#### MINUTES OF MONDAY, JUNE 28, 1982 SPECIAL MEETING

#### THE 17th BOARD OF REPRESENTATIVES

#### Stamford, Connecticut

A SPECIAL MEETING of the 17th Board of Representatives of the City of Stamford, Connecticut, was held on MONDAY, JUNE 28, 1982, pursuant to a "CALL" from the PRESIDENT, JEANNE-LOIS SANTY, in the Legislative Chambers of the Board, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was Called to Order by the PRESIDENT, JEANNE-LOIS SANTY, at 8:45 P.M. (The regular monthly Steering Committee meeting was held earlier.)

#### INVOCATION:

PRESIDENT SANTY: I am privileged this evening to ask our own DEACON HANDY DIXON to deliver the Invocation.

DEACON DIXON:

"Let us pray. Our Father and our God, we are truly thankful for this day, for in it, there are many good blessings coupled with the opportunity to meet again and work collectively for the good and welfare of this, our total City. As we proceed in good faith and with good intentions, we recognize our shortcomings, O Lord, and therefore, seek your presence and directions that we may be able to create an atmosphere of peace and love, and the desire to labor through these hours unselfishly for our City and for our fellow man. We ask your continued blessings on this 17th Board and all its members, and if you will, dear God, help us to make Stamford a city of love and a decent place in which to live. These, and other blessings we ask with forgiveness for our wrongdoings. Amen."

PRESIDENT SANTY: The next item of business should be the checking of the voting machine, but the voting machine is not working, so we are forced into as many Roll Call votes as we will need tonight. Our Clerk, Anne Summerville, is away this week at the NAACP Convention in Boston, and I have asked AUDREY MAIHOCK to serve as Clerk this evening.

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

ROLL CALL: Taken by Acting Clerk AUDREY MAIHOCK. There were 35 members present and 5 members absent. The absent members are: Burtis Flounders, Ann King Saxe, Anthony Conti, Annie Summerville, and Jeremiah Livingston.

THE PRESIDENT declared a QUORUM.

Would the Tellers, Michael Wiederlight and Philip Stork, and the Assistant Tellers, Joe Franchina and Peter Blais, have your tabluation sheets, so that you will have them ready when we take the Roll Call votes.

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THE PRESIDENT read the "CALL" of the Meeting, which had been sent to all members and others on the distribution list:

"I, JEANNE-LOIS SANTY, PRESIDENT of the 17th Board of Representatives of the City of Stamford, Connecticut, and pursuant to Section 202 of the Stamford Charter, hereby CALL a SPECIAL MEETING of said Board of Representatives at the following time and place:

MONDAY, JUNE 28, 1982 at 8:30 P.M. in the

Municipal Office Building Second Floor Legislative Chambers 429 Atlantic Street Stamford, Connecticut

for the following purpose:

- To consider adoption of a proposed ordinance supplemental creating a Coliseum Authority.
- To consider adoption of a proposed ordinance supplemental amending Code of Ordinances, Chapter 8, Section 8-5, by the addition of new language thereto. Submitted by Reps. Donald Donahue and John Boccuzzi.

(signed) Jeanne-Lois Santy, President 17th Board of Representatives

THE PRESIDENT: I will now turn the floor over to Mr. Zelinski, Co-Chairman of the Legislative and Rules Committee for Item #1 of the CALL. Mr. Zelinski?

## 1. TO CONSIDER ADOPTION OF A PROPOSED ORDINANCE SUPPLEMENTAL CREATING A COLISEUM AUTHORITY.

MR. ZELINSKI: To begin with, the L&R Committee did conduct a public hearing on Tuesday, June 22, 1982 at 7:30 in the Main Room. Present were myself, and Reps. Maihock, Saxe, Bonner, Donahue. Also present were Reps. Betty Conti, John Roos, Barbara deGaetani, Elizabeth Gershman, and David Blum. There were 15 speakers, members of the public who voiced their approval or disapproval. Among some of the more prominent were former Mayor Thomas Mayers, State Rep. Anthony Truglia, former Mayor Julius Wilensky, Bobby Forman, Executive Aide to Mayor Clapes, and John Mitovich of SACIA.

The consensus of those who spoke were 13 in favor and 2 against the proposed ordinance. The L&R Committee also had a meeting this evening at 6:30 p.m. in the Republican Caucus Room. Present were myself, Reps. Bonner, Maihock, Donahue, Dudley and McInerney. After some discussion, a vote was taken and the vote was 4 in favor of final adoption and two against. Therefore, I now make a Motion for final adoption of the ordinance creating a Coliseum Authority. There were several Seconds.

THE PRESIDENT asked Mr. Zelinski if he wished to speak further to this, but he said that he would answer any questions that came up or provide any other information that he could.

MRS. GERSHMAN: I think this is a very important ordinance, but that it is too restrictive, and to that end, I have proposed four amendments which I would like to make at this time.

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PRESIDENT SANTY: But, Mrs. Gershman, you will have to make them one at a time, and you will have to read them. The members did not receive them, is that true? Oh, they did receive them? They are in a packet on the desks, so if you will look for them, you will find them.

#### FIRST AMENDMENT

MRS. GERSHMAN: Section 1, Part D, Under Purpose. "The purpose for which the Authority is hereby created is to promote tourism in Stamford through the growth and appreciation of cultural and performing arts, as well as other acceptable forms of recreation and entertainment as defined in Section 7-130(a)(d), and as approved by the Board of Representatives. through a coliseum building(s) for such activities, projects, exhibitions, and supporting functions may be suitably displayed and performed together with such other activities, projects, and public facilities as are authorized under Section 7-130(a)(d) of the said Connecticut General Statutes as amended or as may by Ordinance be subsequently designated."

The first phrase is as in the proposed Ordinance that we received, beginning with the growth and appreciation of cultural and performing arts through extension, operation and maintenance of is changed, if you can follow that.

MRS. HAWE: I'd like to ask Mrs. Gershman through the Chair a couple of questions. First of all, I'd like to know exactly why she proposed this change. For what purpose? Why does she think that it would make the Ordinance better by proposing this change?

MRS. GERSHMAN: Because I think that it is too constricting to list through the acquisition, purchase/lease, construction/reconstruction improvement, etc. I would rather see this Ordinance used for the purpose for which the State enacted it, which is the promotion of tourism in a City; and I think that if we give it a little broader view at this point, in this particular section, we will be able to use it for more things, for different things, as they come up which does not mean that it cannot be used for the cultural center as proposed in this particular one. As you noticed, I left in cultural and performing arts, but I do think that as well as other acceptable forms of recreation and entertainment as défined and as approved by the Board of Representatives, I think it makes it more flexible.

MRS. HAWE: If I might ask, Mrs. Gershman, through you, Madam President, do you hope by this that some of this money could be used to fund things that are now currently funded in the operating budget through the Parks Department?

MRS. GERSHMAN: Yes, I do.

MRS. HAWE: Do you know for a fact that this is a legitimate use of these funds, according to the State?

MRS. GERSHMAN: Having read the Statutes, I believe that. I do not define other uses. I think that this is up to the Authority as approved by the Board of Representatives. I think that this is a very important Ordinance. I would like to see the City get the money. I would like to see the Coliseum Authority established; but I do think that to limit to only cultural and performing arts is too narrow. Therefore, I am really postponing what it be used for to a later date so we have more time to look at it. Many of us have expressed the feeling that we have been pressured into this. The deadline is there to pass this Ordinance to get the money. But I think that perhaps this gives us more time to think about how we want to use it.

MR. ZELINSKI: Through you to Rep. Gershman, what you're saying here, Rep. Gershman, is that the Amendment, I guess that's what it is, that you're proposing is going to be in place of the one that is now presently written. So, in other words, if this is adopted, then we will no longer have the one that was originally put in under Section 1, Sub-section D, Purpose. Is that correct? MRS. GERSHMAN responded that it was.

MRS. MAIHOCK: I did wonder, since this was just given to us so recently, I didn't have a chance to investigate Section 7430(a)(d). I just wondered because on Page 2 of this it indicates...for instance, it says "Buildings where such activities, projects, exhibitions and supporting functions may be suitably displayed and performed together with such other activities, projects, and public facilities as are authorized under Section 7-130(a)(d) of the said Connecticut General Statutes." My concern is, is not there a possibility that this already would be contained within that section of the Statutes? Since we don't have it, that was my question.

MRS. GERSHMAN: I do have a copy of the Statutes if you'd like me to read them to you. "Section 7-130a(d) reads: Project(s) or public facility or public facilities means any one or more of the following: public golf courses, bathing beaches, swimming pools, marinas or small craft harbors, tennis courts, facilities for camping, fishing and hunting, playgrounds, gymnasiums, playing fields, indoor recreation centers, auditoriums, exhibition halls, stadiums, hockey rinks and ski tows, and other skiing facilities, as such terms are generally used, and parking facilities and other facilities for the public convenience in connection with any of the foregoing including all buildings, structures, and other facilities for the public convenience, and appurtenances thereto, which the Authority may deem necessary and desirable, Together with all property, real or personal, rights easements and interests, which may be acquired by the Authority for the construction, improvement and operation of any of the foregoing."

MR. BLUM: I would like to ask through you to Mrs. Gershman, we've had other art exhibits, such as the Pink Tent Festival, and now there are projects going on, projects in which we have music in the park; and in the wintertime we, as well as the musicians who give a portion, the city gives the other portion — would that, in a sense, cover this type of recreation and entertainment?

MRS. GERSHMAN: I really would not want to answer that at this point because I think that its what the whole point of the thing is that I am reserving for the Coliseum Authority to decide. I think that it sounds to me, on a personal note, yes, some of those things, many of them, could be covered; but this is what I do not want spelled out in this Ordinance. I want the Authority to have the authority to decide what it should be used for.

MR. BLUM: Well, are they going to be the sole power as to what goes into the arts center? Are you saying you want the Authority to have the sole power of what goes into the Center?

MRS. GERSHMAN: As I understand it, at this point, the Coliseum Authority and the Arts Center really must not be confused. We are here tonight to vote on the Coliseum Authority; and what I am trying to do is to separate confusion. We are not voting on the Cultural Center; that is another issue. At least, that is the gist of what this amendment would make it.

MRS. CONTI: I wish to speak in favor of Mrs. Gershman's amendment. Actually, the ordinance as presently drafted is very restrictive. The State Statutes are far more broad, and I believe Mrs. Gershman's amendment keeps our Ordinance far more in line with the State Statutes. I would support it for that reason.

MRS. McINERNEY: I, too, would like to support Mrs. Gershman in her efforts to pass this amendment. I feel that, as Mrs. Conti mentioned, the Ordinance as proposed previously is too restrictive. I think this particular amendment gives more leeway and more options to the community through your Coliseum Authority to do with as they see fit in the promotion of tourism for the City of Stamford.

MR. BONNER: This is a question to Mrs. Gershman. If the Authority were to decide that, say, \$200,000 were to be used for some other use, this would leave a balance of perhaps \$200,000 for use in the Arts Center. This may not be enough to cover the operations. In that case, would we look to the taxpayers to make up the difference?

MRS. GERSHMAN: I repeat that we are not voting on the budget of the Cultural Center tonight. We are voting on a Coliseum Authority which will bring refunded tax monies back into the City to promote tourism. As you note in this amendment, it says "and as approved by the Board of Representatives". In other words, when the Authority decides they want to spend so much money for one thing, and so much money for another, they must come back to the Board of Representatives for its okay.

MR. WHITE: I am all in favor of the arts and so on, but do we really want to create a Coliseum that will be something like the circus maximus here. After all, I don'tnecessarilywant Stamford to be a center of tourism. I don't necessarily want Stamford to have some sort of massive Coliseum where all sorts of spectacles are held. If in fact we want to have a center for the arts, fine. But to have a center that in fact rivals the ancient Roman Coliseum, no, I don't want that at all.

PRESIDENT SANTY: We will proceed to a Roll Call Vote.on the first amendment as proposed by Rep. Gershman. It has been APPROVED: 31 Yes, 1 No, 3 Abstentions. We will now proceed to Mrs. Gershman's second proposed amendment.

#### SECOND AMENDMENT

5.

MRS. GERSHMAN: The second amendment concerns Section 2(a) Commissioner of Finance. I'll read it: "The Commissioner of Finance is hereby designated Director of the Authority and shall be responsible for its operation, management, efficiency, discipline, and good conduct subject to the Board of Representatives. Said power shall not include the power to bond". Seconded.

I would like to say that I think this is all that is necessary in this section. The rest of it is redundant, and again could in time become too restrictive. I think it is unnecessary.

MRS. CONTI: I would speak in support of this amendment also because we are being asked to vote on this very rapidly; and as we understood this, as I attended the L&R Committee meeting, this was a matter of a trial period with this Authority. Therefore, we want to leave it as non-restrictive as possible and I would support Mrs. Gershman's amendment.

MR. DeLUCA: I Move the Question. Seconded. Approved by voice vote.

THE PRESIDENT: We are now going to move into a Roll Call vote. I ask the Tellers to please...

MRS. GOLDSTEIN: Madam Chairman, since the last vote was so overwhelming, perhaps we could try a hand vote, and see if there is a great dichotomy, and if there is, then go to a.....

THE PRESIDENT: All approve of this? Fine. If not, we'll probably be here all night. We will go to a Show of Hands. Mrs. Gershman's second amendment as proposed is APPROVED with 31 Yes, 1 No (Rep. White); 2 Abatentions (M.Perillo, A. Perillo), one Non-Vote (P. Stork). We will now proceed to the third amendment proposed by Mrs. Gershman.

#### THIRD AMENDMENT

MRS. GERSHMAN: The next one is Section 2(b) Advisory Panel. "The Commissioner of Finance shall be assisted in the discharge of the duties by an Advisory Panel of nine (9) members, who shall be appointed by the Mayor and approved by the Board of Representatives and who shall serve without compensation for a two-year (2) period. The thing that has been inserted here is that they shall be approved by the Board of Representatives.

MRS. CONTI: Yes, I believe that amendment was made in the L&R Committee, if I'm not mistaken, to be approved by this Board. Is that correct, Mr. Zelinski?

MR. ZELINSKI: Yes, that is correct, Rep. Conti, to you, through the Chair.

MRS. CONTI: Therefore, I don't think we should really be voting on the original that is proposed by the committee because I think that this is what the original is, unless there is some wording changed.

MRS. McINERNEY: There is a deletion of two words. Advisory panel as in the ordinance that was published said the Commissioner of Finance shall be assisted in the discharge of the duties herein imposed; and the "herein imposed" was deleted from Mrs. Gershman's amendment.

PRESIDENT SANTY: We will vote now by a SHOW OF HANDS. The third amendment has been APPROVED by a vote of 32 Yes, Zero No, 2 Abstentions (A. Perillo, M. Perillo), one Non-Vote (White). We will now proceed to Mrs. Gershman's fourth proposed amendment.

#### FOURTH AMENDMENT:

MRS. GERSHMAN: The last amendment is Section 2(c), Employees. I propose to delete this section entirely. I think that it is redundant. When we say that the Commissioner of Finance is responsible for the operation, management, efficiency, discipline and good conduct subject to the Board of Representatives, I believe that this whole section is covered in the previous one. And I think that we should give the person in charge, the Director of the Authority, the leeway to manage as he wishes.

MR. DeLUCA: This one here definitely has to stay in. I cannot leave it up to the Director of this Coliseum Authority to decide who will be a classified or non-classified employee. I think this is one case where we definitely have got to let him know what our wishes are, and this definitely has to stay in.

MR. BLUM: I agree with Rep. DeLuca. By deleting the phase Employee entirely, the Authority has to hire employees; and I think to leave it just solely to the Commission, it should not be left that way.

MR. WIEDERLIGHT: In addition to echoing the sentiments of my colleagues that just spoke, I would like to state that this section clearly elucidates what our intent is with regard to the future employees, and that we must look down the road for any future lawsuits, if you will, as a result of discharging some of these employees, if, for example, the Coliseum Authority should be disbanded by this Board or any other reason. Therefore, I feel this Section (c) must be left in the Ordinance.

MR. DONAHUE: I agree with what's been said. The section should stay in.

MR. BOCCUZZI: I Move the Question. Seconded. Approved.

PRESIDENT SANTY: We will move to a vote by Show of Hands. Will the Tellers please come forward? The fourth amendment as proposed by Mrs. Gershman has been DEFEATED by a vote of 33 NO; 1 Yes (Mrs. Gershman); 1 Abstention (Mrs. Perillo); and zero Non-Votes. Mr. Zelinski, you wished to speak now?

MR. ZELINSKI: If there are no further amendments, Madam President, I would now make the Motion again to move for Final Adoption with the amendments which were proposed and passed, for the creation of an ordinance creating a Coliseum Authority for the City of Stamford, and I so Move. Seconded by several.

MRS. McINERNEY: I Move the Question. Seconded. APPROVED with two no votes.

PRESIDENT SANTY: There are sufficient hands raised for a Roll Call vote and we will proceed to vote. Will the Tellers use their tabulation sheets, and Mrs. Maihock will record the Roll Call votes.

MRS. GUROIAN: How many votes are needed for passage?

PRESIDENT SANTY: Twenty-one votes are needed Mrs. Guroian. There are 35 members present.

The ordinance has been adopted, as amended, with 27 affirmative votes, 8 negative votes, no abstentions, no non-votes; and 5 absent from the meeting.

We will now continue to Item #2 under the CALL of the meeting, and I will call upon Rep. Donahue for this portion of it.

# 2. TO CONSIDER ADOPTION OF A PROPOSED ORDINANCE SUPPLEMENTAL AMENDING CODE OF ORDINANCES, CHAPTER 8, SECTION 8-5, BY THE ADDITION OF NEW LANGUAGE THERETO.

MR. DONAHUE: A number of months ago, I believe that just about every one of our telephones started ringing off the wall when it was suggested that there would be an end to the current so-called back-yard garbage collection system which we've had in place in Stamford for a number of years; and as of July 1, the citizens of the city were to expect curbside collection. Now we've all heard the talk and I won't dwell on it concerning the elderly and the infirmed who are very concerned, and people had logical questions about why there was a need to go to this type of service when everyone was being asked to pay more in taxes and certainly those who received the service pay for the service and they wished it to continue.

On or about June 11, Rep. Boccuzzi and I submitted a proposed amendment to the Code of Ordinances which sought to do nothing else but to clarify the type of service that was to be provided by the city. It seems that within the existing Code there was a gray area, and there was room for an arbitrary decision to be made. There was also room for service to be discontinued without a public hearing or without any input from the public, this Board, or the Board of Finance. It's apparent now that that must be cleared up and that that gray area must be eliminated; and this is why this suggestion to amend the current Code of Ordinances was submitted. Since that time the original draft was reviewed by the Law Department; Mr. Hennessey, I believe, cleared up some of the wording at the request of Mr. Zelinski, and before you tonight is an amendment to the existing code; and its passage will end forever the use of curbside collection as a threat, or as a political football. It will take away the threat from the people of the city, and we won't see the kind of hysteria that we witnessed in these past few weeks.

I believe that since this draft was presented to us tonight that it should be read into the record in total. It's very short, only one paragraph, and I will do that at this time and then I will make a Motion. Seconded.

This is an Ordinance amending the following section of the Code of Ordinances of the City of Stamford, Section 8-5, same location.

"Property owners and/or occupants in areas where gambage collection is provided by the Municipality shall not be required to place garbage cans or bags at the curb provided there is free, open and safe access for the removal of said garbage, and that garbage cans or bags are not kept more than ten inches (10") above the ground, or fifty feet (50') from any building. Also, no garbage shall be emptied, or bags shall be disposed of, if kept in a cellar, on a veranda, back porch, fire escape, or any floor of a building."

This would take the place of the existing wording. All existing wording in the Ordinance are contained in this paragraph. Due to the fact that this Ordinance merely clears up what we believe the responsibility of the Public Works Department to be, and it is not a substantial change in the Code of Ordinance, I would Move that we waive publication of this Ordinance so that we may act upon this this evening. Several Seconds for Waiving publication. PRESIDENT SANTY: A two-thirds vote is required for passage for....

MRS. CONTI: I would like to propose an amendment to this....

PRESIDENT SANTY: Before you go any further, Mr. Donahue left out one word after garbage. It should have been "can". Right. It was there, and I am sure we all have it. Also note that garbage can shall be emptied or bag shall be disposed of. We have it. Mrs. Conti? You wished to speak to waiving publication? No? Go ahead.

MRS. CONTI: I would like to propose an amendment. Before we waive publication, I would like to amend it. I would like to add a phrase after Municipality. It would read "Property owners and/or occupants in areas where garbage collection is provided by the Municipality", and the amendment would read "and whose garbage is contained in standard-sized garbage cans". That would be the amendment. Seconded.

MR. DONAHUE: To make this amendment at this time would not serve to help the passage of this amendment. It would not serve any purpose since the Ordinance in question defines in another section 'standard garbage cans'. To make this amendment would preclude people from using plastic garbage bags. There is no reason to do it since it's already in the Ordinance, and to add this to this section at this time would be a duplication of wording and there's no need for it.

MR. BLAIS: Move the question. Seconded. Approved.

PRESIDENT SANTY: We are now voting on Mrs. Conti's amendment. We will use a Show of Hands.

AMENDMENT DEFEATED: 6 Yes; 24 No; 3 Abstentions (Gaipa, Zelinski, Tarzia); 2 Non-Votes.

MR. DONAHUE: The Motion has been made to waive publication. Seconded.

MR. BONNER: Question through you to Mr. Donahue. Two items: Do you have any idea of how many calls you received for garbage taken from the backyard rather than the curbs, and also do you have the figures available as to how much this is costing this city in taxes or in other expenses for picking up at the rear of the house rather than at the curb? Do you happen to have answers on those two?

MR. DONAHUE: First of all, I not only received many phone calls; I've been accosted at the market; I've been asked "how could you possibly let this happen to the people of the city who are paying the taxes for the service to continue?" If you wanted to take a poll in any of the districts that are affected - the A and CS, you would find that it was unanimous that they wanted it to continue. There are many issues that I don't have to go into here. It is more than only the infirm. The elderly and the infirm are of course affected. However, as has been mentioned before, there are other reasons, roaming dogs, the whole thing. The Commissioner made an estimation of what this would save the city a number of months ago in his budget presentation; and I believe it was \$200,000 in savings for the first year. After that it would be \$400,000. But there was never any real saving there. It was going to be used to provide other services throughout the community. There was no check coming back to this Board for \$200,000. Once again I say, that while it does cost, let's say \$400,000 a year more to provide this kond of service, the people in the districts affected are willing to pay that cost; and they've made that very clear to the representatives who affect them. In terms of the entire budget picture, \$400,000 is not a lot of money; it's a tenth of a mill, roughly. The people want this service to continue. They're willing to pay for it; and they've made that very clear.

MR. ESPOSITO: Move the question. Seconded. Approved.

PRESIDENT SANTY: We are going to vote on waiving Publication. We are going to use a Roll Call Vote. We need 24 affirmative votes.

MOTION TO WAIVE PUBLICATION PASSED: 27 Yes; 7 No; 1 Abstention.

MR. DONAHUE: I would now move for final adoption of this Ordinance that will amend Section 8-5. Seconded.

MRS. GERSHMAN: I have a question, if I may ask it, through you, Madam Chairman. The point was made that the people in the districts who have garbage collection would be very willing to pay, that it was a very small amount, a tenth of a mill. This was cut out in the budget. Would there be another appropriation?

MR. BOCCUZZI: It wasn't cut out of budget. The department of collection didn't lose a penny in the budget.

MR. WIEDERLIGHT: Move the question. Seconded. Passed.

PRESIDENT SANTY: We will use a Roll Call vote. We are voting on Final Adoption of the ordinance amending Chapter 8, Garbage, Trash and Other Wastes, Section 8-5, as read in total by Mr. Donahue. If you are in favor, say Yes, if not, No. We need 21 for passage.

APPROVED with 33 Yes votes, one no vote, and one abstention.

### ADJOURNMENT:

There being no further business to come before the Board, this Special Meeting of the 17th Board of Representatives was ADJOURNED at 10:15 P.M.

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

APPROVED:

Jeanne Lois Santy, President 17th Board of Representatives

JLS:HMM:TG Encls.