I Move that we Recess this meeting until next Tuesday, when our Special Meeting is called for Reapportionment.

THE PRESIDENT: There has been a Motion to Recess until next Tuesday. For the Board's interest and information, next Monday is Steering; following the Steering Committee, there will be a public hearing on the Reapportionment Plan submitted the Reapportionment Committee of this Board. On Tuesday there will be a Special Meeting called at the request of the Reapportionment Committee to vote on the Reapportionment Plan. Mrs. Gershman's Motion is to Recess and take the rest of this business, or this contract up - Mrs. Gershman, the rest of the agenda, or just this contract?

MRS. GERSHMAN: Both, the rest of the contract and the rest of the agenda.

THE PRESIDENT: Has that been Seconded. Mr. Roos Seconded it. Motion to Recess until next Tuesday.

MR. STORK: I wanted to make a Point of Information, if we fail to act on this the contract<sup>it</sup>, becomes effective January 19, which is next Tuesday.

THE PRESIDENT: So we will have to vote on it before midnight next Tuesday. No it is automatically in effect. Mrs. Gershman, will you reconsider your motion to recess, because it would automatically go into effect; we could not act on it then.

MRS. GERSHMAN: Yes I will<sup>re-</sup> consider my motion to recess; if I may please restate the motion after the vote is taken. Yes I will<sup>re-</sup> consider.

THE PRESIDENT: But you want to go ahead with your Motion?

MRS. GERSHMAN: I will re-consider my motion.

THE PRESIDENT: You are withdrawing your motion?

MRS. GERSHMAN: Yes.

THE PRESIDENT: Is the Second withdrawn? Yes? Thank you, Mr. Roos. Mrs. Gershman, do you have anything further to state.

MRS. GERSHMAN: I Move the Question.

THE PRESIDENT: No, you have already spoken, so you cannot also Move the Question

MR. TARZIA: Madam Chairman I also urge my distinguished colleagues to reject the contract for the simple reason that I have no objection to the salaries, but when I read that contract and I look at all the fringes, what bothers me is that it isn't the dollar figure; I have seen somewhere an estimate that it is costing us over \$40,000.00 per man. Now those are not the figures we see in the salaries. They're hitting in the fringes. You know you go out in the street, and you hear Mrs. Jones or whoever complaining, everybody complains, but then these contracts are brought before the Board, this Board, time and time again, approves the contracts. I don't think most people bother to read between the lines. I don't know why. But that has always bothered me.

MR. ROOS: When these 20-year pensions<sup>were</sup> considered by this Board, and not this Board, other Boards of Representatives, the story was then that they wanted young, strongeager men to be firefighters. The twenty-year pension would then allow men to be replaced and it would, and we would have a younger force; now we are told that if we give a 74% pension we are going to attract and keep these men a longer period of time and the City is going to benefit. We can't have it both ways; 74% pension is quite a pension; it is almost a full week's pay. As far as men putting their lives on the line, men in many fields put their lives on the line also. I think that if you look into the various utilities you will find that the death rate in utilities, electrical, telephone, are higher than the police and the firemen also.

THE PRESIDENT: I ask the Board members to please give some respect to the speaker; please pay attention.

MR. ROOS: I do think that these pensions are excessive; the fringes are too great. We are going to be paying them birthdays pretty soon and I think it is going too far. I think the taxpayer is soon going to be incapable of meeting all of these things and I think we should get...if a man's going to spend his life working for the City he should be paid for it, but he should not forget he has had a job and he also should be rewarded and I don't think that this contract is a fair contract.



PERSONNEL COMMITTEE (continued)

MR. WIDER: Thank you, Madam Chairman. I sit here and I listen to people and I think about the powder keg that I live in. I think about how nice it is to see good firemen responding to where you may be smelling children burn; and I understand money; I am one of the poorest men on the Board but if having good firemen will cost me some money, then I'm willing to pay for it, because I want to see good qualified firemen in the City of Stamford and police; now at some time we look at things and we think about what we are paying but we don't think about what we could be paying and we may be paying if we don't have them when we need them. And that is what I want you to think about and I know the contract has some things that could be and should be eliminated but the fact is I don't want to see the men eliminated 'cause that is what is going to be hard to get for service after while. It isn't too easy to even get firemen in Stamford right now. We are having to recruit people from out-of-town for good firemen so you see I think you ought to think twice when you say reject the contract. You better think about what we have and what we could have. Thank you.

MR. GIAPA: Madam Chairman, <sup>in</sup> my 30 years in the personnel work, I have never seen such a generous contract as the firemen's contract except on two occasions, and both of these occasions were two other hazardous type jobs, policemen in the City of Stamford and the teachers of the City of Stamford. However, I voted for this contract in committee because after questioning Mr. Barrett who said that this is exactly what the policemen received, how can we really start picking on the firemen at this point in the game. If we gave it to the policemen several months ago, then what did firemen do to deserve this kind of treatment? These guys have been living without a contract now since last July 1st and I find that in itself rather shocking. I share all the worries of this Board about the cost of the contract, and it is hard, it is tremendous, but it is not <sup>the</sup> time to shut the barn door; yet there is one more horse that has to get away.

THE PRESIDENT: Thank you Mr. Giapa.

MR. FLOUNDERS: Move the Question.

THE PRESIDENT: It has been moved and seconded to move the question. All in favor say Aye. Opposed? One opposed. The question is moved. We are now voting for ratification of firemen's labor contract as presented by Mr. Stork. We will use the machine and I will tell you when to vote. Vote up for yes to ratify the contract. Down for no.

MR. ZELINSKI: Could we get the people out of the caucus room?

THE PRESIDENT: Yes I would ask the Leadership of both sides, although it appears .....

MS. SUMMERVILLE: They don't want to come out.



PERSONNEL COMMITTEE (continued)

THE PRESIDENT: We are now voting on the ratification of the firemen's contract. Yes, Mr. Blum?

MR. BLUM: Please, put my name on that list of speakers.

THE PRESIDENT: Yes, there are several, there are six others. We are now voting on a very important issue, the ratification of the firemen's contract. If you are in favor of ratification, vote up for YES; if you are against ratification, vote down for NO. You can also ABSTAIN, or not vote. Has everyone voted? Mr. Dudley and Mrs. Goldstein? Is anyone else in the caucus room who would like to vote on this? We shall now count the vote. There are 37 members present. Mrs. Gershman has left. The Motion is DEFEATED with 10 yes, 13 no, 11 abstentions, and 6 non-votes. Yes, Mr. Hogan?

MR. HOGAN: I wish the record to note that I am abstaining for a possible conflict.

THE PRESIDENT: Yes, Mr. Hogan, that will be noted in the record, that MR. HOGAN has abstained from voting on the firemen's contract due to a possible conflict-of-interest. Mr. Rybnick is now leaving the meeting, and we have 36 members present. Let me check the vote on the machine, please. It is all right, because if they had left, that would show as a non-vote. Someone said they thought there were 35 present.

I will repeat the vote: 10 yes to ratify; 13 against the ratification; 11 abstentions; and 6 non-votes. They did not vote. We will now go on to Planning and Zoning Committee.

MRS. HAWE: Madam President, I make a Motion to Adjourn.

THE PRESIDENT: We have a Motion to Adjourn, which has been Seconded. Please say Aye if you are in favor, and Nay if you are opposed to adjourning. We will have to have a DIVISION, using the machine. For your clarification, on this machine, once you have left after the vote is taken, it does not record that you were absent, it records as a non-vote, so the Administrative Assistant will have to record it manually that certain members have left the meeting. So it is not the super machine that we thought it was, after all.

MR. ZELINSKI: If we Adjourn, when will we take up the rest of our business?

THE PRESIDENT: That's not debatable, but let's go on to this Motion to Adjourn. I share your concern, but it is not debatable. Please vote YES if you wish to adjourn at this time, and NO if you don't. The Motion to Adjourn has been DEFEATED with 19 NO votes, 16 YES votes, and 5 NON-VOTES.

I will now ask the Vice-Chairman of Planning and Zoning, Mr. Stork, to give his report. I understand that the print-out of the computer states 16 Yes, 19 No, and 5 non-votes, so we have to go by the print-out. That's another little bug that we will have to investigate. Yes, it has been recorded who left the meeting. Mr. Stork, do you want to go on with your committee?

PLANNING AND ZONING COMMITTEE - Vice-Chairman Philip Stork

MR. STORK: The Planning and Zoning Committee met on Friday, January 8th, in the Board of Representatives' Main Meeting Room. Members of the Committee in attendance were Reps. Guroian, Signore and Stork. I chaired the meeting in my capacity as Vice-Chairman of the Planning and Zoning Committee. Items 1, 2, and 3 were Held in Committee.

Item #4 is the Referral Concerning Zoning Board's Decision on Application #81-017 To Amend Section 17 of the Zoning Regulations entitled "Applications and Permits, Subsection C.

The Zoning Board's amendment changes the "savings clause" to the extent that after the granting of a foundation permit, a full <sup>building</sup> permit must be granted within six months from the date of the foundation permit. The Zoning Board passed this amendment at their meeting of Oct. 26, 1981. Subsequently, a group of landowners from the City of Stamford filed A Petition of Appeal with the Zoning Board to refer said matter to the Board of Representatives in accordance with the provisions of Section 553.2 of the Charter of the City of Stamford.

The landowners' petition consisted of 36 pages and contained 362 names. Our Agenda says 35 pages, but it was 36. Our Committee conducted a public hearing in response to the petition. For three hours we heard testimony, both in favor and against the Zoning Board's decision. Those in favor seemed to be concerned with abuse of the savings clause in the area of developers submitting hastily drawn up plans in an effort to file for permits ahead of proposed zoning changes. On the other hand, those that spoke against the amendment, specified that small developers especially sometimes have great difficulty in arranging the financing their projects require, as well as passing through all of the City and State agencies that are required before the issuance of permits. Six months, in their opinion, was not sufficient time, and various recommendations were made to impose a time limit of up to one year instead of six months.

At the conclusion of the hearing, Madame President, the committee voted unanimously 3-0 to adjourn our meeting to Sunday, January 10th, in order to digest the various testimonies and to form our own opinion as to what decision to reach. We re-convened, as stated, at the home of Rep. Signore and became our deliberation. Members of the Planning and Zoning Committee in attendance were the same three individuals that were in attendance at the January 8th meeting: Reps. Guroian, Signore and Stork. Also present on this evening was our Board President, Jeanne-Lois Santy.

I pointed out to the Committee that we had one of three decisions that we could reach: to approve, to reject, or to reject the amendment with a non-binding recommendation. After all members of the Committee entered their in-put, it was agreed that we were not in favor of the Zoning Board's amendment in the area of a six months' time limit. We agreed that we should not approve the amendment, and that it should be sent back to the Zoning Board to be re-worked with a new time limit of between six months and one year. The Committee voted to REJECT the Zoning Board's amendment of Section 17-C of the Zoning Regulations by 2 for rejection, none opposed, and one abstention. In keeping with the Board of Representatives' policy of making motions in a positive fashion, I Move that we approve the proposed amendment of the Zoning Board in the matter of Application #81-017, but note that our report is in the negative.

MRS. McINERNEY (sitting in for President Santy momentarily): Thank you, Mr. Stork, that's in the form of a Motion, and do I have a Second? SECONDED.

MR. DONAHUE: Through you to Mr. Stork, was that Motion received from Corporation Counsel? Was the wording received from Corporation Counsel?

MR. STORK: The wording was in my own words, but I did consult with Corporation Counsel and just basically he agreed that the Motion should be in a positive fashion.

MR. DONAHUE: Well, as you know, that is very technical, these motions, and the wording has to be correct and approved by Corporation Counsel. In all cases that we've had issues before us, that wording is not all inclusive as it must be. The other thing that I have a serious question about, and as you know, there has been quite a lobbying on both sides, for and against this issue; and at the heart of this issue may be the very question of Comprehensive Zoning itself. I also feel that we are not on good legal grounds because the Committee Meeting was held on a Sunday evening in a private home. By its very nature, that is intimidating. I think there....a door is open to a legal challenge in that regard. Those two things, plus the fact that not only were no Democrats represented on your Committee, but more importantly, there are whole segments of this community that were left out of those meetings through the problem that we've been having with this impasse on the Board.

Let's put that aside for now, there are Districts, whole Districts, that are not represented properly, and it is perhaps another door that is open to a court challenge because of that, where voters in this community, residents and taxpayers of this community, have been disenfranchised in some ways by what has transpired here. I would recommend that, and would so MOVE that we TABLE this discussion until such time as more discussion and more study could be placed in this matter.

MRS. SANTY: There's been a Motion made to TABLE this, is that your exact Motion? To Table this? Seconded.

MRS. McINERNEY: A Point of Clarification. Through you, Madame President, to Mr. Stork, and if he can't answer, perhaps to Mr. Donahue, what is the legal time frame in which we have to operate under this zoning appeal?

MR. STORK: I'm sure I have the answer if you'll just give me a second.

MRS. GUROIAN: I discussed this with Corporation Counsel and according to the Charter and I was just going to look up where it is, we have to have acted on it by our second regular meeting. Now we had a meeting at the end of December which would be considered as as our regular meeting; and this is the second regular meeting of this Board, and this is what conclusion we came to. There is a question whether the Special Meeting is also the regular meeting; but in order to avoid any question as to whether we are within the time frame or not, the conclusion that we reached was that it would be safer to vote on it at this meeting than to postpone it to the next meeting when it could possibly be challenged as that was not our second regular meeting.

MRS. SANTY: This is for clarification, Mrs. Guroian. You're saying that the Special Meeting we had in December could have been classified and counted as a regular meeting for this action? Mr. Stork, you are ready now with your answer.



PLANNING AND ZONING COMMITTEE (continued - re ZONING REFERRAL/APPEAL)

MR. STORK: Yes, I agree with Mrs. Guroian. That was my interpretation in my notes. We did hold this in Steering Committee once in December, so this would have been the second meeting.

MR. BOCCUZZI: If I recall, the December Meeting was a Special Meeting that had specific items on the CALL of the Meeting. Correct? Madam President, did you send out a Call for a Special Meeting? I believe it was a Call of a Meeting due to the fact that this Board did not, by resolution, change the date of the Regular Meeting which is normally the first Monday of the month. Isn't it correct that if you do not have the meeting on the regular day, then the meeting is changed by resolution, by a vote of the Body. O.K., we did not do that in December, so therefore we did not have a Regular Meeting in December. What you did was have a Special CALL of a meeting at a specific date which stated specific items to be discussed. Is that correct? So therefore we had a Special Meeting. We did not have a meeting to take up our regular agenda.

MRS. SANTY: Yes, a Special CALL was sent out. Except that a meeting was called to consider all items on that agenda as set up by the Steering Committee at its meeting of Dec. 10th. It was a Special Meeting to consider all items that was considered on the Agenda.

MRS. McINERNEY: As a further point of clarification, was that particular item Ordered on the Agenda by Steering?

MRS. SANTY: All it gives on here for the Call under Planning and Zoning, the four items appearing on the Tentative Steering Agenda were Ordered Held in Committee.

MRS. McINERNEY: All right, then technically, it was not on that Special Meeting Agenda, is what you are indicating.

MRS. SANTY: Yes, that is what I am indicating.

MRS. McINERNEY: All right, then, I would say that would not count as a meeting.

MRS. SANTY: The point is that now the Chair would like to go back to Mrs. Guroian because she conferred with Corporation Counsel today. The Chair conferred with Corporation Counsel but only on one issue, that we needed 21 affirmative votes or 21 negative votes, and we should vote accordingly, however we are going to act on this.

MRS. GUROIAN: The Charter also states in one question that the Board of Representatives must have a meeting every...must have at least the one regular meeting every month. The only meeting that we can point to which could be considered the regular meeting would be that special meeting, and so the meeting in December which is mandated by the Charter as a regular meeting would have to be that meeting. This matter was held up by Steering on December 10th, and the fact that it did not put it on the Agenda does not mean that we skipped that month. They chose not to put it on the Agenda, but it makes it incumbent on this Body to vote on it at the second regular meeting which we deemed to be on the safe side would be this meeting.

MRS. CONTI: Yes, I assume we can only speak now on this Motion to Recommit. I desire to speak on the Main Motion.

MRS. SANTY: No, the Motion was to TABLE.

(End of tape, some dialogue lost here.)



PLANNING AND ZONING COMMITTEE (continued)

MR. BLUM: (some dialogue lost in flipping the tape)....that would therefore be a Regular Meeting.

MR. BOCCUZZI: I have to disagree with Mrs. Guroian and Mr. Blum. The Rules of the Board state the Regular Meeting is the first Monday of the month, unless a resolution is passed by the full Board changing the date. No resolution was passed, so therefore, theoretically, we had no meeting, no Regular Meeting for the month of December; but you called a Special Meeting, which you have the right to do. A Special Meeting is not the Regular Meeting. I don't know if you want to go to Mr. Fauteux for a parliamentary opinion, because Mrs. Guroian has already made up her mind.

MRS. SANTY: Just as a Point of Clarification, the Chair accepted a Motion to Table this. A Motion to Table is not debatable. To Lay on the Table, if that is what he is saying, it is not debatable and we should not be carrying on this debate. I would like a clarification, if there is one, from the Parliamentarians, between Tabling and Lay on the Table. There seems to be a slight difference there, but if it is the same thing then we should not even be debating this issue.

MR. FAUTEUX: There is no difference.

MRS. SANTY: Then the Motion made by Mr. Donahue to Lay on the Table is not debatable and it was Seconded, so we should be voting on that Motion.

MRS. GUROIAN: May I read from the Charter as to regarding the change of the date of the Board of Representatives' meetings.

MRS. SANTY: But it really is not pertinent at this time. We will vote on the Motion to Lay on the Table, to Table, and we will use the machine. Vote up for Yes to table, or Down for No, not to Table. PASSED, with 21 Yes votes, 14 No, and 5 Not Voting. The item is TABLED.

MR. BLUM Moved to Adjourn. Seconded. (Ayes and Nays vocalized but not counted yet).

MRS. GUROIAN: May I have a point of clarification before you entertain the Motion to Adjourn? If in fact....I want it understood that my understanding is if in fact Corporation Counsel rules that we had to have voted on this referral this meeting, the Board must understand that we would have approved the Zoning Board's decision and denied the application by default by the very fact that we did not vote on it. So it's very possible that it will not come to a vote next month at all and that it will have been approved by inaction by the Board of Representatives.

MR. BLUM: Isn't that nice!

MR. WHITE: May I make a point? Corporation Counsel doesn't rule on anything. Corporation Counsel gives us opinions.

MR. BOCCUZZI: There is a Motion on the floor to Adjourn.

MRS. SANTY: There is a Motion on the floor to Adjourn, but the Chair is going to take this prerogative now to announce Committee assignments. This evening Mr. Blais and Mr. Donahue very eloquently described the specific Rules of this Board that we are to follow: we are to honor the Rules, we are to stay together.....

MR. BOCCUZZI and MR. DONAHUE: Point of Order. There is a Motion to Adjourn on the floor.....other voices protesting....

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THE PRESIDENT: I am not debating any question. I am making the announcements of the committees.....

MR. DONAHUE: The only item we can discuss is the Motion to Adjourn.

THE PRESIDENT: We will vote on the Motion to Adjourn and then I am going to announce the committees immediately following. We will use the machine on the vote to Adjourn. Up for yes to adjourn, and down, no, not to adjourn. The Motion to Adjourn has been DEFEATED: 20 No votes; 14 Yes votes, and 6 non-votes. The Chair rules that we have a QUORUM.

MR. BLAIS: I Challenge the Chair's ruling that there is a Quorum.

THE PRESIDENT: I am going to make the committee announcement, and this is not business transacted. I would ask that you return to your seats and stay to hear your committee assignments.

The statements were made by Mr. Blais and Mr. Donahue to honor the Rules of this Board, many times this evening. Page 4 of our Rules states that all committees should be appointed by the President unless otherwise specifically directed; but most importantly, all Board members should serve on at least one committee. These are the Rules that you people are asked to abide by tonight. We have to go by these Rules because the other Rules are being discussed. I will, therefore, announce the committee assignments tonight, now:

<u>APPOINTMENTS COMMITTEE</u>	-	Mary Jane Signore	(R)
		Handy Dixon	(D)
		Gabe DeLuca	(R)
		Barbara deGaetani	(R)
		Joe Tarzia	(R)
		Anthony Conti	(R)
		Mildred Perillo	(D)
		John Boccuzzi	(D)
		Ann Summerville	(D)

I want to make special note now that these are names that were received by the Leadership of the Democratic Party.

<u>FISCAL COMMITTEE</u>	-	Marie Hawe	(R)
		Paul Esposito	(D)
		Betty Conti	(R)
		Joe Franchina	(R)
		Burt Flounders	(R)
		John Roos	(R)
		Gerry Rybnick	(D)
		John Hogan	(D)
		Jerry Livingston	(D)

COMMITTEE ASSIGNMENTS (CONTINUED)

LEGISLATIVE AND RULES COMMITTEE - Tony Conti (R)  
John Zelinski (D)  
Barbara McInerney (R)  
Robert Fauteux (R)  
Audrey Maihock (R)  
Ann Saxe (R)  
Don Donahue (D)  
Jim Dudley (D)  
Lathon Wider (D)

PERSONNEL COMMITTEE - Phil Stork (R)  
Sandra Goldstein (D)  
Paul Dziezyc (R)  
Walter Gaipa (R)  
Betty Gershman (R)  
Don Donahue (D)

PLANNING AND ZONING COMMITTEE - Peter Blais (D)  
Philip Stork (R)  
Mary Jane Signore (R)  
Grace Guroian (R)  
Dennis White (D)

PUBLIC WORKS COMMITTEE - Burt Flounders (R)  
Alfred Perillo (D)  
Robert Fauteux (R)  
John Roos (R)  
Ann Saxe (R)  
Mary Lou Rinaldi (D)  
John Boccuzzi (D)

HEALTH AND PROTECTION COMMITTEE - Paul Dziezyc (R)  
Mike Wiederlight (D)  
Joe Tarzia (R)  
Barbara deGaetani (R)  
Mildred Perillo (D)

PARKS AND RECREATION COMMITTEE - Gabe DeLuca (R)  
Bob Owens (D)  
Joe Franchina (R)  
Walter Gaipa (R)  
Alfred Perillo (D)

COMMITTEE ASSIGNMENTS CONTINUED

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE - Robert Fauteux (R)  
Mary Lou Rinaldi (D)  
Walter Gaipa (R)

SEWER COMMITTEE - No assignments to this committee.  
There are other vacancies on these  
committees that will be filled.

PUBLIC HOUSING & COMMUNITY DEV. COMMITTEE - David Blum (D)  
Lathon Wider (R)  
Ann Summerville (D)  
John Roos (R)  
Ann Saxe (R)

URBAN RENEWAL COMMITTEE - John Roos (R)  
Jim Dudley (D)  
Betty Gershman (R)  
Ann Saxe (R)  
Ann Summerville (D)

ENVIRONMENTAL PROTECTION COMMITTEE - Audrey Maihock (R)  
Marie Hawe (R)  
Dennis White (D)

CHARTER REVISION & ORDINANCE COMMITTEE - Robert Fauteux (R)  
AND REAPPORTIONMENT Grace Guroian (R)  
Burt Flounders (R)  
John Roos (R)  
Don Donahue (D)  
John Hogan (D)  
Paul Esposito (D)  
Ann Summerville (D)

TRANSPORTATION COMMITTEE - Jerry Livingston (D)  
Jim Dudley (D)  
Audrey Maihock (R)

SPECIAL HOUSE COMMITTEE - Gerry Rybnick (D)  
Bobby Owens (D)  
John Roos (R)

There are some vacancies to be filled, but those are the assignments.  
I want to remind everyone that they're obligated by the rules of this  
Board to serve on one committee. The President recognizes Ms. McInerney.

MS. MC INERNEY: Yes, Madam President, were those names the ones submitted  
to you, is that correct? In the order of the listing in which they were  
submitted to you?

THE PRESIDENT: Yes, they were.



MR. BOCCUZZI: Point of Personal Privilege.

THE PRESIDENT: There is no Point of Personal Privilege here. Mr. Fauteux?

MR. BOCCUZZI: I'll stay here until I get my two cents in.

THE PRESIDENT: Of course.

ADJOURNMENT:

MR. FAUTEUX: I make a Motion to Adjourn with the following conditions.

The conditions for this Adjournment, which are in order by the way, is to carry all unfinished business forward from this meeting to Tuesday night, immediately after the consideration of the Re-apportionment business which will be in front of this Body as a Special Meeting. Seconded.

MRS. PERILLO: A Point of Personal Privilege.

THE PRESIDENT: No, you may not, Mrs. Perillo, because this came up before and I wanted to even make a statement, and it is non-debatable; it's not questionable.

MRS. PERILLO: I am not debating anything. I would like my name at this time to be removed from both committees that it was put on.

THE PRESIDENT: Fine.

MR. BLAIS: Madam Chairman, I would like my name removed from all committees you have unilaterally placed me on.

THE PRESIDENT: Is the Clerk of the Board here? Mrs. McInerney, will you take special note for me. I need a Clerk up here about the names that are being taken off. A Clerk of the Board.

MR. FAUTEUX: Point of Order, please. We have in front of this meeting a Motion to Adjourn which takes precedence over any other business. Will we please proceed to a vote?

THE PRESIDENT: The Motion to Adjourn has been made to continue any further business on this agenda to our Special Meeting on January 19th. It has been Seconded. Signify by saying AYE if you are in favor of adjourning; NAY, if not. The Motion is APPROVED with all yes votes, and one no vote, being Rep. Zelinski. The meeting is ADJOURNED at 2:55 A.M.

(Note: Reps. Livingston, Wiederlight, and Dixon left at approximately 2:00 A.M.; Mr. Rybnick left at 2:30; and Mrs. Gershman at 2:15 a.m.)

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

Note: Above meeting was broadcast by Radio  
WSTC-WYRS in its entirety. HMM:MS

APPROVED:

Jeanne Lois Santy  
Jeanne Lois Santy, President  
17th Board of Representatives

STAMFORD BOARD OF REPRESENTATIVES

01/11/82 21:25:34

VOTE #1 - MOTION TO RETURN

SPAULDING BACK TO COMMITTEE - MOTION DEFEATED - Tie Vote 20-20

1 NO CONTI B	17 NO MAIHOCK A	33 YES PERILLO A
2 NO GURDIA G	18 NO GAIPA W	34 YES BLAIS P
3 NO FLOUNDERS	19 NO BLUM D	35 YES RINALDI M
4 YES WIDER L	20 YES SUMMERVILLE	36 YES RYBNICK G
5 NO SAXE A	21 YES LIVINGSTON	37 YES DONAHUE D
6 NO MCINERNEY	22 YES BOCCUZZI J	38 YES WIEDERLIGHT
7 YES GERSHMAN E	23 YES HOGAN J	39 NO HAWK M
8 YES OWENS B	24 NO FRANCHINA	40 NO SANTY J
9 YES ESPOSITO P	25 NO DZIEZYC P	VOTE 0
10 NO STORK P	26 NO FAUTEUX R	01/11/82 21:25:54
11 NO ROOS J	27 YES DIXON H	YES 20
12 NO DELUCA R	28 YES GOLDSTEIN	NO 20
13 NO DEGAETANI	29 YES PERILLO M	ABSTAINED 0
14 NO CONTI A	30 YES DUDLEY J	NO VOTE 0
15 NO TARZIA J	31 YES ZELINSKI J	ABSENT 0
16 YES WHITE W	32 NO SIGNORE M	40 TIE VOTE
		DEFEATED

STAMFORD BOARD OF REPRESENTATIVES

01/11/82 21:29:15

VOTE #2 - FOR THE CONFIRMATION OF BRUCE SPAULDING AS PUBLIC WORKS COMMISSIONER

SPAULDING *(mark)* MOTION DEFEATED: 19 Yes; 19 No; 2 N.V.  
(A. Summerville's mark)

1 YES CONTI B	17 YES MAIHOCK A	33 NO PERILLO A
2 YES GURDIA G	18 YES GAIPA W	34 NO BLAIS P
3 YES FLOUNDERS	19 YES BLUM D	35 NO RINALDI M
4 NO WIDER L	20 NO SUMMERVILLE	36 NO RYBNICK G
5 YES SAXE A	21 NO LIVINGSTON	37 NO DONAHUE D
6 YES MCINERNEY	22 NO BOCCUZZI J	38 NO WIEDERLIGHT
7 YES GERSHMAN E	23 NO HOGAN J	39 YES HAWK M
8 NO OWENS B	24 YES FRANCHINA	40 YES SANTY J
9 NO ESPOSITO P	25 NV DZIEZYC P	VOTE 0
10 NO STORK P	26 YES FAUTEUX R	01/11/82 21:28:02
11 YES ROOS J	27 NO DIXON H	YES 19
12 YES DELUCA R	28 NO GOLDSTEIN	NO 19
13 YES DEGAETANI	29 NO PERILLO M	ABSTAINED 0
14 YES CONTI A	30 NO DUDLEY J	NO VOTE 2
15 YES TARZIA J	31 NV ZELINSKI J	ABSENT 0
16 NO WHITE W	32 YES SIGNORE M	40