

MINUTES OF REGULAR BOARD MEETING

MONDAY, AUGUST 2, 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, AUGUST 2, 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 8:12 P.M. by PRESIDENT JEANNE-LOIS SANTY, after both political parties had met in caucus.

INVOCATION: Given by REV. SHIRLEY DECOSTER, Assoc. Pastor of Union Baptist Church.

Let us bow our heads please for a word of prayer. Dear God, our heavenly father, we come at this hour with words of thanksgiving, words of honor, words of praise unto thee for thy loving kindness and for thy tender mercy. We thank thee, Lord, for allowing us to assemble here once again for such an occasion as this to discuss and to make legislative decisions that will affect the lives of so many of your children throughout this great community. And, dear Lord, as we gather, we welcome you to come into our very midst. And, dear Lord, as you come, we ask that you fill these, your children, with the wisdom of Solomon, the insight and the foresight of Deborah, the patience of Job, for the love of Jesus deep down in their hearts, so that the decisions that are made might be for the equality and the pursuit of happiness for all mankind. We ask these blessings in your name and for our sake. Amen.

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

CHECK OF THE VOTING MACHINE: President Jeanne-Lois Santy checked the voting machine. It appeared to be in good working order.

ROLL CALL: Clerk Annie M. Summerville called the Roll. 38 Present, 2 Absent (Reps. Stork and Goldstein). President Santy declared a QUORUM. (Stork came in at 10:03 p.m., making it 39 present and 1 absent)

MOMENTS OF SILENCE:

The late MRS. ANGELINA LAMOTTA, grandmother of Mr. James Dudley's wife; lived at 82 Finney Lane, leaves behind three daughters, a son, a brother, 10 grandchildren and 10 great-grandchildren. Submitted by Rep. Summerville.

War-torn BEIRUT. Submitted by Rep. McInerney.

The late MR. JACOB TRESSER, whose brother was Michael Tresser, a member of this Board; whose other older brother was Sam Tresser, for whom Tresser Boulevard is named. Submitted by Rep. David Blum.

PAGES: Virginia Hawe, 8th Grade, Saint Gabriel School (daughter of Rep. Hawe)
Amy Beth Woodtke, 9th Grade, West Hill High School,

STANDING COMMITTEES

STEERING COMMITTEE - Chairwoman Jeanne-Lois Santy

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

PRESIDENT SANTY: All in favor, please say Aye. Opposed? We will continue on with the agenda.

STEERING COMMITTEE REPORT

A meeting of the STEERING COMMITTEE was held on TUESDAY, JULY 20, 1982, in the Democratic Caucus Room, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut. The meeting was called for 7:00 P.M., and was called to order at 7:15 P.M. at which time the Chairwoman, Jeanne-Lois Santy, declared a QUORUM present.

PRESENT AT THE MEETING

Jeanne-Lois Santy, Chairwoman
Barbara McInerney, Republican Ldr.
John J. Boccuzzi, Democratic Ldr.
Annie M. Summerville, Clerk
Mary Jane Signore
Marie Hawe
Philip Stork
Paul Dziezyc
Donald Donahue
Audrey Maihock

Gerald Rybnick
Lathon Wider, Sr.
Sandra Goldstein
Mary Lou Rinaldi
David I. Blum
John Zelinski
James Dudley (8:50 P.M.)
Peter Blais (7:48 P.M.)
Advocate (Costello/Bauder)

(1) CHARTER REVISION AND ORDINANCE MATTERS

ORDERED ON THE AGENDA was the resolution to initiate a Charter Rev. Commission.

(2) PUBLIC WORKS MATTERS

ORDERED ON THE AGENDA was one item pertaining to re-paving of streets in Rep. Dziezyc's district. ORDERED HELD IN COMMITTEE were four proposed ordinances submitted by DPW Comm. Spaulding, being held again awaiting text (L&R being the secondary committee).

(3) FISCAL MATTERS

ORDERED ON THE AGENDA were 19 items appearing on the Tentative Steering Agenda. Rep. Donahue did not participate on items #8, #9, and #18 on that Agenda. ORDERED HELD was one item of \$89.00 for the Health Dept. to see if could be paid within their budget.

(4) PARKS AND RECREATION MATTERS

ORDERED HELD IN COMMITTEE were both items appearing on the Tentative Steering Agenda, being the matter of the condition of the softball fields at Scalzi Park on 6/7/82; and neighbors being disturbed at Cove Island by excessive noise.

STEERING COMMITTEE (Continued)

(5) HEALTH AND PROTECTION MATTERS

ORDERED ON THE AGENDA were six items appearing on the Tentative Agenda:

- (a) Permits for Hairdressing and Cosmetology Establishments; (b) Rooming Houses that are not protected with fire escapes and fire alarms; (c) "The Pleasure Nook" and material sold there; (d) new noise ordinance, as amended; (e) burglar and fire alarm connections to a central city terminal, as amended; (f) Reducing the number of false fire alarms.

THEN ORDERED HELD IN COMMITTEE were five items: (a) Fire alarm system at the Municipal Office Building; (b) Availability of drug paraphernalia; (c) proposed ordinance for final adoption re possible hazards involved in satellite transmission facilities; (d) rock-crushing plant in operation on Camp Avenue; (e) creation of a Dept. of emergency medical services for purpose of instituting advanced life support in Stamford to be held until ready by Co-Chairmen.

ORDERED REMOVED FROM THE AGENDA was the item of public facilities for handicapped.

(6) LEGISLATIVE AND RULES MATTERS

ORDERED ON THE AGENDA were six items from the Tentative Agenda, plus one transferred from P&Z: (a) Technical amendment to Code Sec. 6-17(3); (b) Amending Ord. #449 Tax Relief for the Elderly; (c) Amending Ord. 429 Over-night Parking of Trucks on Residential Streets; (d) Re-submission of proposed regulations concerning Traffic and Parking; (e) Amending Code Sec. 8-18 Annual Pick-Up of Household and Yard Debris; (f) Exchange of Easements between City and Abe Wexler; and (g) from P&Z, Refund of Building Permit Fee paid by Bethany Assembly of God. ORDERED HELD IN COMMITTEE were two items from the Tentative Agenda: (i) Tax Credit for Refuse Collection to Owners of Residential Units in Multiple Unit Residential Complexes; (ii) Restriction and Control of Availability of Undesirable, Pornographic Material to Minor Children.

(7) PERSONNEL MATTERS

ORDERED ON THE AGENDA were five of the six items on the Tentative Steering Agenda. The one eliminated was Rep. Blum's request that any compensation proposals must be submitted to Board of Representatives for their prior approval before implementation, pursuant to Civil Service Regulations.

(8) PLANNING AND ZONING MATTERS

ORDERED ON THE AGENDA was one item re abandoning portion of roadbed of Stillwater Ave. One item was moved to Urban Renewal Committee, being transfer of property at West Main, Greenwich and Tresser. The last item was moved to L&R Committee, being the refund of building permit fee paid by Bethany Assembly of God.

(9) PUBLIC HOUSING AND COMMUNITY DEVELOPMENT MATTERS

ORDERED HELD IN COMMITTEE were the two items appearing on the Tentative Steering Agenda: (a) Finance Board Policy #6-1 re auditing policy re Community Development Program; (b) Personnel policies of Community Development Program.

(10) URBAN RENEWAL MATTERS

ORDERED ON THE AGENDA was an item transferred from P&Z, being the transfer of property at West Main, Greenwich and Tresser.

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STEERING COMMITTEE (Continued)

(11) EDUCATION, WELFARE AND GOVERNMENT MATTERS

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

(12) APPOINTMENTS MATTERS

ORDERED ON THE AGENDA were the first six names appearing on the Tentative Steering Agenda: John Wiltrakis, Kim Williams, Richard A. Hermann, Patricia McCabe Wilson, Michael P. Minotti, Francis N. Ferguson. ORDERED HELD FOR NEXT MONTH were the last four names: Leonard E. Cookney, Joseph A. White, Jr., Paul Carignan, Ralph M. Gofstein.

(13) RESOLUTIONS

ORDERED ON THE AGENDA were five of the six items appearing on the Tentative Agenda. One was removed from the Agenda, being Rep. McInerney's request for support of State Department's position working for cease-fire in international hostilities.

(14) COMMUNICATIONS FROM OTHER BOARDS and INDIVIDUALS

ORDERED removed from the Agenda was the letter from Mead & Bromley representing St. John's Brotherhood, Inc. who wished to purchase Ryle School for \$1.00 to be converted into low and moderate income housing.

(15) OLD BUSINESS

ORDERED removed from the Agenda was Rep. Blum's request for inquiry and information on Division St. Tot-Lot, etc.

(16) NEW BUSINESS

ORDERED ON THE AGENDA was a request for the formation of a coliseum authority liaison committee.

Steering Committee in the future would meet at 7:30 P.M.

ADJOURNMENT

There being no further business to come before the Steering Committee, the meeting was adjourned at 9:17 P.M.

President Santy, Admin. Asst. McEvoy, Reps. Signore, Dziezyc and Blum remained until 10:00 P.M., taking care of various matters, committee notices, etc.

JEANNE-LOIS SANTY, Chairwoman
Steering Committee
17th Board of Representatives

HMM:MS

CHARTER REVISION AND ORDINANCE COMMITTEE - Co-Chairmen John Roos and
Jeremiah Livingston

MR. ROOS: The Charter Revision Committee met on the following nights: July 1, July 10 and July 22, with a quorum present at each meeting.

- (1) PROPOSED RESOLUTION TO INITIATE A CHARTER REVISION COMMISSION and/or a proposed resolution to appoint the members of said Charter Revision Commission. Held in Committee in April. Mayor's letter 4/13. President Jeanne-Lois Santy's letter 4/15/82. Held in Committee 6/7/82 and 7/12/82.

MR. ROOS: We drew up a resolution to be presented here. You all have it, but I think I should read it. Madam President, shall I read this?

PRESIDENT SANTY: Yes, Mr. Roos, I think it's important that you read it. There are some wording changes.

MR. ROOS: The initiation of action from the Board of Representatives for appointment to the 13th Charter Revision Commission.

"Be it resolved by the 17th Board of Representatives of Stamford, Connecticut, pursuant to Section 7-188 of the General Statutes of the State of Connecticut, and effective August 17, 1982, action is hereby instituted for the appointment of a 13th Charter Revision Commission for the City of Stamford, which commission shall review the entire Charter of the City of Stamford and report its recommendations no later than May 15, 1983.

Be it further resolved that the 17th Board of Representatives shall take the necessary action to appoint such a Charter Revision Commission within 30 days from the date this Resolution takes effect".

I so Move. Seconded.

PRESIDENT SANTY: Any discussion? No discussion. According to Chapter 99, Section 7-188 of the Connecticut General Statutes, 2/3 vote is necessary to pass this. We will proceed right to a vote using the machine.

THE RESOLUTION HAS BEEN ADOPTED: 35 Yes; -0- No; -0- Abstentions; 3 Non-Votes; 2 Absent.

PRESIDENT SANTY: I would like to remind you at this time that there are buzzers in both the caucus rooms, and that is to remind you when we're going to take a vote. We have to thank Mr. Rybnick for having those installed. So whenever you hear that buzzer, we're ready for a vote.

PUBLIC WORKS COMMITTEE - Co-Chairmen Alfred Perillo and Burtis Flounders

MR. FLOUNDERS: A meeting of the Public Works Committee was held at 8 P.M. on Wednesday, July 28, 1982. Committee members present were Reps. Boccuzzi, Flounders, A. Perillo, Roos, and Saxe. Reps. Guroian and Dziezyc were also participants. Representing the Public Works Department were Messrs. John Canavan and Jerry Roloff.

- (1) REQUEST FOR RE-PAVING OF DERWEN STREET, RUTZ STREET, GLEN AVENUE AND DeLEO DRIVE. Submitted by 15th Dist. Rep. Paul Dziezyc. Situation critical for these residents. Held in Committee 7/12/82.

PUBLIC WORKS COMMITTEE (Continued)

MR. FLOUNDERS: Rep. Dziezyc and two taxpaying residents of the affected neighborhood, T. Gostopolis of 21 Glen Avenue, and D. Carrero of 48 Glen Avenue, were present. The issue underlying this request for paving, which had previously been requested by Reps. Dziezyc and Stork is that the streets in question have not been re-paved since 1962 and are, therefore, in extremely poor, even hazardous, condition. Public Works Department maintains that a serious drainage problem has existed on these streets for many years, and that repeated requests for funds to rectify that problem have been denied. Public Works further maintains that any re-paving would break up almost immediately and consequently would not be cost-efficient.

Rep. Dziezyc and residents of the area base their plea for re-paving on the hard condition of the paving which has resulted really from 20 years of neglect. They insisted if a serious drainage problem does indeed exist, it has not been observed by residents of the area. Their appeal is simply that the surfaces of Derwen Street, Rutz, Glen Avenue, and DeLeo Drive are in deplorable shape and must be repaired.

It was the consensus of the Public Works Committee that immediate corrective action is needed to break the present deadlock which is at the root of this problem and which is effectively preventing any solution to it. In short, the city must either appropriate the capital funds, \$180,000, to correct the drainage problem and permit the re-paving of these four streets, re-paving costs estimated at approximately \$60,000, in accordance with the recommendations of the Public Works Department, or, failing this, recognize the acutely serious nature of the problem, and re-pave the streets as promptly as possible, notwithstanding the drainage concerns. The committee feels continued inaction ignores the severity of the problem and is unrealistic, impractical and unfair to the residents in the area.

Accordingly, the following Motion was approved 5-0. A request to Public Works for a prompt report on (a) the timing and cost involved in solving the drainage problem on Derwen Street, Rutz Street, Glen Avenue and DeLeo Drive for submission of an appropriation request through the Boards; and (b) the timing and cost involved in re-paving the same streets also for submission of a special appropriation request through the Boards, as an alternative to (a) above, which is the capital expenditure. That is the conclusion of the report.

PRESIDENT SANTY: Mr. Flounders, then that will remain in committee and you will present further...

MR. FLOUNDERS: As soon as we receive the response from the Public Works Department.

HELD IN COMMITTEE.

REQUEST TO BRING UP AN ITEM NOT ON AGENDA UNDER PUBLIC WORKS

MR. DeLUCA: Madam President, at this time I would like to bring up an item under Public Works under the Suspension of the Rules. Seconded.

PRESIDENT SANTY: There's no discussion but you could tell us what it is about now, Mr. DeLuca. Then we'll move right to a Suspension, but we should know why we're suspending the Rules.

MR. DeLUCA: The reason why I'm requesting suspension of the rules at this time is there's an item that's been floating around our Steering Committee for the last couple of months. It has to do with Division 2, Excavation and Construction or, in essence, the street-opening fees. It's an ordinance dealing with Section 8(b) 18-60 to 18-66, and I feel that this ordinance should be acted upon because it would be serving the best interests of the City.

PRESIDENT SANTY: Mr. DeLuca, there's no discussion. We'll move right to a vote on suspending the rules. THE MOTION TO SUSPEND THE RULES HAS BEEN LOST: 20 Yes; 14 No; 2 Abstentions; 2 Non-Votes; 2 Absent. 26 Votes were needed.

FISCAL COMMITTEE - Co-Chairpersons Paul Esposito and Marie Hawe

MR. ESPOSITO: Fiscal Committee met on Monday, July 26. Present at that meeting, in addition to myself, was Mrs. Conti, Mrs. Hawe, Mr. Hogan, Mr. Livingston, Mr. Flounders and Mr. Roos. At this point, I would go through the Consent Agenda.

PRESIDENT SANTY: Before you do that, there is an item #20 that is the \$89.00 for the Health Department various Codes. It should be the last fiscal item, #20, for all the Representatives.

MR. ESPOSITO: On the Consent Agenda, I Move Items 9, 16, 19, and 20.

- (1) ~~\$=25,000.00~~ - DATA PROCESSING DEPARTMENT - Code 245.5160 PROFESSIONAL
COMPUTER SERVICES - Additional Appropriation requested
\$5,000.00 by Mayor Louis A. Clapes. Board of Finance approved
Approved 5/25/82. Held in Committee 7/12/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

MR. ESPOSITO: This has been a request that has come before this Board numerous times and it has been sent back. Fiscal voted to cut that \$25,000 request to \$5,000. The reason for that is during the budget seasons in May, we approved \$28,000 for the Assistant Analyst's position. They have not as yet hired anyone in that position. They would like this part-timer to continue work that has been started last year through this fiscal year. They do anticipate hiring someone to fill the position for full-time, and that's why we decided to cut the amount so that they could have the \$5,000 to continue the work that they have been doing right now for the next 3 months. If they do hire someone, then that person will take over those chores. If they don't hire someone, they can come back for another chunk of this \$25,000 request. Fiscal voted 6 in favor, none opposed, for a \$5,000 request, to cut that \$20,000, and I so Move. Several seconds.

PRESIDENT SANTY: Discussion? No discussion. We can move right to a vote. Secondary committee, EW&G?

MS. RINALDI: Yes, we concurred.

PRESIDENT SANTY: We'll move right to a machine vote. I pushed the buzzers so we have to give them a couple of minutes to get to their seats. We are now voting on #1 under Fiscal, \$5,000 Data Processing Department.

THE APPROPRIATION HAS BEEN APPROVED: 35 Yes; -0- No; 2 Abstentions; 1 Non-Vote.

FISCAL COMMITTEE (Continued)

- (2) \$300,000.00 - DEPARTMENT OF TRAFFIC AND PARKING - RESOLUTION AMENDING THE CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT TO BE KNOWN AS #280.0239 COMPUTERIZED SIGNAL SYSTEM; to be financed by TRANSFER of \$300,000 from Account known as #280.0658 STATE-ASSISTED PROJECT. Per Mayor Clapes' request. Approved by Board of Finance 5/25/82. Returned to committee 7/12/82.

Above also referred to TRANSPORTATION COMMITTEE.

MR. ESPOSITO: This was held from last month for information about the need for a 2/3 vote. Fiscal voted 3 in favor, 1 opposed and 2 abstentions for the approval of Item #2 and I so Move. Several seconds.

PRESIDENT SANTY: Secondary committee? Mrs. Maihock is giving the report for Transportation.

MRS. MAIHOCK: Transportation still concurs with Fiscal on this item.

PRESIDENT SANTY: We received a ruling from Corporation Counsel that 2/3 of those present and voting are needed to pass this appropriation. There are 38 members present, we need 26 votes.

MR. ESPOSITO: I might also add that there is a 3-page informational packet on everyone's desk tonight from Mr. Ford.

PRESIDENT SANTY: Any discussion?

MR. DeLUCA: I would recommend to the Board of Representatives this evening that we reject this item. If we were to recall several years ago, we approved the money for this computerization program based on the fact that the federal government would reimburse us. However, because of federal constraints, we will no longer be getting this money from the federal government. Needless to say, our own city is in a budget crunch as can be noted by the recent cuts we made during budget time. If we were to approve \$300,000, I would like to see it go towards more important items such as sewer projects in much needed areas throughout the community. They cry that a computerized signalization program will improve the traffic flow into our town. I doubt this very much. Some of our problems are the wide sidewalks that have been going up throughout town, the islands that we see created, dividers, the increase in the building of office complexes, etc., in town. Traffic lighting computerization is not going to solve the problem, especially, as I said before, I know there's more important projects that this \$300,000 can be used for. Therefore, I would urge everyone here tonight to reject this item because if the federal government can't afford it, what makes you think we can?

MRS. GERSHMAN: I was reading the packet of material that was given to us tonight by Mr. Ford and I look at Page 3, Project Cost, and I see the bottom line is \$4,200,000. He says the total project is predicted...it is planned to phase installation over 3 or 4 years. My question is, are we voting on \$300,000 transfer tonight, or are we really doing the first commitment for the \$4,200,000. Also, I looked this up in the budget, and I saw that the Board of Finance had cut this out of the 1982-83 budget as a new appropriation and since then these funds seem to have been found someplace to have been transferred. I wonder why they were not found prior to the '82-'83 budget. What if they had been left in there. I just think that that's a question that should be answered. If they were found now, I think they could have

FISCAL COMMITTEE (Continued)

been found last March or February when they were asked of the City in the first place. But I really am concerned about this \$4.2 million. Perhaps through you, Madam Chairman, Madam President, Mr. Esposito could answer my question. Are we really committing \$4.2 million?

MR. ESPOSITO: In a sense you are, yes. You are committing \$300,000 for a particular phase of the program; and if down the road you decide you don't want to fund the rest for whatever reasons, the program remains incomplete. You might look at that \$300,000 as being wasted, but you're not committing yourself now legally by Statute to \$4.2 million; you're committing yourself to a particular phase of the program.

MR. TARZIA: I think Mrs. Gershman more or less voiced my concerns. I don't think as a representative of the 17th district that I am willing at this time to make a commitment of \$4.2 million, and that's what in reality we are doing tonight.

MRS. CONTI: Mrs. Gershman's point is very well-taken. This is the reason I voted against this in Fiscal, because we are committing ourselves to a \$4.2 million project which with inflation will probably be much greater than that by the time it's done. One thing, we've got to be very careful about transferring funds. If we're transferring them out insufficient to cover the whole cost of a project, we are really committing to the full cost, or else we are just throwing away the money by starting a project that we're never going to finish. I would also like to point out that this plan calls for the computerization of High Ridge Road and Long Ridge Road, both of which are state highways for which we have no responsibility. I see no reason why the taxpayers of Stamford should subsidize anything that the state is supposed to pay for. All things considered, I would urge everybody to vote against this.

MRS. McINERNEY: I was going to Move the question. Seconded.

PRESIDENT SANTY: Sufficient to Move the question. We'll move right to a vote. We're voting on Item #2 under Fiscal. 26 votes are needed to pass this appropriation.

THE MOTION IS LOST: 14 Yes; 22 No; 2 Non-Votes; 2 Absent.

- (3) \$ 12,500.00 - COMMISSIONER OF FINANCE - Code 240.5150 PROFESSIONAL AUDITING SERVICES - Additional Appropriation requested by Mayor Clapes 6/1/82. 1982/1983 Budget. Approved by Board of Finance 6/10/82. Returned to Committee 7/12/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

MR. ESPOSITO: Fiscal voted 6 in favor and none opposed, and I so Move. Seconded.

PRESIDENT SANTY: EW&G? Ms. Rinaldi?

MS. RINALDI: Yes, we concurred.

MR. ESPOSITO: This is a request for the expanded audit of the Personnel Department. This is a proposal from Arthur Young & Co., the city's external auditors.

PRESIDENT SANTY: Any discussion?

FISCAL COMMITTEE (Continued)

MR. BONNER: This money, I take it, would come from the contingency fund, is that correct?

MR. ESPOSITO: Yes, it would.

MR. BONNER: All of these items have to be approved under contingency funds under the Board of Reps, is that correct?

MR. ESPOSITO: That's correct.

PRESIDENT SANTY: No further discussion, we'll move right to a machine vote. We are voting on #3.

THE APPROPRIATION HAS PASSED: 30 Yes; 5 No; 3 Non-Votes; 2 Absent.

- (4) REQUEST FOR APPROVAL OF DRAFT RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MASTER CONTRACT WITH THE STATE OF CONNECTICUT DEPARTMENT OF HUMAN RESOURCES. This will save at least six weeks of time for each yearly allocation to be in effect over past years. Submitted by Mayor Louis Clapes 6/17/82. Held in Committee 7/12/82.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed, to hold it this item. I might point out that a copy of the master contract which the Board requested last month is in tonight's packet.

HELD IN COMMITTEE.

- (5) REQUEST TO APPROVE RESOLUTION AUTHORIZING MAYOR TO SIGN A GRANT CONTRACT WITH STATE OF CONNECTICUT, DEPT. OF ENVIRONMENTAL PROTECTION, TO RECEIVE FUNDS TO AID IN THE IMPROVEMENT OF WEST SIDE PARKS. State to provide 40%, or \$26,250 of a proposed \$65,625 project. This is for Lione Park and Jackie Robinson Park. Returned to Committee 7/12/82.

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

MR. ESPOSITO: Fiscal voted 5 in favor, 1 opposed, and I so Move. Seconded.

PRESIDENT SANTY: Any discussion?

MRS. PERILLO: Through you, Madam Chairman, I would like to ask Mr. Esposito what are they going to do at Lione Park, please?

MR. ESPOSITO: I have the full plans here if anyone is interested in looking at them. Let me go down the list with the particular items and the cost for each of them. At Lione Park, you have Additional Security Lighting for \$5,000; Basketball and Tennis Court Resurfacing, Curbing Walkways, Expanded Parking for \$23,000; Ballfield Infield Raising for \$2,000; Drainage Improvement, Comfort Station Rehabilitation, Planting of Trees, Shrubs and Flowers, Top Soil Grading and Seeding, Seating Benches, and also Monument Improvements. If anyone on the Board would like to see the drawings and the plans, I have them here for anyone's perusal.

PRESIDENT SANTY: Ms. Rinaldi, you were secondary committee on that item?

MS. RINALDI: Yes, we concurred.

MRS. GUROIAN: I'm just curious, why wasn't this included in the budget?

MR. ESPOSITO: It's a request for a grant, and we have to make the application now. Ordinarily, in the budget process, you can't anticipate applying for grants.

FISCAL COMMITTEE (Continued)

MRS. GUROIAN: But wouldn't it have been included, if it was so necessary?

MR. ESPOSITO: This is a request to approve the Resolution authorizing the Mayor to sign a grant contract. We make an application to the State for a grant. We don't know at the time of the Budget that you're going to get the grant, so you can't put it into the budget until you receive the grant. We have now received the grant and this is a request to have the Mayor sign the grant contract with the State of Connecticut. There was no way we could have included it in the budget at the time because we didn't know we were going to get it.

MRS. CONTI: It was my understanding at Fiscal that the 60% that the city has to spend was in the budget. Actually, this Resolution is for 40% of the amount to be spent.

MR. WHITE: Madam President, through you to Mr. Esposito, how much expansion of the parking lot are you talking about? Lione Park.

MR. ESPOSITO: There's no parking lot.

MR. WHITE: That's what I was wondering, but you...

MR. ESPOSITO: Currently now, when you ask how much, you're talking about in terms of square footage? Perhaps you could look at the plans and see for yourself.

MR. WHITE: I can't look at the plans before I vote on it, can I? Oh, they're right here?

PRESIDENT SANTY: Mr. White, we'll allow you a few minutes to look at it. Any other discussion on this? Is there anyone who would like to look at the plans before we vote on it?

MRS. GUROIAN: I would like to get this clear in my mind because what Mr. Esposito said and what Betty said are contradictory. In fact, am I to understand that at the time of the budget 60% was in the budget, in the hopes that we would get the remaining 40% from state and federal or state and/or federal government and this is now the balance of the amount that the project will cost? Is this right?

PRESIDENT SANTY: The other co-chairperson of Fiscal will answer that question.

MRS. HAWES: Yes, the 60% that the city is putting is already in the capital project budget in various departments. This was not in because, as Paul said, this is a Resolution to sign a grant for the remaining money. But the other money is already in the capital projects budget.

PRESIDENT SANTY: No further discussion, we'll move right to a machine vote.
THE RESOLUTION HAS BEEN ADOPTED: 32 Yes; 2 No; 2 Abstentions; 2 Non-Votes.

- (6) \$ 13,300.00 - Request for Additional Appropriation from Grants Director Sandra Gilbane 6/24/82 to be funded from TAXATION to repay Federal Government, due to changed circumstances enumerated in Mayor Clapes' letter 3/25/82. Board of Finance approved this item previously; and it was withdrawn at Board of Representatives level.

Above also referred to PARKS AND RECREATION COMMITTEE.

FISCAL COMMITTEE (Continued)

MR. ESPOSITO: This is a request from the Grants Director for the tot lot. Because of the complexity of the situation and the many different stories we have heard, Mrs. Hawe and I decided we would have Fiscal hold this item so that we could spend one evening between now and the next Board meeting just discussing this particular item with all the parties concerned invited, and also all the Board members invited. So Fiscal voted 6 in favor, none opposed, to holding this item.

HELD IN COMMITTEE.

- (7) REQUEST TO APPROVE PROPOSED RESOLUTION AUTHORIZING FILING OF APPLICATION WITH STATE DEPT. OF HUMAN RESOURCES FOR SOCIAL SERVICES BLOCK GRANT portion of the Stamford Day Care Program for Federal fiscal year starting Oct. 1, 1982. Amount not to exceed \$125,157.00; City to provide local grant-in-aid per General Statutes as enumerated.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed, and I so Move. Seconded.

MS. RINALDI: EW&G concurred.

PRESIDENT SANTY: Any discussion? No discussion, we will move right to a machine vote.

MR. BLUM: Again, this item is left off Consent and no one speaks on it.

PRESIDENT SANTY: Thank you, Mr. Blum. We're in the middle of a vote.

THE RESOLUTION HAS BEEN ADOPTED: 36 Yes; -0- No; 2 Abstentions; 2 Absent.

- (8) \$106,664.00 - BOARD OF EDUCATION - Additional Appropriation to fund program entitled "ENGLISH AS A SECOND LANGUAGE/NON-PUBLIC SCHOOLS", to provide special language teachers for non-English speaking students attending Holy Name of Jesus and Sacred Heart Elementary Schools. Grant to be reimbursed by State of Connecticut. Board of Finance approved 7/8/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

MR. ESPOSITO: Fiscal voted 6 in favor and none opposed, and I so Move. Opposed.

MS. RINALDI: EW&G concurred.

PRESIDENT SANTY: Any discussion?

MR. BONNER: I'm quite curious why here they would have English titled as a second language rather than a first language. I wonder if Mr. Esposito could address that question.

PRESIDENT: Mr. Esposito, would you care to answer that question?

MR. ESPOSITO: Because for the students for whom this applies, they are not English speaking students, they are generally students who have come from another country and for them English is a second language.

FISCAL COMMITTEE (Continued)

MR. BONNER: But still, being in America, it seems that the English language should be first and then they should have a second language of whatever nationality they might belong to. It seems to me that that should be titled "English as a First Language" and whatever comes after that, comes after that.

MRS. HAWES: First of all, I believe that this is the title of the program as stipulated by the State. But I just would like to say something for Mr. Bonner's information, that this program is not to be confused with the bilingual program. The bilingual program, which this Board has been on record in the past as having some problems with, is the program by which subject matter is taught to the students in their native tongue and not in English. This is the program that teaches the children how to speak English; and even though it's called ESL as a second language, it's the program by which they are taught to speak English. They are not taught subject matter in their own language.

MR. GAIPA: Mrs. Hawes gave the same explanation to Mr. Bonner that I was going to give.

MRS. CONTI: Mr. Bonner's point is well-taken. But actually since this is a state-mandated program and the name of the program is at the state level, it might be advisable for Mr. Bonner to draw up a resolution of this Board which we might send to the state and ask that they change the name of this program because actually it is teaching the English language as opposed to teaching people in their native language. It is the better of the bilingual programs. This is fully reimbursed. It is mandated by the State and fully reimbursed by the State.

MR. CONTI: I'd like to ask a question please, up to what grade level does this apply?

MR. ESPOSITO: This is for elementary school so that it would apply to eighth grade.

MR. WHITE: This is an English course. This is, as Mrs. Hawes points out, not a bilingual program, it's an English course. It's the teaching of English to people who can't speak English and you've got to teach that in their native tongue. That's the best way to do it. This has been found very, very effective. It's not the bilingual course, as Mrs. Hawes has pointed out. I can vouch for the fact that it's a very solid academic situation.

MR. BLAIS: I wish to move the question. Seconded.

PRESIDENT SANTY: We are going to be voting on this. I will push the buzzers so the people in the caucus room can come out. The machine is ready for a vote. We are voting on #8 under Fiscal.

Please note at this time that Mr. Donahue is not participating in this vote.

THE APPROPRIATION HAS PASSED: 32 Yes; 1 No; -0- Abstentions; 5 Non-Votes; 2 Absent.

- (9) \$ 45,000.00 - BOARD OF EDUCATION - Additional Appropriation to be used in conjunction with the Voc. Ag. Center at Westhill High School. Grant to be reimbursed 100% by State of Connecticut. Board of Finance approved 7/8/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA. (Rep. Donahue did not participate)

FISCAL COMMITTEE (Continued)

- (10) \$ 26,000.00 - PLANNING BOARD/ENVIRONMENTAL PROTECTION BOARD - Code 105.5150
COASTAL MANAGEMENT PROGRAM PROFESSIONAL CONSULTANTS -
Additional Appropriation requested to continue Stamford's
municipal coastal program; to be reimbursed by the State DEP.
Approved by Board of Finance 7/8/82.

Above also referred to ENVIRONMENTAL PROTECTION COMMITTEE.

MR. ESPOSITO: Fiscal voted 5 in favor and 1 opposed and I so Move. Seconded.

PRESIDENT SANTY: Secondary committee?

MRS. MAIHOCK: I wish to waive the report of the Environmental Protection Committee due to the fact that there were two conflicting meetings that night.

PRESIDENT SANTY: Motion has been made to waive the secondary committee report. Is there a second to that? Seconded. All in favor of waiving the secondary committee report, please say Aye. Opposed? Mr. Esposito?

MR. ESPOSITO: That's all I have to say to it, I would Move it.

PRESIDENT SANTY: Anyone to speak?

MR. BLUM: This past week, or the last few weeks, we've seen some rejections, court cases, in regard to this coastal management program. I just wonder what this professional consultant is going to do in regard to Stamford's situation in regard to the building of offices on the coast. I think the law says a thousand feet from the waterway is supposed to be kept clear of certain things. I just wonder what the consultant is going to do now to the situation now existing in Stamford.

MR. ESPOSITO: Do you want me to answer Mr. Blum's question?

PRESIDENT SANTY: Yes, Mr. Esposito, you can answer the question.

MR. ESPOSITO: This is part of an ongoing program. This is actually the 3rd, 4th, and 5th phases of a program that was begun a couple of years ago, of which 2 phases have already been completed. It is required that this work be done by September 3rd at the end of the current ^{Federal} fiscal year. The consultant is already under contract with the city. To specifically answer Mr. Blum's question, the last 3 phases of this program will include amendments to the Master Plan pertaining to coastal areas; secondly, an amendment to the zoning map in the areas around the coast; and third, a manual setting forth the requirements for those applying for coastal projects. I think this last one is probably the most important one and pertains to Mr. Blum's question. Right now, when someone makes a request for some kind of permit on the coast, there are no manuals setting forth the requirements of the person involved in the construction ^{of the City} or whatever. What this will do is standardize the procedure so that the city will now have a manual that will set forth the requirements applying to coastal projects which will better enable them to deal with any applications that come forth in the future.

PRESIDENT SANTY: Motion has been made and seconded to Move the question. All in favor of moving the question, please say Aye. Opposed? We're going to move to a vote on #10 under Fiscal. The machine is ready.

THE APPROPRIATION HAS BEEN APPROVED: 31 Yes; 1 No; 6 Non-Votes.

FISCAL COMMITTEE (Continued)

- (11) \$ 1,125.00 - HEALTH DEPARTMENT - Code 550.2510 MAINTENANCE OF VEHICLES -
Additional Appropriation requested to fund maintenance for three months for fiscal 82/82. Board of Finance had deleted funds for this purpose from other City vehicles also, due to a feasibility study to use City Garage and mechanics to do maintenance and repairs. Board of Finance approved 7/8/82.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed, and I so Move. Seconded.

PRESIDENT SANTY: Discussion?

MR. DeLUCA: I realize that the money was going to be appropriated. There's only \$1,125, but there seems to be about 7 or 8 other items. I cannot in clear conscience vote on something that only a few months back was cut out of the budget. I also find it difficult to comprehend the fact that a department like the Health Department, which has a budget, I believe, in the area of at least one million dollars, if not more, that at this particular time cannot find funds to transfer from one account to another. To come in at such an early date and look for an additional appropriation at this time is ludicrous, ridiculous, and it's really an insult to the community. After all, if we're going to cut a budget and our tax rate is based on it, and a couple of months later we're going to go back and start approving additional appropriations, then I don't think we're doing our job.

MR. BOCCUZZI: Through you, Madam President, to Mr. Esposito, I believe that the Board of Finance in their wisdom cut all the maintenance of vehicles out with the idea of having some kind of a consultant or something, have a program or something to have all the maintenance done in one place? Is that correct?

MR. ESPOSITO: That's correct. May I explain that situation?

MR. BOCCUZZI: Well, to just get back to what Mr. DeLuca said, therefore, that leaves all these departments ^{now} with no way of maintaining vehicles?

MR. ESPOSITO: That's correct.

MR. BOCCUZZI: So, therefore, I believe all these appropriations are for approximately 3 months?

MR. ESPOSITO: That's correct.

MR. BOCCUZZI: I feel that due to the fact that they have no place to maintain the vehicles at the present time, I would say that we should approve the amounts of money for the 3 months and, Madam President, I don't know if we should do it now, if I should ask it now or later, that we add a recommendation that after 3 months if there is a central place to maintain vehicles, any monies left in these particular lines should be returned to the general fund and not transferred to any other item.

MRS. GERSHMAN: Mr. Boccuzzi said essentially what I was going to say.

MR. DONAHUE: There is one thing that Mr. DeLuca said that I would like to agree with and that's the fact that these various departments shouldn't be back in here for this amount of money at this time. This amount of money should have been never totally cut from their budgets. Any corporation or any city with any substantial-sized fleet can tell you and prove to you

FISCAL COMMITTEE (Continued)

that the most cost-efficient program you can initiate is a preventive maintenance program. It's like the commercial -- you can pay me now or pay me later. A preventive maintenance program must be continued in the city. These funds will aid that, and see that it's done and see that the city does not have to spend larger amounts to repair vehicles, make substantial repairs to vehicles. They're asking for money to maintain the vehicles as they were before for a limited time until such study, if one is to be made is completed, and if we in fact can do what has been suggested, have a central maintenance facility for the city's rolling stock. This money in each case should be appropriated for these various departments.

MR. FLOUNDERS: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We need 2/3 to move the question; we'll have to use the machine to move the question. MOTION TO MOVE THE QUESTION DEFEATED: 24 Yes; 14 No; 1 Non-Vote. 26 votes were needed. We'll continue with the next person.

MRS. HAWES: I was just going to say something to the effect that Mr. Donahue said that at budget time, many of us felt that it was incomprehensible to us why the Board of Finance had cut these accounts out. We had been striving for many years to have a maintenance program in this city, and here they cut out the funds. So I would certainly, especially being that this is for 3 months, at which time hopefully we'll see some progress towards the centralized maintenance program, I would certainly think that this is definitely a wise thing to vote for.

MR. TARZIA: I think that the Health Department can look into its budget and make the necessary transfers. We're only talking about \$1,125. I, too, believe that the vehicles should be maintained, but I believe Dr. Gofstein can find the money to transfer since we're asking everyone in the city to be very careful in the way we spend our money. We have a limited contingency fund. This is already the second month into the fiscal year, and I think we ought to be very frugal in the way we appropriate the money.

MR. BLUM: For years I have talked about we pass on the budget, and then here comes July, starts the fiscal year, and here we're into August and we're already starting to appropriate additional funds. I, too, am for preventive maintenance. Believe me, I know what it's all about. But as I hear, there must be other funds within the department; they can transfer from one to another until this study comes about. I'm against this. I'm not against preventive maintenance; they have to find funds within their departments, not for that additional appropriation. I have this vote and I'm going to vote No tonight.

MRS. MAIHOCK: The general welfare and health of our city should not be compromised for approximately \$1,000.

MR. WIEDERLIGHT: Both Mr. Donahue and Mr. DeLuca are correct in their own way. This money shouldn't have been cut out. The vehicles should be running. On the other hand, we voted to cut this money out. It was done at budget time, and here we are giving back money that we cut. We spent many hours deliberating on it. Vehicles must be maintained; there's no doubt about it. What happened to the study that we voted money for? Apparently, we had a deadline; the vote was not passed by a certain date. All the vehicles were going to stop running in the city; I believe that was July 1st or June 1st, I'm not sure of that date. Here we are now, August 2nd, and we're still looking for that study, the results of the study that we voted money for.

FISCAL COMMITTEE (Continued)

I say No to this appropriation, let them draw from another line; and if the situation becomes acute next month, we'll review it,

MRS. PERILLO: I would like to go just a little step further on what Mr. Wiederlight said and ask Mr. Esposito, did they do a study on this and is the city going to maintain these vehicles?

MR. ESPOSITO: A meeting was held of all department heads who use cars and other vehicles in the course of their operation, and Roy Jorgenson Associates Inc., a public works and equipment management consulting firm, gave a presentation on how it would conduct a study if hired. No final decision was made on hiring however. Roy Jorgenson had also done a study for Greenwich and estimates its time schedule at 22 weeks, or approximately 5 months. This time factor should be a consideration when we all consider the appropriations. Now this is a report that was given to us by the Board of Finance as of July 9, so I would have to say as of July 9 a consultant had not been hired yet but one was in the process of being hired.

MRS. SAXE: Through you to Mr. Esposito, is Mr. Jorgenson not the consultant?

MR. ESPOSITO: According to a report that I received from the Board of Finance, no, he is not. That has not been determined yet.

MRS. SAXE: Then what study did he do to say that it would be 5 months?

MR. ESPOSITO: Well, he has done studies for other communities, for example in Greenwich, and any consultant who knows what he's doing can tell you approximately how long it's going to take him to do the study.

MRS. SAXE: And his study is going to go to the Board of Finance or to Public Works?

MR. ESPOSITO: To Public Works and the Board of Finance and us as well.

MRS. SAXE: Has Public Works, have we asked for input from Public Works yet on these appropriations?

MR. ESPOSITO: I don't understand why we would ask for input from Public Works.

PRESIDENT SANTY: Mrs. Saxe, we are now discussing \$1,125. We don't want to get off the track here.

MRS. SAXE: I'm not getting off the track at all.

PRESIDENT SANTY: I don't think Mr. Esposito is qualified to answer that question.

MR. ESPOSITO: I don't understand the question.

MRS. SAXE: The question is, if Public Works is going to set up a department or a section of their department to do the maintenance vehicle work, have they been asked yet about the time schedule and the time frame and about these costs that are being thrown in now?

MR. ESPOSITO: It is clear that they will not have a maintenance facility in place within the next 5 months. That they agree with, that the Board of Finance agrees, that most people in city departments agree. Once the

FISCAL COMMITTEE (Continued)

the consultant's report comes in, the Public Works Department with the Board of Finance will then pursue further a development of a vehicle maintenance center. At this point, Public Works cannot make any estimate as to how long it will take.

MRS. SAXE: I think we should at least ask them if they can.

MR. LIVINGSTON: No, I'm not going to Move the question. Madam President, if we are discussing Item #11, which I believe we are, I've heard some comments that have disturbed me. Number one, I don't believe that this Board cut this maintenance account. I'm not sure on that. But to my recollection, I don't believe that we did; however, we're talking about pre-maintenance of vehicles. Now, we have to understand that these vehicles do not belong to the Health Department or Dr. Gofstein, they belong to the City of Stamford. If we are to be so foolish as to say that we're not going to maintain these vehicles, we're not going to do what's necessary to keep this fleet rolling simply because of some particular hang-up we have with how it's being pursued or how it's being presented, I think we're wrong because we're going to do more harm than good. Dr. Gofstein gave a very good presentation to our committee. He informed us that one of the reasons why his fleet is in such good condition is because his people are allowed to take the vehicles home. That gives the vehicles protection from vandalism and he went on to say that his people were responsible for the cleaning of those vehicles. Now I'm hoping that we go along with this with the stipulation that Mr. Boccuzzi made that if these funds are not spent, they be returned to the general fund. As I see it, the Board of Finance or the Mayor might have made a mistake eliminating those funds pending on some study that we're not even sure is going to take place. We need the money just to make sure that our vehicles are in decent repair, that they do not all of a sudden have to have major repairs because pre-maintenance wasn't done. As I see it, this is going to save us money in the long run.

MR. ESPOSITO: I would also like to clarify a few points. Mr. Livingston is absolutely right. This Board did not cut the money out, the Board of Finance cut the money out. We cannot make any judgement as to what the Board of Finance was thinking when they cut the money out, but the fact that they approved these, they realize that these vehicles must be maintained. I think it's important that we as a Board do not put these city departments in the middle. The Board of Finance in its wisdom felt that it would be more appropriate and probably more fiscally prudent to have a central vehicle maintenance plan. In order to force the departments and to force Public Works to establish that vehicle maintenance plan, they cut all the maintenance of vehicles' budgets. That's an interesting procedure, but the fact of the matter is that as of July 1st, none of these departments have any money for maintenance of any kind. They have to do something about that, and they come back now and requested some temporary funding to get them through at least one quarter of the fiscal year. I want to emphasize that this is not necessarily preventive maintenance as a couple of speakers have pointed out. If a car breaks down, no matter what's wrong with that car, there are no funds to repair it right now. If the car breaks down tomorrow or next week, there are no funds at this point to repair it. Even if we go to the transfer, the transfer is going to take at least another month before the Board of Finance enacts and right now none of these departments have any money to repair any of their vehicles, preventive or otherwise.

Another point, I understand and appreciate the concerns of Mr. DeLuca and a number of others who have asked for transfers. It's just that transferring

FISCAL COMMITTEE (Continued)

money in the second month of the fiscal year is simply not fiscally prudent. Where do they begin to look for this money? We're asking department heads now to, on August 2nd, look through their budget, anticipate where they're going to have excess monies, and we've all heard that no department is going to have excess monies. How is a department head going to know on August 2nd with 11 months of the fiscal year still in front of him which line items are going to have excess funds to transfer from? If they make a mistake, and in all likelihood if most of the line items are very tight, they're going to make a mistake, that means in 4-5-6 months down the line, they start coming to us for additional funds for a telephone, for stationery, for wherever they transferred the money out of. Isn't it more fiscally prudent if you're spending money on maintenance of vehicles to appropriate money for maintenance of vehicles? Do we want department heads to get into the habit of transferring from one line to the other to meet the needs on August 2nd and then coming back for an additional appropriation on that line because they transferred for maintenance of vehicles on August 2nd? The money was cut, they need the money for maintenance of vehicles, and it's important that they get it as soon as possible.

MR. DeLUCA: Is he answering the question, or is he just making a pitch why...

PRESIDENT SANTY: It's not your turn to speak, Mr. DeLuca.

MR. WIDER: I, too, feel that we are being a little naive to think that the cars are still going to continue to run until the study is completed. They must be maintained until that study is done, and I feel that the best way to do it is by appropriating this money; and I certainly vote for it.

MR. BONNER: It's very difficult to believe that a department would have to submit to the Board of Representatives a request to have \$1,000 or \$375 and take up the time of this large group with such a request. It seems that a manager of those groups should be able to take care of their vehicles. Now, if this is impossible, if it's impossible to do that, then I think we have no other alternative but to vote for these and get on with the program. If it's possible, then those managers should be able to take care of these little problems and not be bothering the Board of Representatives. If the question is that it's impossible, then I'll vote for them. Is it impossible for them to do this?

PRESIDENT SANTY: Mr. Esposito, would you like to comment on that? Just a comment though.

MR. ESPOSITO: If you have to repair a vehicle, maintain a vehicle, you must, to pay for that service, draw from a line account. Right now, in all of these departments, there is no money in any of these line accounts so the answer is at this point it is not possible for them to have any vehicle repaired and to pay for it at the time.

MR. DZIEZYC: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We're going to move to a machine vote. We are voting on #11 under Fiscal.

THE MOTION IS DEFEATED. 25 Yes; 8 No; 2 Abstentions; 3 Non-Votes. We needed 26 to pass.

FISCAL COMMITTEE (Continued)

MR. BLUM: Point of Order, Madam Chairman. I'd like to Move for reconsideration.

PRESIDENT SANTY: That's an Order. He can move for reconsideration. It's been seconded, and he did vote on the prevailing side. We are now going to vote on a reconsideration of that amount. It is debatable, Is there any questions or discussion?

MR. BLAIS: Move the question. Seconded.

PRESIDENT SANTY: We are going to move on reconsideration. We are voting now just on whether we should reconsider this or not. We'll use the machine. THE MOTION TO RECONSIDER HAS PASSED: 22 Yes; 13 No; 3 Non Votes. We are now going back to vote again on Item #11.

MR. DUDLEY: Move the question. Seconded.

PRESIDENT SANTY: All in favor, please say Aye. Opposed? We'll move right to a machine vote. THE MOTION HAS PASSED: 26 Yes; 8 No; 3 Abstentions; 1 Non-Vote.

(12) \$ 375.00 - HOUSING CODE ENFORCEMENT TASK FORCE - HEALTH DEPARTMENT - MAINTENANCE OF VEHICLES - Code 551.2510 - Additional Appropriation approved by Board of Finance on 7/8/82 for a three-month period.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed, and I so Move. Seconded.

MR. WIEDERLIGHT: Madam President, I have a point of personal privilege. There's mumbling coming from the side over here and I cannot hear the speaker and I wish you would call this to order please.

PRESIDENT SANTY: Mr. Wiederlight, that is not a personal privilege but it is most annoying and I would please ask all representatives to give the speaker your attention. Please be quiet except when you're called to speak. We're discussing now Item #12. Any speakers?

MR. ESPOSITO: This is \$375 for four months for the vehicle repair account which was deleted. This is for 3 vehicles in the Housing Code Enforcement Office, none of which go home. I might also point out in addition to the preventive maintenance, there are I believe one or two new cars in this particular department and it's important that the maintenance be done not to void the guarantee. With a new car there's a guarantee on them and if we don't do certain maintenance and to again reiterate what I said to Mr. Bonner before, if you have to maintain a car, there's no money in the line item to maintain the car, you can't perform the maintenance. In order not to void the guarantee, it's important that certain periodic maintenance be done on these vehicles.

MR. BOCCUZZI: Move the question. Seconded.

PRESIDENT SANTY: We're going to move right to a machine vote.

MR. DeLUCA: Just a point of clarification, I agree with Mr. Boccuzzi, we should move along; but Mr. Esposito made a statement that this was for four months but yet I look at the item on the agenda here and it says just for a 3-month period.

FISCAL COMMITTEE (Continued)

MR. ESPOSITO: I'm sorry, the original request was for 4 months, then it was cut by the Board of Finance, so it is for 3 months.

PRESIDENT SANTY: So that's been clarified, We're now going to vote on that. THE APPROPRIATION HAS BEEN APPROVED: 29 Yes; 4 No; 2 Abstentions; 3 Non-Votes.

- (13) ~~\$--6,000.00~~ - HEALTH DEPARTMENT - PUBLIC SCHOOL HEALTH PROGRAM - Additional
Reduced to Appropriation - Code 560.5150 PROFESSIONAL CONSULTANTS
\$1,200.00 by (to provide a school physician at Rippowam High School to
this Board. attend football games and provide first aid and physical
examinations for students at that school, which funds were
denied by Board of Finance for 82/83 fiscal year. Board
of Finance approved 7/8/82.

Above also referred to HEALTH AND PROTECTION COMMITTEE;

MR. ESPOSITO: Fiscal voted 5 in favor, none opposed, with 1 Abstention. The reason this wasn't on consent is because Fiscal voted to reduce the amount from \$6,000 to \$3,000. The reason for the reduction was that the original request of \$6,000 was for physicians to attend football games at the Rippowam High School. It is not clear at this point whether there will be varsity football at Rippowam High School. The person at the Board of Education, Mary Jane Higgin, has recommended that there be no varsity football. The Superintendent of Schools has not made a decision on this yet, and it is unclear whether or not there will be varsity football. However, in any case, there will be junior varsity football and there will have to be examinations, physicals, given to all athletes at the beginning of the school year, whether they're varsity or not. That being the case, Fiscal decided to cut the appropriation to \$3,000 so that the school physicals could be done at the beginning of the school year. If there is varsity football, they could come back for the additional appropriations later on in the fiscal year. Fiscal voted 5 in favor, none opposed, with 1 Abstention and I so Move for \$3,000. Seconded.

PRESIDENT SANTY: There's a Motion to waive Secondary Committee's report. Seconded. All in favor, please say Aye. Opposed? We are now discussing Item #13 under Fiscal.

MR. WIEDERLIGHT: In reference to the physical examinations, would it not be possible for these students to get a physical examination by their own private physician and bring proper credentials that they are in good physical health from their private physician as opposed to going to a physician paid for by the city?

PRESIDENT SANTY: Mrs. McInerney, would you like to answer the question Mr. Wiederlight raised?

MRS. MCINERNEY: I can't specifically answer it. Other than that, I do recall that when my children entered their high school freshman year, they were required, I'm pretty sure, to get a physical before entering that year. And if they are required by the Board of Education to get a physical at that particular entrance into the school, I don't see why that physical couldn't suffice for the junior varsity football physical.

MR. ESPOSITO: The reason behind this is for the potential liability for the city. A student is one thing, an athlete is another issue. In terms of the city's liability, if something happens to an athlete, they want to be sure

FISCAL COMMITTEE (Continued)

that it was the city physician. For example, there are 5 school physicians now and frequently if a student gets ill in school, it goes to a school physician. The reason it goes to a school physician is because it covers the city in terms of insurance liability, I believe that's the reason why athletes are examined by the Board of Education physicians and not by private physicians.

PRESIDENT SANTY: Mr. Wiederlight, does that answer your question?

MR. WIEDERLIGHT: No, it doesn't, Madam President. I would like to make a Motion that this goes back to committee and...

PRESIDENT SANTY: Before you speak to that, there's a Motion made. Several seconds. Continue, Mr. Wiederlight.

MR. WIEDERLIGHT: I would like to go on record as being in favor of having a physician at all football games; however, I feel that this appropriation's intent is not clear and I would like some research to be done by the Fiscal Committee to see if it is possible to have (a) the physical examinations that Rep. McInerney said all students undergo before they enter high school suffice and (b) to have the students have a physical examination by their own physicians and bring in a certifying note. I think that the Fiscal Committee should consult with the Board of Education, the insurance manager of the City of Stamford, and the Board of Education in making their determination and report to this committee next month.

PRESIDENT SANTY: Motion has been made and seconded. We're now discussing returning this item back to committee.

MR. LIVINGSTON: To return this to committee just for the sake of having this come back to us with the same recommendation, I think we're going to be wasting our time. If any of us, say, can you imagine the New York Yankees taking a ballplayer's personal word from his personal physician that everything is A-O.K. and he can play baseball. It just doesn't make sense. The Board of Education's physician should be the sole voice on whether that athlete healthwise should be allowed to participate. I don't see how we can get away from that.

MR. ESPOSITO: Mr. Wiederlight's questions are well-taken. The only problem that Fiscal had with this, and we considered this, the whole issue of football at Rippowam, and the physician present at each game and the attending physician and so on, the problem is that the next time this Board meets is after Labor Day and school will have started. If there are going to be pre-school examinations for athletes, which are necessary for insurance liability purposes, it has to be appropriated at this meeting. That's why we cut the appropriation so that there would be enough to do the pre-school physical.

MRS. PERILLO: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We are going to vote now on returning this to committee. We'll use the machine.

MOTION TO RETURN TO COMMITTEE DEFEATED: 13 Yes; 21 No; 4 Non-Votes.
We are going to return to the main Motion.

MR. BONNER: Question to Mr. Esposito through you, has consideration been given to different doctors volunteering to do this service? It seems

FISCAL COMMITTEE (Continued)

It seems that in the city of Stamford that there would be plenty of doctors that would be willing to do this and we are tight on our budget. It seems like a lot of us are going to have to do voluntary work in the city. Has this been considered?

MR. ESPOSITO: I do not know.

MRS. GERSHMAN: I have a couple of questions if perhaps Mr. Esposito can answer them. This is strictly for Rippowam High School; what do Stamford High and West Hill High do? And if Board of Finance cut this appropriation for Rippowam out of the budget, why didn't they cut Stamford High and West Hill also?

MR. ESPOSITO: To answer your first question, there are 5 school physicians so that the other schools, Stamford High and West Hill High, will be serviced by those physicians. As to why the Board of Finance cut this amount from professional consultants, I do not know. Possibly they anticipated the closing of the school or a cutback, and that's why they cut the amount.

MRS. GERSHMAN: Perhaps if there are already 5 physicians, they could service Rippowam as well.

MR. ESPOSITO: According to Dr. Gofstein, the 5 physicians they currently have are going to be doing...first of all, you're going to need 3 of them or 2 of them for the high school football games. The other 2 are going to be busy doing the pre-school examinations. The problem that we face is not the long-range problem, it's the short-range problem. That is, the school year begins on September 1st and that they need the maximum number of physicians for the pre-school physicals.

MRS. GERSHMAN: In view of this, I would urge that we turn this down. I think that these 5 physicians can cover the Rippowam High School.

MRS. McINERNEY: I would like to make a further reduction in this item to \$1,200. I make a Motion to cut from \$3,000 to \$1,200, that the total amount would then be \$1,200 for professional consultants, a reduction of \$1,800.

PRESIDENT SANTY: You want to reduce this by \$1,800 to bring the total to \$1,200? Is there a second to that Motion? Seconded. We are now discussing Mrs. McInerney's Motion to delete \$1,800 to that total, bringing the total to \$1,200.

MRS. McINERNEY: I feel that if this money is that essential to cover the junior varsity football game, most junior varsity teams entering any high school have the largest number of boys that try out for any football team. Taking an average total of 20 boys, a physical per boy could be \$25, that amount being \$500, and the balance of the money could go from covering games between \$100 to \$150 per game at about 6 games per season. Mr. Boccuzzi is reminding me about football team numbers, I'm sorry. My husband did coach a junior varsity team, so I think I remember the kind of numbers that he played with. The normal group of boys was no more than 20 boys in any given time trying for a junior varsity team, and I think \$1,200 would be more than sufficient to cover that if it's necessary.

FISCAL COMMITTEE (Continued)

MR. GAIPA: Through the chair to Mr. Esposito, do we know about how many boys we're talking about here for this sport?

MR. ESPOSITO: No, we don't, and I talked with Miss Higgin about this, there's just no way of knowing, first of all, whether there's going to be a varsity team and how many boys are going to show up for it or whether there will be a junior varsity team. But there's no way of knowing at this point how many boys are going to sign up for it.

MS. SUMMERVILLE: Point of information, Madam President. I might be out of order but who established it was only boys? Is that established?

MR. ESPOSITO: My apologies.

PRESIDENT SANTY: Mr. Gaipa has the floor. Mr. Gaipa, are you finished with your questioning?

MR. GAIPA: Yes. I'd just like to make a comment that on the assumption there will be 50 students turning out for junior varsity football, 50 into \$3,000 is approximately \$60 or exactly \$60 an exam which seems rather high for the type of exam that these players get.

MR. DeLUCA: I'd like to Move the question. Seconded.

PRESIDENT SANTY: We are going to move right to a machine vote. We are voting on Mrs. McInerney's Motion to delete the \$3,000 to \$1,200.
MOTION HAS PASSED TO DELETE THAT AMOUNT: 18 Yes; 15 No.

MR. ESPOSITO: Point of information, I'm not sure but I'll ask the Chair for clarification, is she asking to delete the amount or is this an appropriation of?

PRESIDENT SANTY: I was just going to ask her that same question. Mrs. McInerney, your Motion again?

MRS. McINERNEY: It was to delete \$1,800 bringing the total amount to \$1,200,

MR. ESPOSITO: But now don't we need to approve \$1,200? And doesn't that need a 2/3 vote?

PRESIDENT SANTY: The reduction does not need a 2/3 vote. That only needs a majority which passed. 18 Yes; 15 No; 5 Non-Votes. We now have an appropriation before us of \$1,200.

MR. ESPOSITO: I would then Move that the amount of \$1,200 be appropriated for the Health Department Public School Health Program. Seconded.

PRESIDENT SANTY: We're now discussing that Motion. The \$3,000 is now reduced to \$1,200.

MR. TARZIA: I am not quite sure whether the amount that was requested is appropriate or not, and now the new amount bothers me because we have 3 high schools in this town and we're telling the kids that go to the other 2 schools, fine, we're going to pay for your physical examination, the city's going to provide this. We're telling the 3rd, the amputated high school now that the kids there not only have one less grade, they don't have the juniors this coming year, but the City of Stamford is not going to provide them with

FISCAL COMMITTEE (Continued)

the other services that the other two high schools are going to be provided with. I don't see where we can really do this. I don't see where the other two schools are going to have the physicians to attend the games, to examine these kids, and yet we're going to tell the Rippowam students they're not going to have that.

MRS. HAWES: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We need 2/3. We'll have to use the machine. We're now voting on whether we move the question. THE MOTION TO MOVE THE QUESTION HAS BEEN DEFEATED: 25 Yes; 11 No; 2 Non-Votes. We need 26 votes.

MR. WHITE: The only way I can get to speak on this is by in fact simply raising my hand during these various kind of Motions taking place here. What I wanted to say in terms of physical examinations and the whole business of appropriating money for them, you've got student athletes going out for a sport. It's not a question of how many physicians you'll have giving the examinations. It's a question of paying the physicians to give the examinations. If you're going to pay the physicians to give the examinations for two of the schools, and you don't appropriate money to have them go up to Rippowam High to give the examination, then they're not going to go up there and give the examinations. It's as simple as that. The question of whether you should give examinations or not and the question of the money, we have to calculate how much money it would cost to give these examinations and to have physicians there. If you're going to offer a varsity sport, you've got to have doctors in attendance and you've got to give physical examinations. I don't remember having a requirement that a student has to get a physical examination before he goes into high school, I don't remember them, I could be wrong on that. But you're talking in terms of an athletic contest, that's different than simply giving a kid a medical clearance to go to high school. You're talking about a competitive varsity or junior varsity sport. Moreover, if you give a kid a physical examination in 9th grade, that doesn't necessarily mean that by the time he reaches 10th or 11th or 12th grade he hasn't got a problem. Moreover, an awful lot of these kids don't have personal physicians. You're getting a lot of kids from this town here that are not necessarily your average upper middle class family. They don't have physicians, they don't get physical examinations like this. I really don't understand the rationale of offering varsity sports and for one school turning around and denying them a medical clearance by competent physicians. I just don't understand the whole rationale involved here.

If you're going to offer a varsity sport or a junior varsity sport or competitive athletics, the community has got to pay for physical examinations by competent physicians, whatever it costs. That really is the long and the short of it.

MRS. SIGNORE: I'd like to direct my fellow Board members' attention to Item #13 which states 'to provide a school physician at Rippowam High School to attend football games and provide first aid and physical examinations for students at that school'. That includes not only those who are playing varsity football, baseball, whatever, but includes every student at that school who does not have a physical exam. It is my understanding by state law that every child every other year, or every third year, must have a physical examination. The school physician provides that physical examination when a private physician is not available. I think we have to remember that, and we are talking about a high school that will have 3 grades next year. That's a lot of kids. I think to nitpick this item to death when you're talking about physical examinations for high school kids, is unconscionable.

MR. DZIEZYC: Move the Question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We will move the question. We are now voting on \$1,200, Item #13, under Fiscal. Mr. Stork is now present, we have 39 members.
THE APPROPRIATION HAS PASSED: 33 Yes; 4 No; 2 Non-Votes; 1 Absent.

MR. WHITE: Madam President, may I ask a Point of Information about this vote that we just took or about this question that we just voted on or is that out of order? I'm not all that familiar with the details.

PRESIDENT SANTY: Well, we've just passed it but certainly we can go ahead with a question. We just approved \$1,200 to this account.

MRS. CONTI: Point of Order. I thought this vote was to Move the Question.

PRESIDENT SANTY: No, we Moved the Question. This was on the appropriation, Mrs. Conti, as clearly stated. Mr. White, do you have any other questions?

MR. WHITE: Yes, I never asked my question. It is that we've appropriated \$1,200 down from the original \$6,000, \$3,000, and so on. By what divination did we decide that \$1,200 would cover the necessary medical examination physicians to go up there? In other words.....

PRESIDENT SANTY: That question is out-of-order since we've already voted on it.

(14) \$ 1,062.50 - DEPT. OF TRAFFIC & PARKING-TRAFFIC DIV. - Code 280.2510
MAINTENANCE OF VEHICLES - Additional Appropriation approved by Board of Finance on 7/8/82 for a three-month period, since they had deleted the funding of this line item due to a feasibility study to use City Garage and mechanics to do maintenance and repairs.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed and I so Move. Seconded. The Board of Finance eliminated all the funds for the maintenance of vehicles and this is a request that will take us through the first 3 months of the fiscal year.

PRESIDENT SANTY: Any discussion on #14 under Fiscal? If not, we shall move right to a machine vote. Just one moment, we're having difficulty with the machine, and to proceed as efficiently as possible, we will go ahead with a roll call vote? No? Raise your hands high, for this vote. We are now voting on #14 under Fiscal, \$1,062.50. Will our two Tellers, Mr. Wiederlight and Mr. Stork come up and make the count? All in favor, please raise your hands, because we will have to take the names down. Ms. Summerville, will you please....

MS. SUMMERVILLE: That's Helen's job.

PRESIDENT SANTY: We have to have a record of the votes, so we will take the Yes votes first. The back row first.

MR. BOCCUZZI: Why don't you have a Roll Call vote. That would be better than...

PRESIDENT SANTY: We'll go ahead with a Roll Call vote. Ms. Summerville, will you..

MS. SUMMERVILLE called the Roll.

PRESIDENT SANTY: I'd like to tell you the vote, but first, it was very difficult for the Tellers to hear the vote when all the under-current of conversation was going on. So when we vote, and even when someone is speaking, and the committee members are giving their reports, please keep the talk at a minimum and quietly.
THE APPROPRIATION HAS BEEN APPROVED: 26 Yes; 9 No; 4 Abstentions; 1 Absent.

- (15) \$ 850.00 - DEPARTMENT OF TRAFFIC AND PARKING - PARKING DIVISION -
Code 281,2510 MAINTENANCE OF VEHICLES - Additional
Appropriation approved by Board of Finance on 7/8/82
to fund three-months, due to deletion of this line item
from 82/83 budget.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed, and I so Move, Seconded.

PRESIDENT SANTY: Any discussion? We're going to have to go to another Roll Call Vote because the machine is still not functioning; we're having some difficulty. Please speak into the microphone and no talking other than that when you vote. Will the Tellers, Mr. Wiederlight and Mr. Stork please count?

MRS. PERILLO: Madam Chairman, may I just ask Mr. Esposito a question on this?

PRESIDENT SANTY: Yes, you may ask a question.

MRS. PERILLO: Does he know that cars are left at the parking garages or do the personnel take them home?

PRESIDENT SANTY: Mr. Esposito, do you know the answer to that question?

MR. ESPOSITO: We asked everyone who came in to give us that information, and the Traffic and Parking Division did not come in, so...do we have that? Well, a memo from Mr. Ford dated July 23, 1982 indicates that all the cars are headquartered in the city, but that doesn't really explain whether or not they are used to go home, so I'm afraid we cannot answer that question.

PRESIDENT SANTY: There was no discussion, but now we have people that want to speak.

MR. DeLUCA: I feel that in all fairness to our co-chairperson of Fiscal since I requested that they come off consent, I may as well explain the reasons why I'd like to have it off consent. Once again, I'm not against preventive maintenance but earlier we heard that this really isn't preventive maintenance, it's just maintenance of vehicles. At least that's what Mr. Livingston said before. It's just the idea about talking of maintenance of vehicles, but that's neither here nor there. I am totally against every one of these appropriations because it's only the 2nd month of the Budget, and once again I cannot see how a department like Traffic and Parking with the enormous budget that they have, that they cannot find \$850 in their budget. If we look back in February, I believe it was, or even earlier, we found signs up all over the place directing the people to the Town Center. The downtown merchants came along, they were screaming, ranting and raving, why this here; and some changes were made to the signs. Now if the department of traffic and parking can find this kind of money in their budget, which I doubt was ever in the budget to begin with, I am sure they can find \$850 at this appropriate time. We have heard comments that it's not prudent for a manager to start transferring at this time. I would like to call co-chairperson Esposito to the fact that if he has ever been involved with budgets in private industry, or any corporation, or even public, he will definitely, I don't care what you try to tell me, always find some fat in any budget. I am sure this budget, like any other department's budget in the city of Stamford, or in private industry, or anywhere, there's always some fat to cover a minute amount as this. But the way the consensus has been going this evening, everyone of these items are being voted for; but since I took it off the consent agenda, I felt that it would be appropriate to speak out against it.

FISCAL COMMITTEE (Continued)

MR. CONTI: There was a question about the vehicles being taken home at night. This goes back ten years. I have questioned it time and time and time again. They have been taken home and up to this date, I have not heard of anything to the contrary.

MR. DONAHUE: I just would like to state one more time that this is for both preventive maintenance and repair of vehicles. That's what the money is being asked for. As far as vehicles being taken home, I do know that vehicles are taken home by those who are on call for such things as the accidents where traffic lights are taken down, etc. They have to have vehicles to go out and answer calls at night.

MR. FLOUNDERS: I don't really know what to add to what has already been said because it has been said so many times. I don't understand the amount of time that we're spending on this. Had the maintenance of vehicles account appeared as a line item as it always has in previous years in our budgets, I don't think there's any one on this Board who would have rejected maintenance of vehicles as a line item. It is an essential part of doing business in a city or in a company where you have vehicles. Vehicles must be maintained. They certainly must be repaired when they break down. The fact that these are small items...Madam, if I don't have the Board's attention, that's one thing; if I don't have your attention, that's something else again. Thank you. The fact that these are small items results because in order to try to be prudent and in anticipating a time hopefully soon when the Public Works Department will be able to take on this massive task of taking care of all of the vehicles for every department in the city, we are approving these budgets on a month-by-month or by quarter-by-quarter, actually, basis. We, the Board of Finance, eliminated these funds categorically from the 82/83 budget. The Commissioner of Public Works said there is no way that the Public Works Department can be ready to undertake this massive task by July 1 of 1982. The question was asked, what are we going to do in the meantime, and the answer was well, we're just going to have to approve the maintenance of vehicle expenditures or budgets, month-by-month or quarter-by-quarter basis. There are few items in the budget that should deserve less argument than the maintenance of vehicles. It has to be done. To say well, because the amounts are small, the department managers can find the money somewhere in the budget, I think is academic. The fact is that these are legitimate expenditures, these are legitimate budget items, and I think we have to cooperate and try to compensate as best we can for what was a very ill-considered, bad decision on the part of the Board of Finance to eliminate all of this before the beginning of the year. We're just trying to catch up and we're just trying to give these departments what they deserve, but doing it on a quarterly basis.

MR. WIEDERLIGHT: Move the question. Seconded.

PRESIDENT SANTY: All in favor say Aye. Opposed? We will move the question. We are voting on \$850 Parking Division, Traffic and Parking, Maintenance of Vehicles. The machine is ready. We can use the machine now.

THE APPROPRIATION PASSED: 26 Yes; 7 No; 5 Abstentions; 2 Non-Votes.

- (16) \$730,888.00 - DEBT SERVICE - Code 900.8210 CITY BONDS - INTEREST -
Additional Appropriation per Mayor's request. Board of
Finance approved 7/8/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE (Continued)

- (17) \$ 6,000.00 - PARKS DEPARTMENT - Code 610.2510 MAINTENANCE OF VEHICLES - Additional Appropriation per Mayor's request. Approved by Board of Finance on 7/8/82 to fund three months of vehicle maintenance.

Above also referred to PARKS AND RECREATION COMMITTEE.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed, and I so Move. Seconded.

PRESIDENT SANTY: Mr. DeLuca, Parks and Recreation Committee Report?

MR. DeLUCA: I'd like to waive committee report. We didn't have a quorum. Seconded.

PRESIDENT SANTY: All in favor of waiving secondary committee report, please say aye. Opposed? We are now addressing #17 under Fiscal. Any speakers?

MRS. MAIHOCK: I would just like to inquire through you, Madam Chairman, to Mr. Esposito, please, is \$6,000 for 3 months, would that be a typical amount spent on Parks Department?

MR. ESPOSITO: The amount cut was \$24,000 which is 4 times 6,000 so that based on an annual expenditure of \$24,000, this is a three month expenditure. Now when you say an average expenditure, that would be difficult to say. There might be times in certain quarters when they spend more than others. But based on an annual expenditure of \$24,000, if you're going to fund them for a quarter of the year, you would fund them for \$6,000.

MR. RYBNICK: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We'll move the question. We are now voting on #17 under Fiscal, and the machine is ready.

THE APPROPRIATION HAS PASSED; 27 Yes; 6 No; 3 Abstentions; 5 Non-Votes.

- (18) \$ 3,615.00 - BOARD OF RECREATION - Code 650.3644 SUMMER BUS PROGRAM - Additional Appropriation requested by Mayor Clapes; to be reimbursed by State Dept. of Human Resources in form of grant for this year's summer Title XX Bussing Program. Board of Finance approved 7/8/82.

Above also referred to PARKS AND RECREATION COMMITTEE.

MR. ESPOSITO: Fiscal voted 5 in favor with 1 opposed and I so Move. Seconded.

PRESIDENT SANTY: Mr. DeLuca, Parks and Rec Committee Report?

MR. DeLUCA: Waive committee report, please. Seconded.

PRESIDENT SANTY: All in favor of waiving secondary committee report, please say Aye. Opposed? One is opposed, but we will waive secondary committee report. While we're discussing this or voting on this, Mr. Donahue has left the floor.

FISCAL COMMITTEE (Continued)

MR. ESPOSITO: This is an additional appropriation requested by the Mayor for reimbursement of the State Department of Human Resources in the form of a grant. These are funds used for inter-city use going to state parks and has been 100% reimbursed by the State.

MRS. MAIHOCK: Through you, Madam Chairman, to Mr. Esposito, I was questioning the word 'additional'. Had we not appropriated an amount for this item previously and why the 'additional'?

MRS. HAWE: There's a line in the budget for bussing, but it is not for this bussing to state parks. This money is going into that same line, but that money that we appropriated at budget time is for children in the playgrounds to go, say, to Westhill for swimming, things within the city. This money from the grant is used solely to go to state parks, out-of-town state parks.

PRESIDENT SANTY: Any other discussion on this item? We will move right to a machine vote. We are voting on #18, Fiscal, \$3,615, Board of Recreation Summer Bus Program.

I'm sorry, the machine is not clearing itself. At this point, we'll have to move to a Roll Call Vote. I would ask Mr. Stork and Mr. Wiederlight to keep a tally, and would you please bring your tally forward so we can double-check it for the permanent record.

THE MOTION HAS PASSED: 32 Yes; 3 No; 1 Abstention.

- (19) \$ 2,250.00 - COMMISSION ON AGING - Code 114.2510 Dial-A-Ride Vehicle Maintenance - for a period of three months. Board of Finance approved 7/8/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA. (2 Abstentions: Mr. Stork and Mrs. Maihock)
Mrs. Maihock: I am abstaining until such time as North Stamford senior citizens are included in the program.

- (20) \$ 89.00 - HEALTH DEPARTMENT - Code 562. (Various) Mental Health Nurses Training Programs.

APPROVED ON CONSENT AGENDA:

SUSPENSION OF RULES TO TAKE UP AN ITEM NOT ON AGENDA

- (21) Resolution for Stamford Center for the Arts.

MR. ESPOSITO: This is a Resolution regarding an application for funds to develop the Stamford Center for the Arts.

PRESIDENT SANTY: Is there a Second to suspending the rules? Several seconds. All in favor of suspending the rules, please say Aye. Opposed? We're going to have to use the machine. We are voting to suspend the rules. 2/3 vote is necessary.

MR. ZELINSKI: Before we take a vote, as you did earlier, could we have an explanation why, what is this that we're suspending the rules for, what is the item, please?

FISCAL COMMITTEE (Continued)

PRESIDENT SANTY: Mr. Esposito, you could clarify that.

MR. ESPOSITO: This is a request to submit an application for the state matching funds of \$850,000 to match the city's capital appropriation to \$500,000 for the Stamford Center of the Arts. This is related to the Coliseum Authority. The reason why it's being taken up or requested that it be taken up under Suspension of the Rules is that the city's Grant Director was informed on Friday that all material must be submitted to the Bond Commission for its August Bond Meeting, and it must be submitted by Wednesday, August 4, and no later than Friday, August 6. That's so that if we're going to get the \$850,000 from the State, it has to be on the August Bond Committee Meeting. If we don't get it on the August Bond Commission Meeting, it may be an endless period of time before we get on the next Bond Commission Meeting.

PRESIDENT SANTY: Thank you, Mr. Esposito, that was an excellent clarification. We are now going to move to a machine vote on suspending the rules.

THE MOTION TO SUSPEND THE RULES HAS PASSED: 27 Yes; 5 No; 2 Abstentions and 6 Non-Votes.

MR. ESPOSITO: I believe I've explained the whole thing already. I just have a point of information. This requires only a majority vote because it's a Resolution regarding application and it's not an appropriation fund?

PRESIDENT SANTY: That's correct.

MR. ESPOSITO: I would therefore Move for acceptance of this Resolution, Seconded.

PRESIDENT SANTY: Discussion?

MR. DUDLEY: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We are now going to use the machine for a vote.

THE RESOLUTION HAS BEEN ADOPTED: 29 Yes; 5 No; 1 Abstention; 4 Non-Votes.

PARKS AND RECREATION COMMITTEE - Chairman Robert "Gabe" DeLuca

NO REPORT.

HEALTH AND PROTECTION COMMITTEE - Co-Chairmen Michael Wiederlight and Paul Dziezyc

MR. DZIEZYC: Health and Protection Committee met on July 29 with the following members present: Michael Wiederlight, co-chairman, Barbara deGaetani, Joseph Tarzia and myself, Phil Stork and Dr. Gofstein and Mr. Ratkey also attended.

- (1) FOR FINAL ADOPTION - PROPOSED ORDINANCE REQUIRING PERMITS FOR HAIRDRESSING AND COSMETOLOGY ESTABLISHMENTS - submitted by Dr. Gofstein 3/15. Held in Committee 5/3. Approved for Publication 6/7/82. Held in Committee 6/28/82 (Steering).

MR. DZIEZYC: Our committee voted 4-0 to approve the ordinance requiring the permits for hairdressing and cosmetology establishments with the following amendments.

HEALTH AND PROTECTION COMMITTEE (Continued)

PRESIDENT SANTY: Now, we all should have that on our desks. We're adopting an ordinance. Are they lengthy amendments?

MR. DZIEZYC: The amendments are just the sections.

PRESIDENT SANTY: Why don't you give all the members a chance to get it, if they have it on their desks. It's not in your package tonight, you've had it for quite some time. Is there any problem, can people share this? We're voting on an ordinance that's important. I'll give you a minute to try and find it. If you don't have it...Mr. Dziezyc, if they are lengthy amendments, I would ask you to have them.

MR. DZIEZYC: The only thing, if you look at Section 1, it says Section 20-251 (1-3), the Corporation Counsel specified, he says, call it out completely, Sections 20-251-1 through 20-251-3 inclusive. It's just spelling it out. There's one item on the bottom of the page it says 'the fee for more than two inspections per year would be \$25.00 per inspection.' We removed that. That's an amendment, and I so Move.

PRESIDENT SANTY: Now, wait, Mr. Dziezyc, let's go back on that, very carefully. Read what you are deleting.

MR. DZIEZYC: This is under Section 4. "The fee for more than two inspections per year will be \$25.00 per inspection". That is out completely.

PRESIDENT SANTY: Deleted by the committee? And you are Moving for that amendment? Is there a second to that amendment? Seconded. Any discussion?

MRS. MAIHOCK: Does he mean by that that there is no fee whatsoever? I'm trying to understand that.

MR. DZIEZYC: There's an additional fee for an application which is stated 1-5 stations is \$20.00, 6-10 stations is \$40.00, and over 10 stations is \$60.00. This is for an inspection after the first application,

MR. FLOUNDERS: Through the chair, Madam Chairman, may I ask Mr. Dziezyc, what would occasion more than two inspections?

MR. DZIEZYC: If there's a complaint from one of the patrons that the establishment is not living up to the code, then the Health Department is notified and he goes down there and inspects it.

MR. FLOUNDERS: It seems to me that if the establishment is not living up to the code, and that necessitates additional inspections by the Health Department, then there really should be a fee, shouldn't there? What's the justification for eliminating the fee for non-compliance?

MR. DZIEZYC: The justification is that this is a means, if for harrassment by the Health Department, there's a possibility...(end of tape)

MR. FLOUNDERS: That answered my question, I guess.

MRS. CONTI: I would like to inquire, are the first two inspections without fee and also do they all get two inspections a year, is that the policy? There's no fee for that?

HEALTH AND PROTECTION COMMITTEE (Continued)

MR. DZIEZYC: They only pay the additional for the application and that's it. There's no other inspections at all.

MRS. CONTI: What is the rationale for this other than two inspections a year there's a fee, I don't quite understand it. Presumably then, anything over 2 inspections we would have to assume that the two inspections are given without charge, is that correct?

MR. DZIEZYC: I'm eliminating any additional inspections unless required by the patrons.

MRS. CONTI: Doesn't the amendment read 'anything over two inspections'?

PRESIDENT SANTY: Please, let's not have any cross-dialogue. You have to go through the chair.

MRS. CONTI: If there's over two inspections and then there's a fee, can we assume that the first two inspections are required for each establishment and then there is no fee? Then if there is an additional inspection, you go into a fee?

MR. DZIEZYC: There's no fees for additional inspections. That's what I'm removing.

MRS. CONTI: But I'm asking, doesn't the amendment read 'anything over two inspections'.

MR. DZIEZYC: The amendment that I mentioned is removing these. I'm moving to delete this. "Fee for more than 2 inspections per year will be \$25.00 per inspection".

MRS. CONTI: That's what I'm asking about, the first two inspections.

PRESIDENT SANTY: Wait. If we all had the ordinance in front of us, it's important that we come prepared with these ordinances, and then you could see this in front of you. Mr. Dziezyc, your co-chairperson would like to speak.

MR. WIEDERLIGHT: I'd like to speak and maybe help Mrs. Conti out also. There's an initial fee, as you can see, under Section 4. If it should occasion that additional inspection are required, regardless of the reason, there will be no additional fee that the business entrepreneur has to pay. That is what we are saying by virtue of Mr. Dziezyc's amendment. I might also add that this amendment as precipitated not only might a health department individual harbor some ill feeling toward an establishment, a patron might also harbor some ill feeling toward a business establishment and call up and make a complaint which would occasion an additional inspection. The way the ordinance is written out, it would occasion an additional fee. We are trying to remove the threat or the possibility of harrassment of additional charges on the part of the businessperson.

PRESIDENT SANTY: Does that answer your question, Mrs. Conti?

MRS. CONTI: Then, what I'm trying to get at, do they automatically get two inspections a year or do they get no inspections unless there's a complaint?

HEALTH AND PROTECTION COMMITTEE (Continued)

MR. WIEDERLIGHT: They do not automatically get two inspections. They're inspected when they first go into business, and they may be inspected if there is a complaint.

MRS. CONTI: So then there's no automatic inspection, only if there's a complaint?

MR. WIEDERLIGHT: Yes.

MR. DZIEZYC: Excuse me, Section 7 states, we're making a change on this. "There shall be no charge for any inspection..."

PRESIDENT SANTY: Mr. Dziezyc, we're still discussing...

MR. DZIEZYC: No, this is in regards...

PRESIDENT SANTY: Oh, to answer Mrs. Conti...fine.

MR. DZIEZYC: "There shall be no charge for any inspection under this ordinance by said Director of Health or his agent unless more than two per year are required", and we're removing that.

MS. SUMMERVILLE: Through you, Madam Chairman, to Mr. Dziezyc, I understand you to say in your dialogue before "down there". Was that an error, or do you have somewhere in mind? When you said Dr. Gofstein goes down there to inspect, you didn't mean that did you? For the matter of the record. I think you meant to the establishment, for the establishment.

MR. WIEDERLIGHT: I just wanted to clarify that last point. I'll pass at this point.

MR. WIDER: Madam Chairman, I don't quite understand the reason for this ordinance in the first place. I understand that all hairdressing places and barber shops have to be licensed already. What are we really working on? What are we saying here?

PRESIDENT SANTY: Mr. Dziezyc, would you like to answer Mr. Wider? But we are addressing the amendment, Mr. Wider.

MR. DZIEZYC: This ordinance is requested by the establishments that are living up the state code. There are many proprietors that open up hairdressing, barber shops, and they are cut-rate. They don't live up to the state code, you see. So in order to prevent these other businesses from operating in unsanitary conditions...

PRESIDENT SANTY: Mr. Wider, has he explained it?

MR. WIDER: No, he hasn't, and I think we are being used. I think we are really being used by some people out there who are discontent, and I don't think we should allow ourselves to be used to straighten out things like that. I think we are dealing with something that the State is already dealing with. I don't think we have any place in it.

MR. BLUM: I sort of agree with Mr. Wider in the sense that barber shops and beauty parlors and that are licensed by the State of Connecticut. They do have a health code in which they come under. If there is a complaint, it

HEALTH AND PROTECTION COMMITTEE (Continued)

goes through the State. I don't see how the City Health Department can enter or formulate an ordinance that is contrary to the state health code. If they have wording in the health code pertaining to barber shops and beauty parlors, how can we as a city counter anything the State might have on their code book? I can't understand it. In fact, the State health code supercedes a lot of laws in the city.

PRESIDENT SANTY: I want to remind all the members we are now speaking to the amendment.

MS. deGAETANI: I'm not sure that it's really in regard to the amendment, but the State has discontinued making their inspections.

MR. TARZIA: I would just like to add to Ms. deGaetani's comments. The State has cut back quite a bit on its field representatives or inspectors, if you want to call them that. There's a \$5.00 license right now from the State, and that's about it. They rarely ever come in to check these places. I think what we're trying to do is to make sure that the hairdressing places, it doesn't cover the barber shops, by the way, will meet some health standards that we have set. I think we're trying to make it, I think it's a state-wide problem and that is to give the local health departments the authority to come in when needed and check on these locations, especially when a complaint is filed. I think that is really the jist of the whole thing.

MR. FLOUNDERS: Madam Chairman, through you to Mr. Dziezyc, I have in front of me two sheets of paper or three sheets entitled "An Ordinance Requiring a Permit for Hairdressing and Cosmetology Establishments in the City of Stamford". Now, what portion of these three pages is the amendment?

MR. DZIEZYC: It's on the bottom of the page in Section 4.

MR. FLOUNDERS: It says that two inspections per year will be \$25.00.

MR. DZIEZYC: I'm eliminating that completely.

MR. FLOUNDERS: So it is just the amendment that we're talking about.

PRESIDENT SANTY: That is right, Mr. Flounders, just the amendment to delete that section.

MR. FLOUNDERS: May I continue?

PRESIDENT SANTY: Certainly.

MR. FLOUNDERS: I do not understand the logic which presumes that repeated complaints from customers, which would be the only thing that would cause these additional inspections, I don't understand the logic that says automatically this would constitute a form of harrassment. Maybe, if a place is dirty and the customers are complaining to the city health department legitimately, why should we just assume that such complaints must be a form of harrassment when indeed they may be real and then why should we remove one element of enforcement which is in effect an extra cost to the establishment which is in violation? It's a penalty in effect. It seems to me that if we indeed want to enforce this ordinance, I don't understand why we're eliminating the one tooth that the ordinance has in it which is an establishment has to pay for additional inspections if indeed their method of doing business requires second inspections or third.

HEALTH AND PROTECTION COMMITTEE (Continued)

MRS. CONTI: I would think that after 2 inspection calls to any establishment, if it were so unsanitary as to be injurious to the public health, that that could be determined after 2 inspections. I don't see why it would be necessary to go back and back and back.

MRS. MAIHOCK: I have the same feeling about this as Mr. Flounders did. I question the reason for not charging for additional inspections. If it was felt there was going to be unfair treatment by health inspectors, it would seem that there could have been some sort of an appeal process designed for this.

MR. WIEDERLIGHT: I refer all of you individuals who have constination about removing this sentence on page 1 of the ordinance to Section 6 of the ordinance, whereby, in synopsis form, it simply states that the Director of Health after repeated inspections can simply close the place down by revoking the permit. Therefore, why add an additional burden on the shoulders of a businessperson of additional fees. If the place is dirty, if it has to be closed down, if it is justifiably re-inspected, it will be closed down probably after the second inspection. Period end. But what about the possibility of harrassment by either, by anybody, let's just simply say anybody; and the individual may have to incur additional fees for inspection. If it is a bonafide complaint and it has to be closed down, Section 6 empowers it to be closed down; and there is no need whatsoever to have a fee for additional inspection. You have your teeth right here in Section 6, to close the place down.

MR. ROOS: As I look at this, I can see a disgruntled customer now would be empowered to penalize the owner of the store or the owner of the establishment continuously. They could complain, complain, and complain and without any possibility or threat to them, they can cause the owner to be fined. This seems very unfair to me.

MR. LIVINGSTON: Through you I would like to ask a question to Mr. Dziezyc, and that is, if the State is having trouble inspecting these establishments, just how are we going to be able to inspect them? Will this lead into the additional hiring of personnel by our health department in order for this to be done? The other thing is, it would seem to me that if any establishments such as this is so bad, I would think that the customers themselves would stop going there. I'm not sure the legislation that's being proposed is really necessary. I haven't been convinced yet that it's necessary legislation. I'd like these questions answered please.

PRESIDENT SANTY: We're now speaking to the amendment of Mr. Dziezyc.

MR. DZIEZYC: I want to answer him, Madam President, The state has cut back on their inspections. Their manpower has been reduced so they don't inspect them, in Stamford they might not inspect once a year, so the Health Department has the facility, has the manpower they said, without hiring any additional persons.

MR. TARZIA: I would just like to reiterate the point of...what we're trying to do here, I think, is give the city health department the right to check on these hairdressing locations without putting too heavy a burden on the proprietor. If you look at the fees, we're talking about a \$20 fee for five stations or under. That's not too exhorbitant. What the committee was concerned with was the additional fee because, as you are well aware,

HEALTH AND PROTECTION COMMITTEE (Continued)

after two inspections, which means the inspector goes the first time and there's a violation, he's got to go back, that's two already. So you're out of luck after that if he's got to come back. It's going to cost you \$25.00 and many of these hairdressing locations are quite small. Therefore, \$25.00 is maybe an exorbitant fee. Therefore, I think what we're trying to do is give the local authorities the right to go in for the safety of the public and inspect these locations and yet at the same time not put a burden on the proprietor.

MR. OWENS: I'd like to Move the question, please. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We are going to Move the question which is on Mr. Dziezyc's amendment.

MRS. GERSHMAN: Point of information, please. Under Section 7 I think that it also is incorporated...it says there shall be no charge under this ordinance under said Director of Health or his agent unless more than 2 per year are required. So that would also have to be deleted,

PRESIDENT SANTY: Mr. Dziezyc, that is correct. Okay, that's the next amendment, we're now just voting on the first amendment.

THE AMENDMENT PASSED: 30 Yes; 6 No; 4 Non-Votes.

PRESIDENT SANTY: Continue, Mr. Dziezyc. You have a second amendment.

MR. DZIEZYC: Yes, on Page 2, Section 7. I'm eliminating...'for any inspection,'I'm putting 'for an inspection'; and eliminating the last 'unless more than 2 per year are required.'

PRESIDENT SANTY: Is there a second to that? Several seconds. Discussion?

MR. WIEDERLIGHT: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We are going to use the machine for a vote on the second amendment as proposed by Mr. Dziezyc.

THE AMENDMENT PASSED: 27 Yes; 5 No; 2 Abstentions; and 6 Non-Votes,

MR. DZIEZYC: I so Move the adoption of this ordinance.

PRESIDENT SANTY: With the two amendments as voted?

MR. DZIEZYC: Yes.

PRESIDENT SANTY: Several seconds to that. Discussion?

MR. BLAIS: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We are going to move the question of adoption of the proposed ordinance with amendments as read by Mr. Dziezyc for hairdressing and cosmetology establishments. This is for final adoption; we need 21 votes.

HEALTH AND PROTECTION COMMITTEE (Continued)

THE ORDINANCE IS ADOPTED: 28 Yes; 7 No; 1 Abstention; 4 Non-Votes.

- (2) REQUEST THAT THIS COMMITTEE LOOK INTO THE MATTER OF ROOMING HOUSES THAT ARE NOT PROTECTED WITH FIRE ESCAPES AND FIRE ALARMS - submitted by Rep. David Blum 5/17/82. Held in Steering 5/24 and 6/28/82.

HELD IN COMMITTEE.

- (3) REQUEST THAT THE COMMITTEE INQUIRE INTO MATERIAL SOLD AT "THE PLEASURE NOOK". By Rep. Paul Dziezyc at Steering 6/28/82.

HELD IN COMMITTEE.

- (4) FOR FINAL ADOPTION - PROPOSED NEW NOISE ORDINANCE, AS AMENDED - submitted by Dr. Gofstein 3/15/82. Held in Steering 3/22; in Committee 5/3. Approved for publication 6/7/82. Amended; then more amendments proposed; Held in Committee 7/12/82.

MR. DZIEZYC: Our Committee voted 4-0 to approve the noise ordinance as published. At the public hearing held the same evening no one appeared from the public to speak for or against the noise ordinance; therefore, I move for final adoption. Seconded.

PRESIDENT SANTY: Any discussion?

MRS. HAWE: I'd like to ask Mr. Dziezyc a question. Does this ordinance cover noise that might be made by municipal facilities?

MR. DZIEZYC: Yes, it states...this was one of the amendments that we made last time, 3-25, it states Residential Zone shall mean all residential districts and any commercial district or city-owned property used for recreational or educational purposes.

MRS. MAIHOCK: Through you, Madam Chairman, to Mr. Dzizyc, as I had submitted to you, under 5.5 Exemptions, I just wanted to clarify whether my change was incorporated under (a) Noise Generated by any Construction Equipment which is operated during Daytime Hours. Daytime Hours under this section shall be from 10:30 a.m. to 4:00 p.m. on Sundays.

PRESIDENT SANTY: Excuse me, Mr. Dziezyc, didn't we all receive a copy of the amendments? We all received that. Was it in that list that you got, Mrs. Maihock? Mr. Dziezyc, can you answer that question?

MR. DZIEZYC: When we discussed it, we didn't come to any conclusion. It was a 2 for and 2 against so...

PRESIDENT SANTY: So that proposal was left out?

MR. DZIEZYC: If she wants to Move for amendment...

PRESIDENT SANTY: You can think about that, Mrs. Maihock, we'll go on to the next speaker.

HEALTH AND PROTECTION COMMITTEE (Continued)

MR. RYBNICK: Move the question. Seconded.

PRESIDENT SANTY: Motion has been made to move the question. Mrs. Maihock, I'm sorry, did I go too fast, did you want to amend it then? I'm sorry, Mr. Rybnick, Mrs. Maihock isn't finished. All right, make your amendment.

MRS. MAIHOCK: My amendment shall read 'Noise generated by any construction equipment which is operated during daytime hours . Daytime hours under this section shall be from 10:30 a.m. to 4:00 p.m. on Sundays.

PRESIDENT SANTY: Will you please give us the section that you're including that in?

MRS. MAIHOCK: It was Section 5.5 Exemptions and under (a).

PRESIDENT SANTY: Section 5.5 under (a). Did you get that, Mr. Dziezyc and Mr. Wiederlight? Is there a second to that amendment? Seconded. Discussion on Mrs. Maihock's amendment?

MR. BOCCUZZI: Point of information, what was the time that this amendment would go into effect?

PRESIDENT SANTY: I would like to mention at this time, if you are going to make amendments to these ordinances, they should be in writing and the members should have it in front of them. It would make it so much easier, and I know you didn't realize this time but hereafter, members, it's a lot easier than to keep repeating it.

MRS. MAIHOCK: I'd like a point of correction. I did submit it in writing to the committee; and unfortunately, they didn't act on it.

PRESIDENT SANTY: But the Board did not get it tonight. When we sit here and we vote on these amendments, we should have them before us. Mrs. Maihock, would you repeat it slower.

MRS. MAIHOCK: 'Noise generated by any construction equipment which is operated during daytime hours. Daytime hours under this section shall be from 10:30 a.m. to 4:00 p.m. on Sundays'.

MR. BOCCUZZI: Are you saying that your amendment doesn't take effect 9:00 in the morning?

MRS. MAIHOCK: As I indicated, Mr. Boccuzzi, the hours when construction could occur on a Sunday would be from 10:30 a.m. to 4:00 p.m. I believe that such an amendment would give people who are not doing such construction activities some period of rest during the weekend.

PRESIDENT SANTY: Mr. Boccuzzi, are you finished?

MR. DZIEZYC: Maybe I could enlighten him.

PRESIDENT SANTY: One moment, Mr. Boccuzzi has the floor.

MR. BOCCUZZI: It would seem to me that if you want to put that in the ordinance, it should take place from 7:00 to 7:00 or something because even on Sundays, who wants to be disturbed at 7:00 Sunday morning by somebody in the construction

HEALTH AND PROTECTION COMMITTEE (Continued)

business. I'm not saying it's not a good amendment or anything like that. I'm just saying that it seems to me that your time period doesn't coincide with what would actually be beneficial to the people living in an area where construction is being done.

PRESIDENT SANTY: Let Mrs. Maihock explain her own amendment.

MRS. MAIHOCK: Mr. Boccuzzi, I'm trying to explain to you that such noise from construction equipment could not begin until 10:30 a.m. and it would have to be concluded by 4:30 p.m. on Sundays. Thereby, it would give some people in the neighborhood rest on that day.

PRESIDENT SANTY: Mr. Dziezyc, would you like to speak to this?

MR. DZIEZYC: John, the daytime hours shall mean the hours between...this is what the ordinance said before her amendment...shall mean the hours between 8:00 a.m. and 8:00 p.m. Monday through Saturday and the hours 9:00 a.m. through 9:00 p.m. on Sundays. That's the only time they could have noise that exceeds these regulations. So she's amending it to start not at 9:00 a.m., an hour and a half later, at 10:30 a.m. and quit at 4:00, not at 9:00 p.m., on Sundays only with construction equipment.

MR. BLUM: I'd like to ask through you to Mrs. Maihock, how does she feel or this ordinance feel that they can stop any enterprise from...they're building this building out here and they have to work on Sunday, how can this noise ordinance stop progress if they have to go forward to build? You're stopping enterprise, you're stopping a businessman from doing his job.

MR. BLAIS: I have two points to make on this amendment, one the same as Mr. Blum's in the fact that I do not believe that this ordinance or this provision of this ordinance would hold up in court for the simple fact that for contractors, union or not, to work on Sundays labor rates are prohibited. They do not work on Sundays as a matter of course. They work on Sundays for emergencies. Therefore, this amendment would be impeding progress and denying a man the right to make a profit, which is against the whole capitalist system. I appreciate the work that went into the amendment, but in this particular case, I think it's an invalid amendment.

Second of all, I would like to point out, I believe that Mrs. Maihock admitted that the Committee has already considered this amendment. By bringing it out on the floor, I'd like to point out that we're duplicating the work of the committee.

MR. CONTI: I pass. I was going to ask a question but I found out later that she wants to continue, not delete, so I'm satisfied.

MR. FRANCHINA: Mr. Blais said pretty much what I wanted to say.

MR. WIEDERLIGHT: I'd like first to point out just for edification for Mr. Blais, there are provisions for emergencies in this ordinance. In the event that a contractor had to perform, like close a sewer line or water line or something on a Sunday or in the middle of the night, there are provisions for emergencies, regardless. That's number one. Number two, I'm really against the amendment to this ordinance inasmuch as first of all, there are certain decibel levels that are permitted on the

HEALTH AND PROTECTION COMMITTEE (Continued)

daytime weekends as stated in the ordinance; but what about the home owner who gets up early on the weekend and wants to do some work around his house, say at 9:00 in the morning? You are in essence limiting the time that this home owner can work to the hours, in essence, between 10 and 4:00 when, as you know, in the warmer weather many home owners work until 9:00 at night, so I feel that it will encumber the individual in a residential area to do work around the house. Therefore, I feel that the hours are too short and I think we should vote against this amendment and keep it as the ordinance states.

MRS. MCINERNEY: I think I understand what Mrs. Maihock is trying to accomplish. However, Mrs. Maihock, would it not be more appropriate to put your amendment under Section 3 Definitions 3.6 Daytime Hours?

MRS. MAIHOCK: I had considered that, but we were just considering construction noise. Maybe it would be more appropriate if my amendment read, the second portion of it "Daytime hours under this section shall be from 10:30 a.m. to 4:00 p.m. on Sunday in residential areas, except in emergency conditions". Would that be more...

PRESIDENT SANTY: I can accept that. Is there a Second to that amendment to add this to it? Seconded. In essence, it's the same amendment we are discussing.

MR. LIVINGSTON: I just want to be clear on something. This will only pertain to the construction industry, is that correct?

MR. DZIEZYC: Construction means anybody working on their house. Any construction at all.

MR. LIVINGSTON: To be more specific, in our neighborhood we have a gentleman who has been constantly complaining about heavy trucks, refrigerator trucks, running day and night. Now, this won't have any effect on that?

PRESIDENT SANTY: Mr. Dziezyc, would you like to answer that question? We are basically speaking to the amendment, and you are referring to whether the amendment will have effect on Sunday with that. The answer is No from the Committee Co-Chairperson.

MR. DeLUCA: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We will move the question of the amendment as proposed by Mrs. Maihock. The machine is ready.

THE AMENDMENT HAS BEEN DEFEATED: 8 Yes; 25 No; 7 Non-Votes.

MR. DZIEZYC: Therefore, I would Move for final adoption. Seconded.

MR. STORK: I just wanted to ask, is my vote now being counted?

PRESIDENT SANTY: What was your vote on that? (No) Yes, it is being recorded, Mr. Stork. We are now speaking to the main Motion which is the adoption of this ordinance.

HEALTH AND PROTECTION COMMITTEE (Continued)

MR. DeLUCA: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We will move the question. I would ask all the representatives to come forward. I will ring the bells.

THE NOISE ORDINANCE IS ADOPTED: 33 Yes; 3 No; 1 Abstention; 3 Non-Votes.

- (5) FOR FINAL ADOPTION - PROPOSED ORDINANCE, AMENDED, FOR BURGLAR AND FIRE ALARM CONNECTIONS TO A CENTRAL CITY TERMINAL - from Barry Boodman dated 5/4/82; also Rep. Wiederlight's memo 5/10. Held in Steering 5/24/82. Approved for publication 7/12/82.

HELD IN COMMITTEE.

- (6) REDUCING THE NUMBER OF FALSE FIRE ALARMS - submitted 7/12/82 by Rep. Paul Dziezyc.

HELD IN COMMITTEE.

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

PRESIDENT SANTY: I will call on member and temporary chairman of the L&R Committee, Mr. Donahue, to give the report.

MR. DONAHUE: Legislative and Rules Committee met on Monday, July 28, with Reps. Dudley, McInerney, Maihock, Saxe and Donahue in attendance.

- (1) FOR FINAL ADOPTION - PROPOSED TECHNICAL AMENDMENT TO CODE OF ORDINANCES. SEC. 6-17(3) - concerning definition of gross income, etc., - submitted by Asst. Corp. Counsel Alice Perry 1/11/82. Held in Steering 1/18 and 2/12. Held in Committee 4/5, and 6/7. Approved for publication 5/3/82. Held in Committee 7/12/82.

MR. DONAHUE: This item expands the definition of gross income in the ordinance to include such things as red subsidies provided by state and federal agencies to tenants which in effect increases the amount of income received by the city. The Committee voted by a vote of 3 in favor and 2 opposed to recommend final adoption of this ordinance and I so Move. Seconded.

PRESIDENT SANTY: We are now discussing final adoption of this ordinance,

MR. BLUM; Am I to understand that food stamps and other, maybe social security, is to be added as income now in this new ordinance, and what does it do to the gross income of those who make less than a certain amount of money inasmuch as getting housing and so on? I'd like to ask those questions.

MR. DONAHUE: This has to do with the formula under which the city receives money from the various projects in the city under this ordinance. They are tax debatable. We receive a fee in lieu of taxation. Gross income as used herein shall define the total amount paid to the owner or sponsor by tenants for rent and services. So this would be only those amounts paid to the owner of these apartment complexes, I don't believe it has anything to do with food stamps or anything else. It's just what is paid to the owner or sponsor.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MR. DUDLEY: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, say Aye. Opposed? We are now going to vote on final adoption of #1 under L&R.

THE ORDINANCE IS ADOPTED. 28 Yes; 5 No; 1 Abstention; 6 Non-Votes.

- (2) FOR PUBLICATION - AMENDING ORD. #449 "TAX RELIEF FOR THE ELDERLY -
Revision per State Statute. Text to follow. His letter 5/14/82.
Also May 4th memo from Rep. DeLuca on Ord. 449 which expired 5/15/82
per Deputy Tax Collector Faski's comment at Special Meeting on
proposed tax phase-in. Held in Committee 6/7/82, and 7/12/82.

HELD IN COMMITTEE.

- (3) FOR PUBLICATION - PROPOSED AMENDMENT TO ORDINANCE NO. 429 OVERNIGHT
PARKING OF TRUCKS ON RESIDENTIAL STREETS - submitted by City Rep.
Marie Hawe 2/8/82. Held in Committee 3/1, 5/5, and 5/3. HOLD TIL
AUGUST. Held in Committee 7/12/82.

MR. DONAHUE: The amendment would add to this ordinance a section stating that whereas the parking of large commercial vehicles overnight on residential streets in the city of Stamford is deemed a menace to traffic pursuant to Section 14-150 of the State statutes. This would be included after the words "vehicles and pedestrians" and in the fourth paragraph. At the same time the lower, under Section 20-7(c), 10:00 would be changed to 9:00 and those two amendments I would so Move. Seconded.

PRESIDENT SANTY: We are now discussing the amendments to this ordinance just for publication. Any discussion on the amendment? No discussion, we'll move right to approval of the amendment. We'll use the machine. Mr. Donahue, may we have those amendments in writing before we leave so we can include them in the minutes?

MR. DONAHUE: Yes, they were distributed to all 45 members but I'll give you this copy anyway.

PRESIDENT SANTY: Just make sure we get a copy of it.

We're voting on the amendments as presented by Mr. Donahue.

THE AMENDMENTS HAVE PASSED: 36 Yes; 5 Non-Votes.

Now, do you want to Move for publication, Mr. Donahue?

MR. DONAHUE: By a vote of 4 in favor, none opposed and 1 abstention, the Committee voted to recommend publication of this ordinance as amended. Seconded.

PRESIDENT SANTY: All in favor of publication of this ordinance as amended, please say Aye. Opposed? PASSED UNANIMOUSLY.

- (4) RE-SUBMISSION - FOR PUBLICATION and/or FINAL ADOPTION - PROPOSED
REGULATIONS CONCERNING TRAFFIC AND PARKING. Same as previously
submitted and which was defeated at 6/7/82 meeting of this Board.
Held in Steering 6/28/82.

MR. DONAHUE: I would call to the attention of the Board of some facts that have been submitted concerning a comparison with surrounding towns

LEGISLATIVE AND RULES COMMITTEE (Continued)

and also letters from the downtown Stamford Council, I believe, this evening which clearly shows that there is a need for such an ordinance and the Committee voted 5 in favor and none opposed to recommend final adoption of this Ordinance. I would further note that the downtown Stamford Council has introduced tonight a condition that they placed on their full support, and copies were distributed earlier of a proposed amendment. The amendment has not been considered by the Committee in full, but in terms of our committee report, I would have to Move for final adoption at this time. I so Move. Seconded.

MR. BLAIS: Move the question.

MR. WIEDERLIGHT: Point of order, Madam President. I realize that this ordinance you can legally move the question on something like this. However, I think that it is incumbent upon you as president to ask Mr. Blais to reconsider, or for you to reject that Motion inasmuch as...

PRESIDENT SANTY: The Motion's been made. Are you withdrawing the Motion? Is the Second withdrawing it? Yes? Allright, we'll continue. Discussion?

MR. STORK: As everybody here knows, I spoke on this at our last regular Board meeting, vehemently against it. I am still vehemently against it, Those reasons haven't changed in 30 days. I doubt they will change in another 30 days. I also believe 18 members of this Board voted to reject this at our last meeting. I would tell those 18 members, including myself, the same thing. Things haven't changed in a month.

MRS. MAIHOCK: Madam Chairman, as Mr. Donahue mentioned, since we received this amendment only this evening and the Committee has not had an opportunity to investigate it to get more input from the Downtown Council as well as others in our city, I make a Motion to put this item back in committee. Seconded.

PRESIDENT SANTY: We are now discussing returning this item to committee.

MR. WIEDERLIGHT: I think that this ordinance should be dealt with here tonight on the floor of the Board, and there should be a decision rendered. It's only putting off the time of reckoning. I don't think that there will be that much accomplished over the next 30 days. I think we should analyze what we have. We all know what our thoughts are, what amendments or changes we want made to the ordinance, and I think we should deal with it tonight one way or the other.

MR. ZELINSKI: I also would be against returning it to committee. We did discuss this at great length last month. It was defeated. I don't believe any new information, whatever information that may be, is going to affect greatly the thinking of my colleagues here. I believe most of us have our minds made up tonight, and I don't think we should waste any more time. Let's resolve it tonight and hopefully defeat it.

MR. ESPOSITO: Move the question. Seconded.

PRESIDENT SANTY: We are going to move the question. The question is returning this to committee. The machine is ready.

THE MOTION TO RETURN TO COMMITTEE HAS BEEN DEFEATED: 14 Yes; 22 No; 2 Non-Votes.

LEGISLATIVE AND RULES COMMITTEE (Continued)

We are now returning to discussion to the main Motion, adoption.

MR. DeLUCA: I have to agree with Phil Stork and others about voting on this this evening and rejecting it. This ordinance was just returned to us in the same format, it was just rejected at our last meeting, and until Jim Ford can come back to us with some definite changes, I don't see how we can possibly go along with the ordinance as it is. All we are doing is more or less forcing the people into the parking garages or into the mall, the new Town Center. People park on Bedford Street for 15 minutes or a half hour for \$.25; if someone is in the dentist's office, how are they going to get back out there to put that coin in there again. Why should they be penalized? If we were to go along with these parking increases, violations as presented, Rich Tobin's garage will continue to get the flow of the people because it will be cheaper for them to go there and park for \$.25 for 3 hours. Unless we can change the street parking whereby the people that wish to park in the street can get the same benefits as the Town Garage, I don't see how we can possibly go along with the violations as presented to us with the ordinance.

Also, by forcing the people into the garage, if you note in some of these recent Advocate articles, the Parking Commission is doubling the rates at the municipal parking garages. Once again, it's the poor citizens of Stamford that's continually being ripped off. Therefore, I would hope that this Board this evening rejects the ordinance which was returned to us in the same format.

MR. ZELINSKI: First of all, let me state that I would hope that my colleagues again would vote to defeat this. There was considerable debate and discussion last month. A vote was taken. The item was supposed to be resolved. I strenuously object to having items that are discussed before our full Board to have to come back another month and possibly even another month until hopefully the proponents of the particular ordinance in question wear down or try to in some way change the thinking of those representatives who after listening to the vote voted against it. I feel it's a waste of our time; we have a lot of important business to do. Rather than having to repeat the same thing pertaining to the same ordinance, I feel it's a futile waste of time and it's an insult. As regard the merits of the particular ordinance in question, it has not been changed at all since last month; we did have a public hearing on this. The people that did come, most of them were against it; and as a matter of fact, I believe we all received a letter dated 2/24....

MR. DUDLEY: Point of information, Madam Chairman. I was at that public hearing, and I'd like to confer with the committee also, the consensus was not against the parking ordinance. The people that spoke, to my knowledge, there was only 1 or 2 people that spoke against it; and I would like that as a matter of record.

PRESIDENT SANTY: Thank you, Mr. Dudley. Continue, Mr. Zelinski.

MR. A. CONTI: If I may also, the ones who spoke in favor were from the parking authority, the traffic authority.

PRESIDENT SANTY: Thank you. We'll take all those comments, but please try not to interrupt Mr. Zelinski until he's finished with his comments.

MR. ZELINSKI: For the record, Madam President, and I did share that particular public hearing, there were approximately 4 or 5 people who

LEGISLATIVE AND RULES COMMITTEE (Continued)

came to the public hearing. Of those 4 or 5, 3 people spoke against it. I would think that as a majority, to my way of thinking, and rather than belabor it, let's go on to something else. As I was stating, we all received a copy of a letter dated June 24; in fact I received it in my packet this evening, from a business man in Stamford here who did take the time to write to Mr. Ford telling him, and I'd just like to quote briefly, "A copy of the proposed parking rates for the city of Stamford parking lots and garages was handed to me the other day with a request for comments. Parkins rates and regulations for the city of Stamford are entirely inequitable. The proposed rates are also too high. In effect, what we are doing is subsidizing the Town Center's garage where the charge is \$.25 for three hours. I also note that the monthly notes in the garages as proposed are more than double. This is ridiculous. I object to the whole entire system."

Also, I did read an editorial in the Westchester newspaper that had an almost similar situation there and it reads "Parking fee hike not the answer" and it quotes "A decade of planning and millions of dollars have gone into making White Plains a retail mecca". So it hardly seems in the city's best interest to alienate shoppers by making it more expensive to park. The city is considering raising meter rates from \$.25 to \$.35 an hour and parking tickets from \$3.00 to \$5.00 in the downtown area as one way of covering a one million dollar deficit in the parking authority's budget. The parking authority was pushed into the red by the debt incurred when the city constructed the 1,800 space municipal garage attached to the new Galleria mall. But higher meter rates won't affect just those who shop at the mall, it would affect anyone who parks at any meter anywhere downtown. An advantage to those who work, shop and live in White Plains is that common counsel must find some other way to cover the debt of the garage.

I do not want to see the City of Stamford nor the Stamford taxpayers go as White Plains goes. I would strongly urge that we defeat this once and for all and I hope sincerely from the bottom of my heart that it does not come up for consideration again. Thank you very much, Madam President.

MR. WHITE: I spoke against this the last time it was presented, and I see nothing is changed now. It's not that the law itself is so bad, the ordinance itself is so bad; I don't think it's a good one, I think it has some good aspects to it. But the basic problem I see is that it rests on a poor foundation, and that's on-the-street parking. The present on-the-street parking is a horror to the point where it actually becomes, as far as I'm concerned, a harrassment to the average citizen. It hit me again today. You go up on Forest Street, I park my car, and I didn't have any dimes in my pocket. Now this is the problem. When and if the on-the-street parking is straightened out, then perhaps we can consider this ordinance perhaps re-written somewhat. On-the-street parking will be straightened out when in fact you have parking meters that take three coins and that in fact you can buy with the three coins a reasonable length of time to park. A nickel, a dime, a quarter. The fact that perhaps a nickel will buy you 15 minutes time, a dime 30 minutes time, a quarter an hour, an hour and a half time, that you can put more than one coin in if need be. When you get on-the-street parking straightened out so that it is consistent, so that it's reasonable perhaps then we can consider an ordinance such as being presented at the present time. But not now. Moreover, it has confused this ordinance the concept of parking with also traffic regulations. It's also got some aspects of speeding and other things in it that I'd be willing to support but it

LEGISLATIVE AND RULES COMMITTEE (Continued)

doesn't belong in a parking ordinance. I think that the ordinance itself has to be re-written; but before this ordinance is considered, we've got to get on-the-street parking straightened out which is at present time a horror to the point where it actually becomes harrassment to the average citizen.

MRS. CONTI: I too am still opposed to this ordinance because of the basic discrimination against street parking that's inherent in this ordinance. We have to have some equalization. There is no reason on earth why street parking must have a maximum limit of 30 minutes while you can go into a parking garage or the Town Center garage and stay for hours. This is another effort to force people into the parking garages which I believe are unsafe, especially for women. I would not park in them myself and I would not ask any other woman to do what I will not do. I think that we've got to get a higher maximum limit on street parking. Until we do, it's unfair to pass an ordinance like this. Now I have a question. Since this is a re-submission, should it not be re-published rather than just move it for final adoption?

MR. DONAHUE: As there is no substantial change since first it was published and a public hearing was held, I would doubt that we would have to re-publish it.

PRESIDENT SANTY: Thank you, Mr. Donahue, and I agree.

MR. ESPOSITO: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We'll have to use the machine because we need 2/3.

MR. ESPOSITO: Point of order, Madam Chairman. May I withdraw the Motion at this point before...

PRESIDENT SANTY: No, we're in the process of a vote, Mr. Esposito.

THE MOTION TO MOVE THE QUESTION HAS BEEN DEFEATED. 24 Yes; 14 No; 2 Non-Votes.

MR. DUDLEY: I'd like to speak in favor of this parking ordinance. I do have an amendment that I would like to make; but before I make that amendment, I would like to touch on some areas if I may. I'm a little concerned that I do hear people saying that they are against this, but I did not see them at the committee meeting. I hear them speaking here again tonight, I did not see them at the public hearing. That concerns me a little bit. I think some missed entirely the purpose of the ordinance. The purpose of the ordinance partially is to reduce parking violations. Another purpose is to make it cost more to park illegally than legally. It also provides for an appeal system to provide an ordinance so the traffic can flow more smoothly. To provide a sufficient ordinance which will ensure that those tickets pay for them. Many of you have received the Management Focus Magazine at our last Board meeting. In that ordinance is a similar ordinance to the one that's proposed here tonight. That ordinance showed some statistics such as in Washington, D.C., where currently the ordinance which is very very similar to this ordinance, reduced meter violations from 40% to 14%. The article also contains 4 elements that insure parking tickets are paid for. Booting, which this ordinance provides; Towing, which this ordinance provides; Park and Ticket Processing System, which the ordinance does not provide right now, which is the system where the motor vehicle department not allow you to register your car if you are in violation; and it also has

LEGISLATIVE AND RULES COMMITTEE (Continued)

a Parking Ticket Collection System, which insures that fines are paid in a reasonable period of time. This is also covered under this proposed ordinance.

Are the proposed penalty rates too high? I don't think so. This is not Westchester County, this is not New York. The survey before you is Darien, Greenwich, Norwalk, and the surrounding areas. If you'll notice from the survey, many of those towns are substantially higher than we are with the proposed amendments. These are penalty fees, and I want to stress that, these aren't parking fees. If you're not violating the law, you're not going to get a ticket. I can't stress that enough. If you're not going to violate the law, you shouldn't have a problem with this ordinance. If you're going to violate the law, and intend to in the future, yes, you've got a problem.

I'm not saying that everyone here isn't going to get a ticket sooner or later. I could be one of those people, but I'm in favor of making this town and the traffic in this town move more smoothly. As the letter from the downtown Stamford merchants pointed out, this is another point of this ordinance. I'm not going to belabor the issue. What I would like to do at this point is to amend the ordinance to appease some of the problems that I've seen that have come up. My amendment is such...I'd like to amend Section 20-7 of the penalty schedule.

PRESIDENT SANTY: Mr. Dudley, is that what we all have? We all have this on our desks.

MR. DUDLEY: The penalties for violation of this article are as follows:
1a. A fine of \$5.00 for parking meter violations or for overtime parking meter where parking was posted. Meter violations shall initially have a penalty of \$1.00 if satisfied as hereafter provided. Overtime parking shall initially have a penalty of \$3.00 in the Town Center Mall garage if satisfied as hereafter provided. If Town Center Garage issued citations are not paid within the same business day at the garage, the penalty shall be \$5.00 and shall be paid only to the city parking violations office. Parking meter violations, citations not issued in the Stamford Town Center Garage, may be satisfied by payment of penalty of \$1.00 accompanied by a merchant validation of citation provided that no reduction of penalties shall be allowed if payment of a validated citation is received by the city more than 2 business days from the date of issuance. The Traffic Authority shall adopt regulations and procedures governing the establishment of the above merchant validation program.

Now, if I may just briefly touch...

PRESIDENT SANTY: Wait, before you go on, I need a Second to this, Several seconds.

MR. DUDLEY: If I may just briefly touch and explain a little bit of what that means. Assuming you get a ticket and are parked, and I'll use Bedford Street as an example. If you are parked on Bedford Street and you come out and you see a ticket, currently it's cheaper in the mall -- there's no question about it. If you get a ticket in there, you pay it; after a certain time period, it costs you \$1.00 to pay the fine. Currently, the way the ordinance is proposed, it would be a \$5.00 ticket on Bedford Street. We are trying to alleviate that. Therefore, instead of a \$5.00 ticket on Bedford Street, if you receive a ticket on Bedford Street, you would go into the merchant, have the merchant validate the ticket, and

LEGISLATIVE AND RULES COMMITTEE (Continued)

all you would pay would be the \$1.00 fee. And I so Move, Several seconds.

PRESIDENT SANTY: We're now discussing the amendment.

MR. ZELINSKI: Through you to Rep. Dudley, I had a few questions, Did the Committee recommend this amendment at the L&R meeting? And if so, why not?

MR. DUDLEY: No, it was not recommended at the meeting. Why not, it was not brought up at the time, Mr. Zelinski.

MR. ZELINSKI: Any particular reason?

MR. DUDLEY: Since the meeting, we've had some concern about the penalties and the differences between the Town Center Garage and the Bedford Street parking, and this was an amendment to alleviate the problem which may arise from that,

MR. ZELINSKI: Again, Madam President, through you, another question, am I to understand then that the basic difference, and again I was trying to follow it as you were reading it with the ordinance and the amendment, that the basic difference is that the penalty as far as the on-street parking is what, that another words instead of having...could you just go over that again for my...

MR. DUDLEY: Assuming it was not validated by a merchant, it would be a \$5.00 ticket as it currently reads, Mr. Zelinski. However, if they go into the merchants and have them validate the ticket, it would only be a \$1.00 ticket.

PRESIDENT SANTY: Are your questions answered, Mr. Zelinski? We have many speakers.

MR. DUDLEY: If I may just answer a question that I heard in the background, the traffic authority shall adopt regulations and procedures governing the establishment of the above merchant validation program. I had spoken to Mr. Ford and he assured me he would get together with the merchants and it would be down through his office.

MRS. McINERNEY: I support this amendment because it tries to address some of the problems which were originally brought before this Board in the rejection of the initial ordinance two months ago, I would note that the parking violation citations are not issued just for overtime meter violations. They are also issued for double parking, parking in a restricted zone, such as bus stops, fire hydrants, street crossings, and many other areas. Meter areas are generally available for only short periods of time and I would like to make one correction, that the parking meters on Bedford Street can accommodate parking if you put money in your meter for up to one hour, not one half hour. I just checked that out this evening for whomever is discussing it in the background,

I would also like to point out in the downtown Stamford merchants' endorsement this evening, I would quote "The present parking fines schedule actually encourages all-day parkers to use up precious short-term space, making the downtown business area less accessible and less convenient, thus forcing the people into the parking garages." The size and frequency of the proposed fines will reduce the illegal consumption of this precious commodity. We say good. Increasing the parking fine will not discourage shoppers and other business and civic activity in our opinion, quite the opposite. By

LEGISLATIVE AND RULES COMMITTEE (Continued)

freeing those two few short-term meters from all-day parking hogs, shoppers will have more chances to legally park. The intent of the ordinance clearly is to discourage parking violators and encourage downtown shoppers." I would like to indicate that we are somewhat getting confused. This Board is dealing with an ordinance pertaining to parking violations. It's the Stamford traffic commission and their responsibility to deal with the meters on the street. The fees in the parking garage have nothing to do with this Board. We do not have the right to approve them or disapprove them. Certainly, if you look at the survey, which has been done of the surrounding areas, you will see that Darien charges \$5.00, Greenwich \$5.00, and their fines double after 15 days, Norwalk \$5.00, and their fines go up to \$50.00 after 30 days, I'm sorry, after 5 days, and \$100.00 after 30 days, New Haven \$5.00, it doubles. Right now, we have a severe problem because we cannot get the people who are violating day after day and taking up these precious spaces; and certainly for those of you who are upset with the difference between on-street parking and the parking mall rates, this amendment addresses that problem. Some of you might recollect who sat on this Board in 1977 the current rates that are proposed and being charge in the parking mall were approved by this Board under the URC contract. We are just trying to make it more palatable, more acceptable and more equitable for those people who prefer parking on the streets. I wholeheartedly support this amendment.

MR. WHITE: This amendment does not address the basic problem of correcting on-the-street parking with respect to metering. I'm all for getting these people who are taking up parking spaces and nailing them, but I don't think we're going about it in the right way. First straighten out the on-the-street parking and then perhaps you can write up a sensible ordinance in respect to getting these people. This amendment and indeed the entire ordinance as it indeed presents itself is a terribly complicated situation, and it shouldn't be that. We're talking about parking violations that should be tough, sweet and simple and not this sort of business where all sorts of complexities and problems can creep in, not creep in, will be in. Go to merchants and have it validated and so on, it can go on and on. You're talking about a parking ordinance. Have a good tough parking ordinance after you straighten out the on-the-street parking.

MR. DONAHUE: Much of what I was going to say was already quoted by Mrs. McInerney but I would just like to address this issue about straightening out the parking on the streets in downtown Stamford. I can remember a few years ago when the merchants on Bedford Street complained because when the new parking garage was opened, the parking on Bedford Street was supposed to be removed. Concessions were made and short-term parking was returned to Bedford Street. Those short-term spaces are what the merchants are still trying to preserve. They're trying to preserve their use for shoppers, not for those who work in offices in the area and park there all day because it is in fact cheaper to park there than to park in an all day space, in a garage or in one of the lots on Summer.

The issue of straightening out the parking meters may have to be addressed, but it has nothing to do with this ordinance. The parking meters, if there are problems in specific areas, can be replaced, can be changed, if there is that need. But I don't know that that need has been demonstrated. It is wrong to confuse the rates in the parking garage as proposed with anything associated with this ordinance. It is not mentioned within the ordinance. It is totally a different topic. I would support the amendment of the ordinance and urge this Board to finally adopt it and take a more realistic approach

LEGISLATIVE AND RULES COMMITTEE (Continued)

to not only traffic and parking problems within the city, but bring the penalties for violations of the law up to 1982.

PRESIDENT SANTY: There are 8 more speakers and we are addressing the amendment as Moved and read by Mr. Dudley.

MR. STORK: My opinion of the ordinance hasn't changed one bit, and I see a flaw with Mr. Dudley's proposed amendment; and that flaw is, to get the certification of the ticket by the merchant, you must remove the ticket from the vehicle and go into that merchant's establishment. You're subject to another ticket. I don't like the amendment for that reason.

MR. DUDLEY: If I may just touch on that because I did...

PRESIDENT SANTY: Was that a question? It was a statement, Mr. Dudley.

MR. DUDLEY: Because I do have an answer...

PRESIDENT SANTY: We'll put you down to speak for the second time.

MR. WIEDERLIGHT: There can be no disagreement with the fact that this city must revise its parking and traffic ordinances. However, I really don't see why we have to re-invent the wheel. There are many communities in the United States that have successful parking and traffic ordinances. Just talking specifically to this amendment, this goes from the sublime to the ridiculous. Here we're going to say to a merchant, please validate my citation. If you don't, it's going to cost me \$5.00. Suppose you did not shop in a store, suppose you were window shopping, you have every right to park your car and just walk up and down the street. Suppose the merchant says no. Suppose the merchant says who are you. Suppose the stores are closed by the time you get out and pull the citation off of your car. I've never heard of anything like this, quite frankly; although I've never heard of it, that doesn't mean it doesn't have to be in existence someplace. This whole thing is bewildering me, quite frankly. I think we should vote No on this amendment because it doesn't address the problem. It's something in essence to placate a section of town of merchants where it really is not going to be fair to people. There are too many inequities in this amendment.

PRESIDENT SANTY: I would like to remind all the representatives. It is now midnight, we have 8 more speakers just to the amendment, and we have another 8 for the main Motion.

MRS. CONTI: I am speaking in opposition to this amendment because it does nothing to address the fact that there are still professional offices on Bedford Street and the maximum limit of time is not sufficient for anybody visiting a professional office. If you're going to visit a dentist or a lawyer, are you going to ask him to validate your ticket for overtime parking? I mean, this is becoming ridiculous. So long as we have professional offices where people want to park on the street to go to a professional office, you have got to have a longer maximum time on those street meters.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MR. ROOS: I have one question to this ordinance. How about people that are in the library? Would they be considered....

MR. DUDLEY: It was my understanding they would be considered.

MRS. MAIHOCK: Through you, Madam Chairman, to Mr. Dudley, as a point of information, I would like to know who submitted the penalty schedule we have under consideration as question number one.

MR. DUDLEY: You're talking about the...The amendment was a consensus of a few of us who got together prior to the meeting. At this point I had spoken to some people during the week also who had mentioned that there would be a problem. Now, if I may clarify myself, the problem that was brought up to me and was brought up to me also again before the meeting was that there was a problem between the difference between the mall fees and the on-the-street parking. That was why it was brought up, if I answered your question.

PRESIDENT SANTY: Would you give the names of the people who submitted it? Could you do that?

MR. DUDLEY: If you request. I spoke to Mr. Ford. I spoke to...

PRESIDENT SANTY: No, who authored the amendment.

MR. DUDLEY: I believe Mr. Donahue can answer that better than I can.

MR. DONAHUE: The amendment was submitted by Mr. Ford this evening.

PRESIDENT SANTY: Does that answer your question, Mrs. Maihock?

MRS. MAIHOCK: I asked for a couple of questions. The second question...

MR. DONAHUE: Please let me clarify that a little bit farther. This amendment was brought about because of discussions that have been going on for the past two weeks. This was not something that was dreamed up at the last minute as someone made reference to. I just want to make that perfectly clear, that there's been knowledge about it by myself, Mr. Dudley and a few others for quite some time now. In order to address the concerns that were raised on the floor of this Board, concerning the equity between on-street parking vs. the town center garage.

PRESIDENT SANTY: Your committee has done a great deal of work in that, and I'm sure all the representatives respect that.

MRS. MAIHOCK: My second question is, I'm reading the second section where it says 'parking meter violation citations not issued in the Stamford town center garage may be satisfied by payment of penalty of \$1.00 accompanied by merchant validation of citation provided that no reduction of penalty shall be allowed of payment of the validated citation'. I'm wondering, should it not be 'is not received by the city more than 2 business days from date of issuance', Do I understand that properly?

MR. DUDLEY: That's correct.

MRS. MAIHOCK: But there is not a 'not' there. Should there not be a 'not' there?

LEGISLATIVE AND RULES COMMITTEE (Continued)

MR. DUDLEY: There should be a 'not' there.

MRS. MAIHOCK: My third question is this.

PRESIDENT SANTY: Before we go any further, we'll have to...all of you have it in front of you...we have to insert the 'not' there, Would you read that sentence for clarification?

MR. DUDLEY: 'Parking meter violation citations not issued in the Stamford Town Center Garage may be satisfied by payment of penalty of \$1.00 accompanied by merchant validation of citation provided that no reduction of penalty shall be allowed if payment of the validated citation is received by the city not more than 2 business days from the date of issuance'.

PRESIDENT SANTY: Excuse me, Mr. Dudley, let the L&R committee...Mr. Donahue, do you want to respond to that? There's some discussion here.

MR. DONAHUE: Yes, that would be a double negative, The way it's written right now is correct.

PRESIDENT SANTY: It is correct, Mrs. Maihock.

MRS. MAIHOCK: My only other observation on it is that I feel that it's not as clear as it might be. For instance, the first section (a) after you finish "meter violations shall initially have a penalty of \$1.00 if satisfied as hereinafter provided." I feel it would have been a better organized section if we had then gone directly to parking meter violations citations not issued in the Stamford Town Center Garage may be satisfied by payment of penalty of \$1.00, etc. That way you would have brought all the issues regarding parking meter violations in one area, and then you could have gone down and separated the over-time parking shall initially have a penalty of \$3.00 in the Town Center Mall Garage and then address that. I think that's why some of us are confused, and my question is...

PRESIDENT SANTY: Mrs. Maihock, are you making an amendment?

MRS. MAIHOCK: No, I'm just making an observation that I wanted to point out. My question is not received. I truly do not think I understand the intent there. The way I understand it is they will not allow a reduction of penalty if the city doesn't receive this validated citation more than 2 days after it's been issued. That's why I thought you needed 'not' in there.

PRESIDENT SANTY: May I remind you all it is now 5 minutes after 12, we still have 8 speakers just to the amendment, I would just ask you, and I don't mean to cut anyone off, but if you are repeating what someone previously had said, you could just agree with the person unless you have new light to bring onto this.

MR. ZELINSKI: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye, Opposed? We are now going to use the machine, We are Moving the question on the ordinance as read by Mr. Dudley that we received tonight, the amendment as received to the ordinance.

LEGISLATIVE AND RULES COMMITTEE (Continued)

THE AMENDMENT HAS BEEN DEFEATED: 16 Yes; 19 No; 5 Non-Votes.

We are now going back to the original Motion. I have a list of speakers here.

MR. BLAIS: I support the Motion for the new traffic and parking fees and fines. But listening to the discussion tonight, I become very concerned. I become very concerned on three points. Number one, we've heard a committee chairman get up and state that a majority of the speakers at a public hearing were against the measure, a overwhelming majority, those were the words used, when the fact that it was only 5 people. This indicates a lack of interest on the part of the public. They don't care but yet it was represented as an overwhelming majority against, like a consensus, like there were thousands of people there. Second of all, I gather from the undercurrent that people are voting against this Motion because of animosities felt toward the Town Center's Garage. However, if you think about it, you're letting your animosity toward the Town Center's Garage dictate parking fines and policies throughout the city, exactly the opposite effect that you want to give it.

Thirdly, I am concerned because it wasn't too long ago when we sat here all night and gutted the education budget. Put the pressure on the home owners, increase taxes, and the home owners are our constituents and they have been supporting us loyally for years and they have never done anything negative to the city. On the other hand, the people that would receive these fines are lawbreakers. They knowingly violate the law; that is their choice, and it is their consequence to pay. But the consensus of certain people seem to be that the lawbreakers get off easy and put it to the taxpayers.

As a policy-making body of the city of Stamford, I really think we should consider in a total context what we are saying if we defeat these parking fees.

MR. CONTI: Let's go back a few years when you saw signs leading into town that said "Stamford -- Always a place to park". Maybe we should change those signs today and add "only in the parking garages". Number one. Number two, URC fought vehemently, strongly, hard and long to buy buildings, to tear buildings down, to widen streets, to be able to make better use of the streets. In one particular section, on the corner of new Summer and Main Street, they were going to tear down a building so that you could make a left turn there. This did not come about but they did widen the sidewalk instead of widening the street. This makes it easier to funnel traffic into the parking garage rather than lead into the traffic flow in town.

Signs leading to the garage -- all the merchants were against that. We asked Ford what it cost to put up these signs. He said \$300. I defy him to prove that every sign he put up in town is going to total \$300. The merchants in this town were vehemently opposed to that. In tonight's paper, we keep talking about the Stamford Town Center. It has been likened to a...in fact, it was named a mausoleum. That's just about what it is, and what it is doing to the center of town. We have all the traffic going down in that direction. It's going to be funneled only into the garage which leaves all the other merchants with a lack of business. I have a few things here, and I'm trying to get to everything all at the same time. Now, a collection of tickets, if this thing should go through, the collection of tickets is not going to

LEGISLATIVE AND RULES COMMITTEE (Continued)

be done locally; we are going to pay an out-of-town company to collect these tickets which makes what profit we would get out of it that much less. According to one of the letters that we received, it says 'initially we were told increasing fines, hauling away cars, slapping on the Denver Boot, etc., would alleviate traffic problem'. The truth surfaced just a week and a half ago when the Mayor declared Ford's ordinance one of several ordinances which would increase city revenue to the tune of \$700,000 or so. Again, this is coming out of Stamford taxpayers' pockets. Whether they break the law inadvertently, as most of them would, because of the lack of space down on our new narrowed streets, which is taking away the right of the citizen to park on the citizen's own city streets.

It seems to me that the city representative has a obligation to those whom he represents. We represent the people of Stamford. Let's help the people of Stamford. Let's not hurt the city of Stamford. Ford's ordinance will extract bucks from our citizens. The ordinance will not synchronize one set of traffic lights, nor increase our street parking, nor eliminate gridlock, nor extend one iota of consideration for the people of Stamford. So what it boils down to is this fund-raising, is this funneling to the garage, is this working to the detriment of the people of Stamford who deserve something better than they are getting? I am opposed to...there are some good portions to the ordinance, but in the whole, I am completely opposed to it; and I would strongly urge my colleagues to vote against it.

PRESIDENT SANTY: I want to remind you that it's quarter after 12 and there are 11 more speakers.

MRS. MAIHOCK: I pass.

MRS. SAXE: I sit on the legislative and rules committee, and I find it very difficult to understand those that sit with me are now raising questions that should have been raised 6 months ago. They weren't raised then. They were not raised in committee, they weren't raised then; I don't see the reason for raising them now from committee people. I'm very upset about it. I think the city of Stamford needs this traffic ordinance. I think we're being penny-wise and pound-foolish getting into nickel-and-dime parking meters. I think the whole thing is silly. I think that support is needed in the traffic department. It's needed by us. We are here to make policy. We aren't here to nickel-and-dime the costs of what it costs you to park. That isn't our purpose; our purpose is to be here, to make a policy, to make the city start to tick and work together. We're not doing it with this kind of rhetoric that we've been listening to tonight. I do support the ordinance, and I wish that everybody else will and we will get the necessary 21 votes.

MR. WIDER: I think I will Move the question. Several seconds.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? May I have the No votes raise their hands? We're going to have to use the machine. If you're in favor of moving the question, vote up for Yes, or down for No.

I think what happens when we reach midnight is that we lose our patience and our respect for each other. Let's try to maintain that.

THE MOTION TO MOVE THE QUESTION HAS BEEN DEFEATED: 23 Yes; 15 No; 3 Non-Votes. We'll continue with debate.

MR. BLUM: I pass. I never raised my hand.

MRS. GERSHMAN: Am I to understand since we just defeated the amendment that the downtown merchants, according to the last paragraph letter in their letter which we received tonight, then do not support the ordinance because it says, from Mr. Mallozzi, "Our support is conditioned however on a more equitable parking violation system".

PRESIDENT SANTY: Mr. Donahue, can you answer that question? Or Mr. Dudley? Either one.

MR. DONAHUE: I don't believe that we can assume that because I think the focal point of the letter is trying to preserve the short-term spaces for shoppers. I think that's their major concern, and I wouldn't try to assume that they would not support the ordinance even though they might be somewhat disappointed that the amendment did not pass.

MRS. GERSHMAN: I would say that probably we should not assume anything that we don't know, one way or the other, perhaps on that. I think that this ordinance is very complicated, that some of it I could support, but some I could not; and one of the things that I think has not been mentioned is, as you see on page 16 of the ordinance under Section 20.10 which starts on page 15, sub-section (b), "formal hearing procedure parking violation hearing officer". For one thing, this person is going to be, or this Board is going to be compensated; and we have discussed this before that we did not think that this was fair for an appointed Board to be compensated, when it's the only one in town that is. On page 18 (end of tape - some dialogue lost)...expertise. I think that there are too many questions to be answered to pass this ordinance as it is. If it can be broken up into smaller sections and re-written, and Mr. Ford would submit section-by-section, perhaps parts of it could go through.

MRS. MCINERNEY: Point of information, Madam President.

PRESIDENT SANTY: You can shed some light on a question that Mrs. Gershman raised.

MRS. MCINERNEY: Yes, Mrs. Gershman, there is another Board to my knowledge, that receives compensation that is known as the Jury Committee; and each member receives \$1,500 as compensation for serving on that Board. There are presently 3 members, 2 Republicans and 1 Democrat. I believe the term Mrs. Gershman used was "appointed Board".

MR. GAIPA: I am quite amazed that this Board is sitting here while a hemorrhage has been going on and has been going on for years in our city. I'm talking about thousands and thousands and thousands of dollars that are not being paid in fines because many, many ticket scofflaws are thumbing their noses at the city of Stamford. We, who are so interested in talking about \$1,150 for an hour and 10 minutes tonight, everyday that goes by that we don't have some enforcement in our parking laws, we're losing thousands of dollars. In fact, I think the figure is somewhere in the three million dollar area. This is incredible to me. If we have fought with finding, having a problem with Section 2(a) or this-that, we can change those; but let's stop the bleeding. People are running away with our money. Like Mr. Blais said, let's start thinking of the taxpayers and not of the law-breakers.

MRS. CONTI: I want to say a word about this talk of law-breakers. I am very opposed to having my constituents called law-breakers when we are talking about an unjust law. Unjust laws create law-breakers. I think it behooves us to be very careful when we are passing laws that they are not unjust laws. We have the matter of a discrimination here between limits on street-parking and garage-parking. Until such time as we have an equalization, we are talking about an unjust law; and I resent having people called law-breakers when we're talking of unjust laws.

MR. LIVINGSTON: The part of this whole thing that bothers me is the parking meters. I can fully support an increase in the fines for violators. One of my constituents, and her job is issuing such tickets; she told me that people literally ignore the parking tickets that are placed on their windows and it means nothing. She felt very strongly that if those fees were increased, it would help alleviate the conditions that we're all complaining about. I'm not sure what we should do about the parking meters; and from what I have heard that was said here in this room, I'm not convinced that too many of us in this room are really sure what we should do. I'm not really ready to vote for this unless there is some kind...there's got to be some mechanism to give us equalization at the parking meter; but at the same time I feel that violators of laws should be penalized. Apparently, the penalty as it is, is not enough. Madam President, is it possible for us to eliminate the section that pertains to the parking meters?

PRESIDENT SANTY: Mr. Livingston, you can make an amendment any way you want. That's your right. I would prefer if you do make an amendment that you have it in writing and that we can share it.

MR. LIVINGSTON: I would like to make a Motion that we send this whole thing back to committee. Seconded by Mr. Wider and others.

PRESIDENT SANTY: A motion has been made and seconded to send this Back to Committee. We are now discussing that Motion to send Back to Committee.

MR. BLAIS: Point of Information. Didn't we vote to move this back to committee earlier and it was defeated?

PRESIDENT SANTY: Certainly did, but you can have that motion on the floor if substantial debate has taken place since then, and we've had substantial debate since then. First to speak on Returning to Committee, which had several seconds, Mrs. Guroian, is Mr. Dziezyc.

MR. DZIEZYC: Move the Question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? We are going to use the machine, and it is for returning this ordinance back to committee. MOTION APPROVED: 20 Yes, 17 No, 1 Abstention, and 2 Non-Votes. The item is returned to committee. Mr. Donahue, please continue.

PRESIDENT SANTY: Mr. DeLuca, you have a question?

MR. DeLUCA: Is it proper when we send this back to committee to have the co-chairmen of the L&R request Jim Ford to break this ordinance down to two sections, one dealing with the appeal and the enforcement process, and one strictly dealing with the violations? I think this will simplify everything, because most of us here this evening I believe are in favor of the enforcement and the appeal process. It's the violation that is causing the hang-up.

PRESIDENT SANTY: Mr. DeLuca, the co-chairperson, and the members of the L&R can heed your words but they are in charge of the committee, and I am sure they will take your suggestions wisely.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MR. DUDLEY: As a member of that committee, I'd like to mention again that to my knowledge other than one or two Board members, no Board members, even though there was a concern here tonight, and there was last month, no Board members voiced any concern at either the public hearing or the committee meeting. I urge you, if you have a problem, we will invite Mr. Ford down. I'm sure John would agree to that, as well as the rest of the committee members, to invite Mr. Ford down, and we can iron it out together.

MR. WIEDERLIGHT: Although I didn't attend the committee meeting nor the public hearing, I took the time to read this ordinance in detail. Unfortunately, Number one, I did not have the opportunity to speak. I was on the list. I did have some valid amendments to this ordinance. That's Number one. Number two, I don't feel it's incumbent upon every member of this Board to visit with every committee that they feel is a vital issue. If they take the time to do their homework and do their research, they have every right, every obligation, to stand up on this floor and make changes and make comments. The fact, on this ordinance, that it was returned last month, and it was brought back again this month with no change whatsoever, no forethought as to how you were going to move this, is in essence a waste of time of this Board. There was nothing new presented. What made the committee think and what made anybody else think that this was going to move through?

PRESIDENT SANTY: There are so many hands raised.

MR. DeLUCA: I have to agree with what Mr. Wiederlight is saying. I take exception to Rep. Dudley's comments that none of the Board members attended the last meeting. The reason why I did not attend is because I made my objections known at a meeting approximately two months ago, and I felt that this was an insult to my intelligence for Jim Ford to present the same damn ordinance. That's why I did not attend. I will not attend the next meeting that you have, if he presents the same thing without any changes, or does not heed the recommendations I just made.

PRESIDENT SANTY: Mr. Donahue, would you continue with your report? I'm sure that the committee will heed all the remarks made regarding this ordinance.

- (5) FOR PUBLICATION - PROPOSED ORDINANCE AMENDING CODE SECTION 8-18 ANNUAL PICK-UP OF HOUSEHOLD AND YARD DEBRIS - re-submission of February consideration. Held in Steering 1/18/82. Held in Committee 3/1, 4/5/82. LAID ON THE TABLE 5/3/82. HOLD UNTIL AUGUST. Held in Steering 6/28/82.

HELD IN COMMITTEE.

- (6) FOR PUBLICATION - PROPOSED ORDINANCE REGARDING EXCHANGE OF EASEMENTS BETWEEN THE CITY AND ABE WEXLER ON PROPERTY LOCATED ON HILLDALE AVE. AND GROVE STREET (the taking of 297 sq. ft. and the giving of 311 sq. ft.). Approved by the Planning Board 6/30/82 - per Mayor Clapes' request of 7/1/82.

MR. DONAHUE: The committee was to recommend the approval for publication of this exchange of easements if a letter was received from Wexler or his

LEGISLATIVE AND RULES COMMITTEE (Continued)

attorney voicing their agreement with this exchange of easements. I believe the letter is forthcoming. I believe there is no problem with the exchange of easements. However, the letter was not received, so the committee will have to hold this for one month; and I have already checked, and there is no problem with that.

HELD IN COMMITTEE.

- (7) REQUEST FOR REFUND OF BUILDING PERMIT FEE PAID BY NON-PROFIT ORGANIZATION - received from Bethany Assembly of God, 2 Scofieldtown Road, Stamford 06903 322-4050 and 322-2800, Treas. Clyde Long, and Rev. Ralph Mugford, Pastor 7/1/82.

HELD IN COMMITTEE.

MR. DONAHUE: Item #7 is held but I would note that it is held with no prejudice against Bethany Assembly of God. It was held by the committee pending information that is to be received from Corporation Counsel on a request from Mrs. McInerney.

MR. ZELINSKI: I would like to make a Motion to move Item #7 out of committee; and if I get a second, I will explain my rationale. Seconded. Item #7 is a simple request, a routine request, that this Board of Representatives since I've been on it, since 1977, has honored without any problem. I'm very upset that for some unknown reason there is some problem with this. There should not be. We all received copies, as a matter of fact, in tonight's package. This Bethany Assembly is a charitable church, which I might add I do not attend. I have no conflict of interest. I just simply want to get it moved out. They paid their building permit fee of \$1,600 back in April of 1981. They were not aware of the fact that they had to apply to get the refund after they paid it. They paid it. There's a copy in their letter that the city did receive it. All they are simply asking for is a refund. The Corporation Counsel has ruled that it's a simple procedure. All we have to do is vote to pay it. We don't have to write to Hartford. We don't have to write to the Corporation Counsel. All we have to do is give these church-going people their money back. I would sincerely hope tonight that we would do that and not delay this. It's very embarrassing to have this thing held for another month for some ridiculous reason that doesn't hold any merit. I would certainly hope that we approve this tonight.

PRESIDENT SANTY: Motion has been made and seconded to take this out of committee. We are addressing that.

MRS. MCINERNEY: Mrs. Santy, if you will recall, in May, May 24, 1982, a letter was written to you to request an opinion from Corporation Counsel as to whether or not the city of Stamford was legally bound by State statutes to grant a waiver of building permit fees to corporations which are non-profit, tax-exempt or partially tax abated. This was an issue that came up when we were trying to figure out how much money was waived each year by non-profit, tax-exempt or partially tax-exempt buildings. Your letter was sent to Corporation Counsel on June 8, 1982. It was the opinion of the committee members present that we were not looking for procedure. We were trying to find out whether or not we were legally bound to waive these building permits. The request for this particular item came in in July, July 3, then again on July 26, after the letter went to Corporation Counsel. We would like to have his opinion before we act on it. It's as simple as that.

LEGISLATIVE AND RULES COMMITTEE (Continued)

PRESIDENT SANTY: I can verify that. That letter went and we have not received a response from that.

MR. ZELINSKI: Point of information, Madam President. I have a copy with the number 45 which was sent out to all the representatives dated January 27 from Mr. Hennessey, acting for Mr. Cookney, the Corporation Counsel, in response to the question regarding a waiver for a building permit fee and he says "the fee may be waived so long as it is a non-profit organization. Supplemental ordinance 80.7 is applicable as it reads in part, subject to the approval of the Board of Representatives, City of Stamford. No fee..."

PRESIDENT SANTY: Mr. Zelinski, that was part of it, but that was not what we requested.

MR. ZELINSKI: But it was the same question regarding a waiver of the building permit fee,

PRESIDENT SANTY: It was not, Mr. Zelinski. Mr. Blais is next to speak.

MR. BLAIS: Thank you, Madam Chairman, for limiting the abuse of a point of information. I would like to Move the question.

PRESIDENT SANTY: Sorry, Mr. Blais, you cannot Move the Question if you speak.

MR. DONAHUE: I believe the reason was clearly stated why the committee felt that this step should be taken at this time. Speaking personally, I have no problem with voting to waive this building permit. However, because the question was asked concerning whether we are bound (and it was asked by Mrs. McInerney), the committee felt that it would be proper to find that answer before we considered this. The committee also explained that to the Rev. Mugford who was there, and I believe he understood. What is usually a ^{very} simple process and has been addressed in the past to the procedure for approving this, which is what I believe Mr. Zelinski quoted from, has nothing to do with the question asked. We are simply trying, as a committee, and the vote was unanimous of those there, to hold this until the answer is granted. This does not mean that if the answer comes in in two weeks or three weeks from now, that no matter what the answer says, what the Corporation Counsel opinion is, does not mean that we will either deny this or approve it. We held it because of Mrs. McInerney's waiting for a response.

PRESIDENT SANTY: I will pursue that to get a quicker response. We have been waiting quite a while.

MR. DeLUCA: Move the question. Seconded.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? The question is on Mr. Zelinski's Motion to take this out of committee and bring it to the floor, just to bring it out of committee.

I would like to note that at this time Mr. Tarzia has left, Mrs. Hawe has left, and Mr. Wiederlight is leaving. Mr. Owens has left, and Mr. Rybnick has left.

DEFEATED TO TAKE OUT OF COMMITTEE: 21 No; 11 Yes; 1 Abstention; 7 Non-Votes.

PERSONNEL COMMITTEE - Chairman Philip Stork

MR. STORK: The Personnel Committee met on Wednesday, July 28, at 8 p.m. in the Republican Caucus Room. Members of the committee in attendance were Reps. Dziezyc, Gershman, Dixon, and myself. Reps. Gaipa, Dudley and Hogan were all excused, and I appreciate their taking the time to advise me of their absence. Also present were Rep. DeLuca, and Board of Finance Chairman Pollard.

- (1) REP. JEREMIAH LIVINGSTON'S REQUEST OF 3/5/82 FOR AMENDMENT to Code of Ordinances Section 11-4 (Ord. 171 adopted 10/2/69 creating Human Rights Commission) granting of pension benefits retroactively from date of employment for Secretary-Director of Human Rights Commission. Held in Steering 3/22/82. (Personnel Commission had this on their agenda). Held in Committee 5/3 and 5/24/82. Held in Committee 7/12/82.

MR. STORK: This item has been held in committee since May 3rd pending a receipt of a cost breakdown for Mr. Glover's share and the city's share in order to make him eligible for pension. That breakdown was made available to our committee last week by Mary Ann Kilgrow, the city's Benefit Manager. Based on his 13 years of service, Mr. Glover would have to contribute \$18,000. The city's share would be \$65,500. If this was an isolated case, the committee indicated it might vote favorably, but since up to 150 other individuals fall into this category under Section 710 of the City Charter, at a potential cost to the city of up to seven and one-half million dollars, the Personnel Committee rejected the proposed amendment by a vote of 3-to-1. In keeping with the policy of this Board in making Motions in the positive fashion, I move for approval of this amendment to the Code of Ordinances, Section 11-4, but please keep in mind the Personnel Committee recommends a No vote. Seconded.

PRESIDENT SANTY: Any discussion? We are going to move right to a vote on Number 1 under Personnel. It has been Moved that we approve the amendment to this ordinance bearing in mind that the Personnel Committee voted 3-1 to deny it. MOTION IS DEFEATED: 26 No; 5 Yes; 1 Abstention; 8 Non-Votes.

- (2) REQUEST FROM REPS. DeLUCA AND BOCCUZZI DATED 4/14/82 FOR A BREAKDOWN OF TOTAL FRINGE BENEFITS BY UNION, PRESENTLY IN EFFECT FOR MUNICIPAL EMPLOYEES INCLUDING SUCH ITEMS AS MEDICAL AND LIFE INSURANCE, CLOTHING ALLOWANCE, VACATION, IN DETAIL, PERSONAL DAYS, LONGEVITY, PAID TUITION, ETC. Held in Committee 7/12/82.

HOLD FOR OCTOBER MEETING (2 sub-committees appointed:
Chmn. Dziezyc, with Gaipa, DeLuca.
Chmn. Hogan, with Dixon, Gershman)

- (3) REQUEST FROM REPS. BETTY CONTI AND GRACE GUROIAN 4/19/82 FOR "STUDY & EVALUATION OF MUNICIPAL PERSONNEL PRODUCTIVITY". Held in Committee 5/3/82 and 6/7/82, and 7/12/82.

HOLD FOR OCTOBER MEETING.

- (4) STUDY FINANCIAL IMPACT OF FUTURE LABOR CONTRACTS AND ALL SALARY ACCOUNTS OF THE CITY. Submitted by the Steering Committee 5/24/82. Held in Committee 6/7/82, and 7/12/82.

HOLD FOR OCTOBER MEETING.

PERSONNEL COMMITTEE (Continued)

MR. STORK: Items 2, 3 and 4 were lumped together for the purpose of discussion since they interrelate with each other. These are various requests for breakdowns of fringe benefits by union, for municipal employees and Board of Education employees, a study and evaluation of municipal personnel productivity, and a study of the financial impact of future labor contracts and all salary accounts of the city. The Personnel Committee has been accumulating information on these matters over the past several months, and we still have some requested information yet to be supplied. Due to the tremendous volume of information collected to date, it was decided to set up two 3-member sub-committees to split the work involved and develop a report and recommendation for this full Board to vote on. It is the intention of the Personnel Committee to submit a report that will center on setting a policy for the city's labor negotiator, and the Board of Education, to follow in the area of negotiating new employee contracts and what limits on pay and fringe benefits the Board of Representatives will consider acceptable in the future. The sub-committees will be broken down as follows: One sub-committee will be chaired by Rep. Dziezyc, and serving with Mr. Dziezyc will be Mr. Gaipa and Mr. Dudley. The other sub-committee will be chaired by Rep. Hogan, and serving with Mr. Hogan will be Reps. Dixon and Gershman. In order to allow both sub-committees sufficient time to procure any additional information they deem necessary, and to allow time for the preparation of their reports, we are going to hold these three items in committee until this Board's October meeting, at which time our findings will be made known.

PRESIDENT SANTY: That's a very good policy, to break down in sub-committees. I wholeheartedly support that. You may continue.

- (5) REQUEST OF 7/9/82 FROM CITY REP. WALTER GAIPA TO HAVE BOARD OF EDUCATION RE-OPEN TEACHERS' CONTRACT FOR PURPOSE OF REMOVING SPECIFIC HEALTH INSURANCE COMPANY NAMES TO PROVIDE COMPETITIVE BIDDING.

HELD IN COMMITTEE. (To give Bd. of Ed. time to prepare their information & in-put)

MR. STORK: Getting away from our scheduled agenda, I just wanted to comment that the committee also discussed Resolution #1 before us tonight. When we reach that point of our agenda. Mrs. Gershman is going to make some amendments that our committee voted favorably on; and then I will speak to that Resolution at that time. That concludes the report of the Personnel Committee.

PLANNING AND ZONING COMMITTEE - Chairman Donald Donahue

- (1) PROPOSED RESOLUTION ABANDONING A PORTION OF THE ROAD BED OF STILLWATER AVENUE ADJACENT TO THE INTERSECTION OF WEST MAIN STREET, TRESSER BLVD. AND GREENWICH AVENUE. Per Mayor Clapes' letter 4/12/82. On 6/8/82 Community Development mailed to Board members. Held in Comm. 7/12/82.

Above also referred to PUBLIC HSG. & COMM. DEVELOP. COMMITTEE.

MR. DONAHUE: This section of Stillwater Avenue does not exist as a street at this time. Those of you who are familiar with the area recognize a dirt lot at the left of this intersection, an abandoned brick building. It's an area that's overgrown with weeds, abandoned cars, and it's used as an open air garage. There is a good possibility that at one time

PLANNING AND ZONING COMMITTEE (Continued)

the street was abandoned during the Urban Renewal Process. However, as a technicality, there is no evidence of a quit-claim deed. This abandonment will clear the way for the construction of some thirty units of housing on that site, and it's a companion to another topic that will be discussed under the Urban Renewal Committee. The Committee voted by a vote of 7 in favor, none opposed, to recommend the abandonment of this portion of Stillwater Avenue, and I so Move. Seconded.

MR. WIDER: Public Housing and Community Development Committee met on July 27 and we concur.

PRESIDENT SANTY: Any discussion?

MR. ZELINSKI: Just a point of information, through you to the chairman of the committee, when did the committee meet, Rep. Donahue?

MR. DONAHUE: The committee met tonight at 7:00 p.m., no, at 6:30, excuse me.

MR. DeLUCA: Move the question.

PRESIDENT SANTY: There's no further speakers. We can go right ahead and move to a machine vote. We are voting on the proposed resolution as presented by Mr. Donahue, #1 under Planning and Zoning.

THE RESOLUTION HAS BEEN ADOPTED. 29 Yes; 11 Non-Votes.

TRANSPORTATION COMMITTEE - Sandra Goldstein, Chairwoman

MRS. MAIHOCK: The Transportation Committee gave its report on Item 2 under Fiscal, and that was the entirety of our participation.

PUBLIC HOUSING & COMMUNITY DEVELOPMENT - CoChairman David Blum & Lathon Wider

NO REPORT.

URBAN RENEWAL COMMITTEE - Co-Chairpersons A.M. Summerville and John Roos

MS. SUMMERVILLE: The Urban Renewal Committee did not meet due to other commitments. I don't know if it would be in order now, Madam President, but, in speaking to some of the members tonight, even though we didn't have a meeting, we would to recommend that this item be approved.

- (1) PROPOSED RESOLUTION ACCEPTING THE TRANSFER OF PROPERTY AT THE INTERSECTION OF WEST MAIN STREET, GREENWICH AVE. AND TRESSER BLVD. FROM THE URBAN REDEVELOPMENT COMMISSION TO THE CITY OF STAMFORD; RESOLUTION AUTHORIZING MAYOR'S OFFICE TO FORMULATE DISPOSITION PLAN; RESOLUTION REGARDING MAINTENANCE AND CARE OF PROPERTY. (All one resolution.) Per Mayor Clapes' letter 4/12/82. On 6/8/82 Community Development mailed to Board members. Held 7/12/82.

MS. SUMMERVILLE: It's the same as Mr. Donahue's resolution. In approving Mr. Donahue's Resolution, it would be my thinking that the Board would also want to approve this item under the Urban Renewal because they are one and the same.

PRESIDENT SANTY: Ms. Summerville, would you please move to take this out of committee?

URBAN RENEWAL COMMITTEE (Continued)

MS. SUMMERVILLE: I move to take this out of committee. Several seconds.

PRESIDENT SANTY: Any further discussion?

MR. DONAHUE: This will allow a transfer of property from the Urban Renewal Commission to the city of Stamford and then to new neighborhoods. The parcel will be used for construction of townhouse-type, I guess, condominiums would be the best term, or co-ops would be the best term much the same as will be constructed on Lindale Street, Richmond Hill Avenue, Ann Street. The added need for this is this site is much more visible to the downtown and shows the kind of work that new neighborhoods have been doing in an effort to upgrade areas of the city and provides some additional housing. It was the sense of the committee tonight by a vote of 7 in favor and 0 opposed that this should be taken out of committee and passed this evening, so I would hope that members would vote for this transfer of property.

PRESIDENT SANTY: No further discussion, we will move right to a vote. We are voting on taking this item out of committee first.

MOTION TO TAKE OUT OF COMMITTEE APPROVED: 31 Yes; 1 No; 8 Non-Votes.

PRESIDENT SANTY: Ms. Summerville, do you want to Move for the adoption?

MS. SUMMERVILLE: I so Move, Madam Chairman. Seconded.

PRESIDENT SANTY: No discussion, we will move right to a machine vote. We are now voting on final adoption.

THE RESOLUTION IS ADOPTED: 31 Yes; 1 No; 8 Non-Votes.

M S. SUMMERVILLE: Just as a point of information, Madam President, since everybody is so hung up on who's attending meetings, Mr. Roos was here for the Urban Renewal Committee meeting. There was no quorum because I was at the Rusty Scupper having a good time. Thank you.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE - Co-Chairperson Mary Lou Rinaldi

MS. RINALDI: EW&G met on Thursday, July 29, at 8 p.m. Present were Reps. Gershman, deGaetani, Conti and myself. This is going to be a very short report because Items 1 through 4 are all being held pending further information.

- (1) REQUEST FROM REP. McINERNEY AS TO WHY ROADS BROUGHT UP TO CITY ACCEPTANCE
have never been invoiced for a period of the past ten (10) years.
Similar request made by Rep. DeLuca. Short report made 6/7/82.
Held in Committee 7/12/82.

Above also referred to PLANNING AND ZONING COMMITTEE.

HELD IN COMMITTEE.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE (Continued)

- (2) LETTER OF 5/17/82 FROM REPS. B. CONTI, G. GUROIAN, J. FRANCHINA AND J. HOGAN REQUESTING A SPECIAL STUDY COMMITTEE TO LOOK INTO THE ASSESSMENTS MADE BY UNITED APPRAISERS. Held 6/7/82 and 7/12/82.

HELD IN COMMITTEE.

- (3) LETTER OF 6/8/82 FROM REP. GERSHMAN REQUESTING DETAILED INFORMATION ON TAX ABATEMENTS GRANTED FOR 1980 and 1981, and broken down as specified in her letter. Held in Committee 7/12/82.

HELD IN COMMITTEE.

- (4) LETTER FROM REP. WALTER GAIPA DATED 7/9/82 REFERRING TO THE LAW DEPT 'S REQUEST FOR \$75,000 FOR OUTSIDE LEGAL COUNSEL, HE REQUESTS RESPONSE TO THE FOLLOWING, PARTICULARLY IN VIEW OF TODAY'S AUSTERITY:

"What are the guidelines followed in securing and contracting for outside consulting services such as legal counsel, management consulting, auditing, etc., by the Law, Finance, Personnel, or any other City department? Do these guidelines conform with the best interest of the City?"

Above also referred to FISCAL COMMITTEE.

HELD IN COMMITTEE.

PRESIDENT SANTY: Number 4 was also referred to Fiscal. Did you have any remarks on that? It's being held by this committee. Did you have any remarks on that, Mr. Esposito?

MR. ESPOSITO: We had approved it in the past, but that's...

ENVIRONMENTAL PROTECTION COMMITTEE - Chairwoman Audrey Maihock

MRS. MAIHOCK: The report on Fiscal item 10 was waived which was the only item under our committee.

APPOINTMENTS COMMITTEE - Co-Chairpersons Mary Jane Signore & Handy Dixon

MRS. SIGNORE: The Appointments Committee met this past Friday, July 30, at 7:00 in the Democratic Caucus Room. In attendance were Mr. Boccuzzi, Ms. deGaetani, Mr. DeLuca, Mr. Dixon, Mr. Tarzia and Mrs. Signore.

HUMAN RIGHTS COMMISSION

Term Expires

- | | | |
|------------------------------------|----------------|--------------|
| (1) <u>JOHN WILTRAKIS (R)</u> | Re-Appointment | Dec. 1, 1984 |
| 8 Westcott Road | | |
| Held in Committee 6/7 and 7/12/82. | | |

MRS. SIGNORE: Mr. Wiltrakis is a 12-year resident of Stamford, a local attorney, graduate of Loyola University, receiving his Doctor of Law at the University of Illinois, and did graduate studies at NYU. He has practiced law continually since 1965, and has specialized in civil rights law since 1972. He served as commissioner on Stamford Commission on Human Rights since 1971, twice as Chairman. Mr. Wiltrakis gave expansive, yet detailed, information on cases which the Human Rights

APPOINTMENTS COMMITTEE (Continued)

Commission deals with, specifically housing cases, job-related cases, veterans problems, welfare and even education cases. He spoke with great enthusiasm about these cases, their conciliation and/or resolution. He spoke of the civil rights laws initiated in the '60's and the cases being presented now in the '70's. He also mentioned that there has been a shift in "where are the minorities" to "where are the women". We were very impressed with his experience, his expertise and his enthusiasm; and the committee voted 6 in favor and none opposed. I so Move. Seconded.

PRESIDENT SANTY: Discussion?

MRS. GERSHMAN: While I see that Mr. Wiltrakis has served the city very well and he does come quite highly qualified, I do question that perhaps he has been extraordinarily active in one phase of human rights, perhaps on a national level; and this might color some of his thinking so that he would not see all sides of questions that might come before the Board. Therefore, I think perhaps he should be not re-appointed.

MRS. SIGNORE: I'd like to answer that. Mr. Wiltrakis brought this up himself. He said the commission never gets into the area of abortions; therefore, he felt that there was no conflict-of-interest and has never been.

MRS. McINERNEY: I intend to vote against Mr. Wiltrakis. I was not prepared to give my total reasons tonight. However, I do have some documentation dating from 1979 with his past re-appointment and an article which was written in the New York Times in 1977 and other things that were written in February of 1979 wherein Mr. Wiltrakis had given public testimony and written on items which he promoted and in which he used his name as Chairman of the Commission on Human Rights. I felt in the past that that should not have been. It was his private personal opinion. It was not the opinion of the Stamford Human Rights Commission. I could not support him in the past because at that particular point in time he did use his title without the approval of the group, and I do not intend to support him this evening for the same purpose.

MR. ZELINSKI: Through you to the co-chairperson of the Appointments Committee, Rep. Signore, my question dealt with the fact that Mr. Wiltrakis is an attorney who is an employed in a corporation dealing in the area of civil rights. Do you know if any cases specifically might have come before the local human rights commission whereby either his company or a subsidiary might have a possible conflict-of-interest? That would be my only concern to his re-appointment to the commission.

MRS. SIGNORE: I rather doubt that, Mr. Zelinski. He's employed by ITT Continental Baking Company in Rye, New York. I don't see how it could possibly come before us.

PRESIDENT SANTY: Mr. Livingston has now left the floor. We now have 31 members present. We are going to move right to a machine vote on Mr. Wiltrakis. Sorry, there are 32 members present.

APPROVED: 21 Yes; 6 No; 3 Abstentions; 10 Non-Votes.

APPOINTMENTS COMMITTEE (Continued)HEALTH COMMISSIONTerm Expires

- (2) MR. KIM WILLIAMS (R) Re-Appointment December 1, 1984
310 Roxbury Road
Held in Committee 6/7 and 7/12/82.

APPROVED ON CONSENT AGENDA (Mrs. Perillo abstaining)

PERSONNEL COMMISSION

- (3) MR. RICHARD A. HERMANN (R) Replacing B. Kraus December 1, 1986
49 Chester Street whose term expired
Held in Committee 7/12/82

MRS. SIGNORE: Mr. Hermann was interviewed July 8, 1982. Present at that Appointments Committee meeting were Mr. Boccuzzi, Mr. Anthony Conti, Mr. Handy Dixon, Mrs. Perillo, Ms. Summerville and Mrs. Signore. Mr. Hermann is a native of Minneapolis, Minnesota. He is presently employed as the Chief Executive Officer of Eagle Tower Residential Hotel in Stamford. Before that, he was employed in California at a retirement facility and also worked with senior citizens in Miami, Florida. He did graduate work at the University of Louisville, Kentucky and the University of Miami, Florida. He was on the faculty of the North Texas State University, Department of Sociology and Geriatrics, and also on the faculty of the University of Arizona, in the area of Public Administration.

Before that, he served as a civilian member of the Oral Review Board for Police Appointment and Police Advancement for the City of Anaheim, California and served as an advisory member to the State of California, Department of Social Welfare. He has been involved in Boards of Directors in the areas of hiring, and other related personnel matters.

The committee felt he would be an asset to the personnel commission. The vote was 4 in favor, 1 opposed, 1 abstention, and 3 absent. I so Move for his confirmation. Seconded.

MR. ZELINSKI: I would just like to state for the record that I know Mr. Hermann personally from my district, and I think he's an outstanding person and would bring a great deal of experience and expertise to the personnel commission.

MR. BLUM: Based on Mr. Hermann's resume, I feel that Mr. Hermann is not qualified to meet the needs of the personnel commission at this time. The personnel commission and the personnel department per se at this time is going through three or four different avenues in which they are now being looked into. They have the blue ribbon panel that I believe a report has been given to the Mayor. There is the Gallant and Gallant from New Haven through the Corporation Counsel that is looking into certain avenues of the personnel committee. There are other phases now going on including lawsuits on appeals and different matters which have happened within the personnel department. I feel at this time whoever replaces Mr. Kraus, who was the Personnel Chairman at the time and resigned for some reason or his term expired and did not return to be re-appointed, left a committee of only 3 people or commissioners on the personnel commission. If we all remember, at the time when the blue ribbon panel gave their report the first time, one of their

APPOINTMENTS COMMITTEE (Continued)

recommendations at the time the personnel commission only had 3 people or 3 commissioners and at that time they made a recommendation to change it to 5. It has been some time since the personnel commission...please, let me speak, I'm coming to the point, if you'll allow me, please...

PRESIDENT SANTY: Just have a little patience with Mr. Blum...Mr. Blum, would you please come to the point...

MRS. PERILLO: I don't think this has anything to do with the gentleman that we're talking about. Either he votes for him, or votes against him. We don't need a background on the personnel commission.

MR. BLUM: I would like to speak, Mrs. Perillo, because there are others who have given lengthy reports here this evening and I have not said any word. I was waiting for this particular item. I'm going to be very specific.

PRESIDENT SANTY: Please start, all right?

MR. BLUM: I started a long time ago. Mr. Hermann at this time, in my opinion, with all this that is going on will not be able to fill the bill or be much aware of what will be going on at this time. I feel he does not have any matters relating to personnel which those who get appointed at this time I believe will have to have some expertise in personnel. I ask people to remember this, that this particular item was held one month because of his resume.

MR. DeLUCA: Move the question. Several seconds.

PRESIDENT SANTY: All in favor of moving the question, please say Aye. Opposed? How many No votes? Not sufficient. We will move the question. We will use the machine.

MR. HERMANN IS CONFIRMED by a vote of 18 Yes; 6 No; 8 Abstentions; 8 Non-Votes.

MR. BLAIS: Point of information, Madam Chairman, do we have a problem with the programming?

PRESIDENT SANTY: Yes, because it's still under the same program. It has not been tended to since the last meeting. We are waiting for that person to come.

MR. HERMANN IS CONFIRMED by a vote of 19 Yes; 5 No; 8 Abstentions; 8 Non-Votes.

WELFARE COMMISSION

- (4) MS. PATRICIA McCABE WILSON Replacing Dr. R. Pesiri December 1, 1983
22 Lakeview Drive (R)
Held in Committee 6/28/82

HELD IN COMMITTEE.

MRS. SIGNORE: Ms. Patricia McCabe Wilson was held in committee without prejudice. She was unable to make the committee appointment,

APPOINTMENTS COMMITTEE (Continued)SOUTHWESTERN REGIONAL PLANNING AGENCYTerm Expires

- (5) MR. MICHAEL P. MINOTTI (R) Replacing E. Gershman March 15, 1984
29 Dale Place
Held in Committee 6/28/82

HELD IN COMMITTEE.

MRS. SIGNORE: Was also held in committee without prejudice. He was also unable to make the committee meeting.

E. GAYNOR BRENNAN GOLF COMMISSION

- (6) MR. FRANCIS N. FERGUSON (R) Re-Appointment December 1, 1986
301 Sun Dance Road
Held in Committee 6/28/82

APPROVED ON CONSENT AGENDA (Mrs. Perillo and Mrs. Conti abstaining)

HOUSE COMMITTEE - Chairman Gerald Rybnick - NO REPORT.

RESOLUTIONS

- (1) PROPOSED SENSE-OF-THE-BOARD RESOLUTION CONCERNING MUNICIPAL EMPLOYEE CONTRACTS, AND/OR PERSONNEL NOT COVERED BY MUNICIPAL CONTRACTS -
submitted by Reps. John Boccuzzi and Gabe DeLuca 5/28/82. Held in Committee 7/12/82.

PRESIDENT SANTY: We are going to move the question right to the adoption of the proposed Resolution as submitted by Reps. Boccuzzi and DeLuca. The machine is ready.

THE RESOLUTION HAS BEEN ADOPTED: 22 Yes; 1 No; 4 Abstentions.

- (2) SENSE-OF-THE-BOARD RESOLUTION CONCERNING APPLICATION BY NORTHEAST UTILITIES TO P.U.C.A. FOR UTILITY RATE INCREASE. Submitted by John Zelinski 6/22/82.

APPROVED: 14 Yes; 9 No; 2 Abstentions; 15 Non-Votes.

- (3) SENSE-OF-THE-BOARD RESOLUTION HONORING STAMFORD PATROLMAN TED KOCUT AS BEING CHOSEN STAMFORD POLICEMAN OF THE YEAR - Submitted by Rep. John Zelinski 6/22/82.

APPROVED ON CONSENT AGENDA.

- (4) SENSE-OF-THE-BOARD RESOLUTION CONCERNING TELEPHONE RATE INCREASE BY SNETCO - submitted by Rep. John Zelinski 6/22/82.

APPROVED: 14 Yes; 5 No; 6 Abstentions; 15 Non-Votes.

- (5) PROPOSED SENSE-OF-THE-BOARD RESOLUTION commending Beverly Lawrence in an essay contest. Submitted by Reps. Dudley and Summerville 6/30/81.

APPROVED ON CONSENT AGENDA.

COMMUNICATIONS FROM THE MAYOR - NONE

PETITIONS - NONE

ACCEPTANCE OF THE MINUTES

March 1, 1982 Regular Board Meeting - APPROVED with Mr. Dudley voting NO.
May 3, 1982 Regular Board Meeting - APPROVED with Mr. Dudley voting NO.
May 4, 1982 Special Meeting - APPROVED with Mr. Dudley voting NO.
May 11, 1982 Special Budget Meeting - APPROVED with Mr. Dudley voting NO.
May 12, 1982 Special Budget Meeting - APPROVED with Mr. Dudley voting NO.
June 28, 1982 Special Meeting - APPROVED with Mr. Dudley voting NO.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS - NONE

OLD BUSINESS

MR. DeLUCA: I don't know if it's appropriate. As you said, the time is getting late, but under Old Business I would like to make a Motion that you send a letter to the Mayor advising him that it's time to send down the names of the people that he appointed to the Coliseum Authority so we can vote on them at our next meeting. The Mayor must realize that right now he's in violation of the ordinance that we passed and I feel that this should get down to us for our August 30 Steering meeting.

MR. CONTI: Under old business, in requesting these names from the Mayor, weren't those names sent in subject to change? Wouldn't this give him the right to take a little bit more time before it's brought to us to actually get the names that should be submitted? If we try to hurry him up, he may just send down a bunch of names that don't mean anything.

PRESIDENT SANTY: Mr. Conti, we have to confirm every name that he sends down to us. If we do not approve, then we can just send them back.

MR. CONTI: But they are subject to change?

PRESIDENT SANTY: They certainly are.

MRS. McINERNEY: I would also note that they are not only subject to change, they are subject to the approval of the individual, town and city committees as well.

MS. SUMMERVILLE: I would like to remind the representatives...

PRESIDENT SANTY: This is what happens when we go past 1 a.m. We have a few more minutes, have patience.

MS. SUMMERVILLE: Under Old Business, I would like to remind the representatives of the correspondence they received from the President of the Board of Reps to the pictures being taken at the September meeting. So that I won't get loads of calls at my office, if you're not going to be here, the pictures will go on. We've postponed them twice, and we will be taking the official picture of the 17th Board of Representatives at the September meeting, which is September 13th. We have to have it in the Mayor's hands by the 15th of September for the Annual Report.

NEW BUSINESS

- (1) REPS. GERSHMAN AND DeLUCA REQUEST THE FORMATION OF A COLISEUM AUTHORITY LIAISON COMMITTEE, per letter 7/13/82. (This to be a SPECIAL Committee to be named at September meeting.)

MR. BOCCUZZI: I would just like to ask something...what exactly is this Committee going to be charged with? I read something in the paper, but I'm going to disregard that part. I would like to know what the two representatives have in mind. I read that it's going to be a standing committee and all this, and I just want to know what...,

PRESIDENT SANTY: I think Mr. DeLuca and Mrs. Gershman sent it to all the members, but do you want to briefly explain what the committee is. It was voted on Steering to appoint this Special Committee, which will have a membership of six ---- 3 Republicans and 3 Democrats.

MR DeLUCA: I believe the primary job of this committee would be to see that the funds are being allocated and expended after serious consideration for the purposes intended, such as the Arts and the Coliseum Authority, and that the Authority more or less does not try to pass anything without obtaining the approval of the Board of Representatives. It's just a liaison committee, to see that they are doing what we expect them to do not that they can just run roughshod any which way they want to. I believe something like this, for the amount of money that we're talking about that's going to be spent and utilized, that the Board of Reps should be involved with every move that they're making, rather than just wait for them to come back to us and say this is what's going on.

PRESIDENT SANTY: I think it's a communication between the Authority and the Board, and I think this is very important.

MRS. GERSHMAN: I think that in the letter that we wrote we say, which perhaps Mr. Boccuzzi is referring to, this would not be a standing committee and would therefore not have a seat on Steering.

PRESIDENT SANTY: I do have 3 Republican names, and I hope that I'll have the Democratic names by the September meeting so I can announce those.

- (2) RESOLUTION THAT THE NEXT BOARD MEETING BE HELD MONDAY, SEPTEMBER 13, 1982 AT 8:00 P.M.

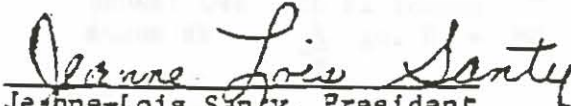
(Steering Committee will meet 7:30 P.M. on Monday, August 30th)

APPROVED WITH 1 NO VOTE (Phil Stork)

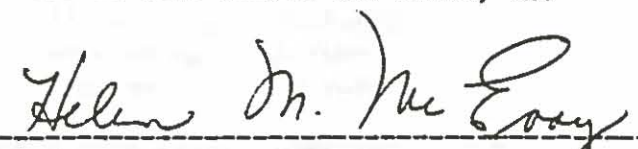
PRESIDENT SANTY: There's a Motion to adjourn. Seconded.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 1:30 A.M.

APPROVED:


Jeanne-Lois Santy, President
17th Board of Representatives

By


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

TG:HM

AN ORDINANCE PROVIDING FOR THE REDUCTION AND CONTROL OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE CITY OF STAMFORD.

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Section 1. Short Title: "The City of Stamford Noise Control Ordinance."

Section 2. Purpose: It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This Ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of Stamford through the reduction, control, and prevention of noise.

Section 3. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 3.1 **AMBIENT NOISE OR BACKGROUND NOISE**: Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.
- 3.2 **BOARD OF REPRESENTATIVES**: Shall mean the Board of Representatives of the City of Stamford.
- 3.3 **DIRECTOR OF HEALTH**: Shall mean the Director of Health of the City of Stamford.
- 3.29 **HEALTH COMMISSION**: Shall mean the Health Commission of the City of Stamford.
- 3.30 **COMMERCIAL ZONE**: Shall mean all Commercial Districts and Business Districts including CCS, CN, CL, CD, CG, CS, CI, CNN, as defined in the Zoning Regulations of the City of Stamford and all uses associated therewith either permitted as a right or as a special use. Commercial shall also include BD and BC design zones.
- 3.4 **CONSTRUCTION**: Shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.
- 3.5 **CONSTRUCTION EQUIPMENT**: Shall mean any equipment or device operation by fuel or electric power used in construction or demolition work.
- 3.6 **DAY-TIME HOURS**: Shall mean the hours between 8 a.m. and 8 p.m., Monday through Saturday, and the hours 9 a.m. through 9 p.m. on Sundays, and Federal and State holidays.
- 3.7 **DECIBEL**: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (Sound Pressure Level) is defined as: $SPL = 20 \log \frac{P}{P_0}$ in dB where $P_0 = 0.0002$ microbars.
- 3.8 **DEMOLITION**: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.