

BOARD OF REPRESENTATIVES' CHARTER REVISION COMMITTEE

PUBLIC HEARING HELD TUESDAY, AUGUST 14, 1962

**IN THE AUDITORIUM OF
DOLAN JR. HIGH SCHOOL,
TOMS ROAD, STAMFORD, CONNECTICUT**

**ON REPORT OF THE FIFTH CHARTER REVISION COMMISSION,
PRESENTED TO THE BOARD OF REPRESENTATIVES AT THEIR**

MEETING HELD AUGUST 6, 1962

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A public hearing on the report of the FIFTH CHARTER REVISION COMMISSION was held in the Auditorium of Dolan Jr. High School, at 8:00 P.M. on Tuesday, August 14, 1962 by the Charter Revision Committee of the Board of Representatives, in accordance with the provisions of Public Act No. 465 of the 1957 session of the General Assembly, and Resolution No. 388, adopted by the Board of Representatives at their meeting of April 2, 1962.

The Chairman of the Charter Revision Committee, Robert M. Meyers, presided, together with the following members of the Committee: John R. Nolan, Benjamin Kozlowski, Samuel Cushing, Ronald Schwartz and James E. Mulreed.

Matters were taken up in the order in which they appear in the Charter Revision Commission's report.

The hearing was broadcast over Radio Station WSTC.

Copies of the Charter Revision Commission's report were available and anyone who had not picked up a copy at the office of the Board of Representatives, was invited to take one. Copies had previously been sent to all Board members and the Press and Radio.

The meeting was called to order by the Chairman, Robert M. Meyers, at 8:05 P.M.

There were 9 speakers. Those who spoke were: Thomas C. Mayers, Executive Committee, Citizens' Action Council; Frank J. Daley; Michael S. Sherman, 18th District Representative; Ralph Layman; Mrs. Stephen Roeck, (323 Weed Avenue); Lt. John J. Hogen, Jr., representing Fire Fighters Local #786; Attorney Daniel E. Ryan, Jr., representing the Stamford Police Association; Ptlnm. Kevin Tobin, President, Stamford Police Association; and Attorney Saul Kwartin, representing the Municipal Employees' Association.

The Chairman introduced the members of the Charter Revision Committee, who were present on the rostrum.

THE CHAIRMAN: "Before making any further announcements, I would like to call your attention to the fact that there are extra copies of the report of the Charter Revision Commission available to my right on the speakers' platform. Those of you who would like to avail yourself of these copies may do so any time during the evening.

"The following notice appeared in the Stamford Advocate on August 9th and 10th and in the Bridgeport Sunday Herald on August 12th, and I quote:

'Public Hearing - A public hearing will be held by the Board of Representatives on Tuesday, August 14, 1962 in Dolan Jr. High School Auditorium, Toms Road, at 8:00 P.M., in connection with the report of the 5th Charter Revision Commission.

Paul D. Shapero, President
Board of Representatives.'



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"In accordance with this notice, this meeting is hereby called to order.

"The Charter Revision Commission, under the Chairmanship of Michael J. Nagurney, rendered a report approving eight amendments to the Charter. For our purposes this evening, we are going to follow the same order that the Charter Revision Commission used in listing these proposals.

"Briefly, they are as follows: The first proposal deals with recommendations of the Corporation Counsel's office on technical amendments to the Charter. The second deals with provisions for bonding procedures for the Parking Authority; No. 3, to defer the debt limitation date from January 5th to January 15th; No. 4, removal of a certain section of the City of Stamford from the jurisdiction of the Turn-of River Fire Department and transferring same to the City Fire Department; No. 5, to provide for a compulsory Charter review every ten years; No. 6, edited proposals to alter procedures involved in a reversal of Planning or Zoning Board decisions by the Board of Representatives; No. 7, extension of the term of the Mayor from two to four years; and No. 8, revisions and amendments to the pension systems of City employees.

"I would like to call your attention to a recent letter from the Corporation Counsel's office of Stamford, directed to Michael J. Nagurney, Chairman of the Charter Revision Commission. This letter was sent in response to a request by the Commission, when there was a question raised as to the Constitutionality of changing the term of the Mayor from two to four years."

The letter is as follows:

August 13, 1962

Re: Corporation Counsel's Opinion
concerning four year term for Mayor

Mr. Michael J. Nagurney,
Chairman, 5th Charter
Revision Commission,
City of Stamford
Stamford, Connecticut

Dear Mr. Nagurney:

Please be advised that I have made an examination of Article 10, Section 2 of the Connecticut Constitution and the applicable case law pertaining thereto in response to your inquiry dated July 20, 1962 concerning the constitutionality of a proposed revision of the Charter to extend the Mayor's term of office from two to four years.

Article 10, Section 2 of the Constitution of the State of Connecticut provides as follows:

"Each town shall, annually, or biennially, as the electors of the town may determine, elect selectmen and such officers of local police as the laws may prescribe."

While this provision does not specifically mention the office of Mayor, nevertheless, under the cases decided by the Supreme Court of Errors of Connecticut, the words "officers of local police" have been held to



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include administrative police whose duties are to maintain constantly public order in every part of the general administration as well as judiciary police whose duties are intended primarily to prevent crime by punishing criminals. See State ex rel. Walsh v. Hine, 59 Connecticut, 50 61 (1890). The words "officers of local police" have been held to mean those officers who are charged with the administration of the laws and regulations of a city or incorporated town or borough. See Dibble v. Merriman, 52 Connecticut, 214, 215 (1884).

Thus, it seems quite clear that the office of Mayor comes within the definition of "officers of local police" as defined in State ex rel. Walsh v. Hine and Dibble v. Merriman, *supra*.

While I am most reluctant to rule that such a proposal would be unconstitutional, especially since it is the policy of the lower Courts of this state to exercise such powers with extreme caution, nevertheless, it seems to me from an examination and review of the applicable cases decided under the provisions of Article 10, Section 2 of the State Constitution that these provisions apply to mayors of municipalities and that a quadrennial election of a mayor cannot be held without a change in the constitution.

Very truly yours,

(signed) Isadore M. Mackler,
Corporation Counsel
(Stamford, Connecticut)

THE CHAIRMAN: "In essence, it is the opinion of the Corporation Counsel that such a change in the Charter would be unconstitutional under the provisions of the Constitution of the State of Connecticut.

"For these reasons, and also taking into account, the language utilized in the Commission's report, in their approval of this item, which was subject to this letter from the Corporation Counsel's office. With this in mind, we are not going to entertain any discussion on this proposal this evening. I feel it would be just a waste of the time of the people of Stamford.

"Will those who wish to speak address yourselves to the items in the order in which I mentioned them earlier and please confine your remarks to five minutes.

"At this time we will entertain any remarks directed to the Corporation Counsel's proposals."

A speaker asked if he could come forward at this time. The Chairman said: "Please give us your name and any organization you represent."

FIRST SPEAKER: Thomas C. Mayers, Executive Committee, Citizens' Action Council

"My name is THOMAS C. MAYERS and I live at 64 Hope Street. I am speaking as a representative of the Executive Committee of the Citizens' Action Council.



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"Mr. Chairman and members of the Committee:

"The Executive Committee of the Citizens' Action Council, acting in behalf of the organization, wishes to present its position on the proposed Charter amendments now before your Committee for consideration.

"TECHNICAL AMENDMENTS

In view of the changes recommended by the Charter Revision Commission in Sections 420 through 423, it would appear advisable in the interests of consistency to make the following additional amendments:

(1) Section 402, which now reads "Commissioner of Health", should be amended to read "Director of Health"; and

"(2) Section 422, which now reads "Assistant Health Officer" in the Section heading, should be amended to read "Assistant Director of Health" as referred to in the body of the Section.

"We recommend that Section 461, which now reads "Director Public Welfare" in the Section heading and "director of public welfare" in the body of that Section, and Section 402, which now reads "Commissioner of Welfare", be amended so as to clarify that the same official is being referred to in the three instances.

"In the area of technical amendments, we wish to point out that the Charter as it presently stands has many inconsistent features. These include matters of style, nomenclature and grammatical capitalization. We therefore urge that the proposed amendments be reviewed carefully, particularly as to capitalization employed.

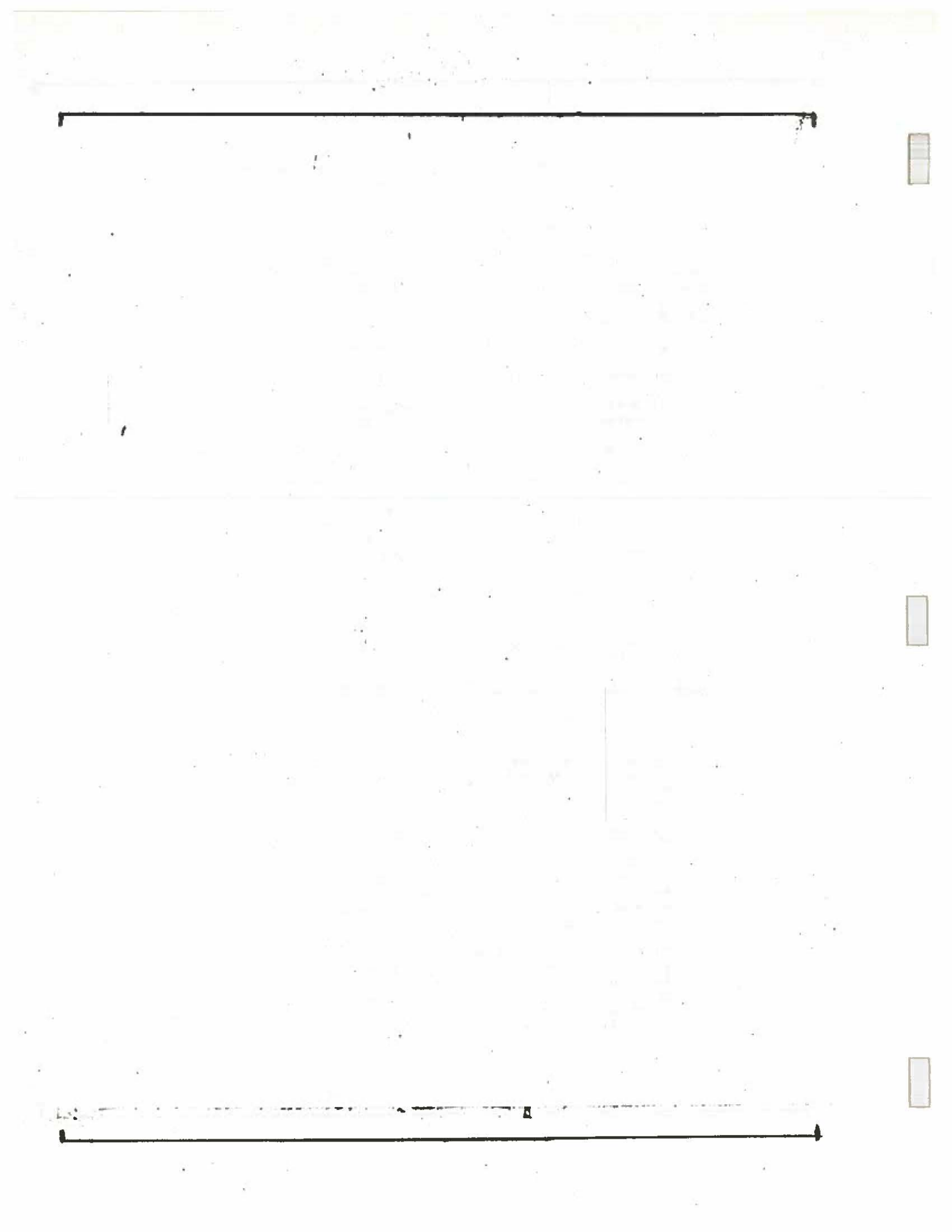
AMENDING THE BONDING POWERS OF THE PARKING AUTHORITY

"We urge the Charter Revision Committee to act favorably upon the proposed amendment concerning the bonding powers of the Parking Authority. The changes recommended are consistent with modern municipal practices governing the issuance of revenue bonds. They would improve the structural relationship between the Parking Authority and the City of Stamford, and would permit a more feasible method of financing those parking facilities considered for the Southeast Quadrant renewal project.

REQUIRING COMPREHENSIVE CHARTER REVIEW AT TEN-YEAR INTERVALS

"The C.A.C. was one of those organizations which last year urged approval of an amendment requiring comprehensive review of the Charter at ten-year intervals. We consider this proposal to be essential to the effective governing of the City of Stamford and recommend favorable action. It is by far the most important proposal now before you.

"The five Charter Revision Commissions which have functioned since the passage of the Home Rule Law should be commended for the work they have done within the narrow time limits and restricted scope imposed by the appointing authority. However, if for no other reason than the fact the Charter has been amended in approximately 180 particulars since its adoption in 1947, comprehensive review is essential.



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"Among the possible areas of study to which the first comprehensive review Commission might direct its attention are the following:

- (1) Incorporation of all Special Act and Home Rule Law amendments into the body of the Charter;
- (2) The relationship of these piecemeal amendments to the over-all Charter and their impact upon the Charter;
- (3) The exclusion from the Charter of much detail better covered by Ordinance, so that matters which cannot be evaluated intelligently and meaningfully by referenda need no longer be decided in that manner; and
- (4) Consideration of the adequacy of our basic structure of government.

"Stamford leads all municipalities of the State in the number of Charter Revision Commissions appointed since passage of the Home Rule Law in 1957. This may be interpreted as evidence of the healthy interest which our citizens take in democratic procedures. It may also provide proof of the need for comprehensive Charter review. Any Charter which requires annual revision must be suspected of being either faulty or too cluttered with unnecessary detail.

LIMITING POWERS OF BOARD OF REPRESENTATIVES TO REVERSE DECISIONS OF THE PLANNING AND ZONING BOARDS

"We recommend favorable action on the proposed amendment to limit the powers of the Board of Representatives to reverse decisions of the Planning and Zoning Boards. The weight of individual and organizational support of this proposal is formidable. It includes past and present members of the Boards involved, including the Board of Representatives; attorneys familiar with the deficiencies of the existing arrangement; and inferentially, the Supreme Court of Errors. What appears to be the only feasible argument in support of the present arrangement -- that the Planning and Zoning Boards are not elected bodies -- seems adequately answered by the recommendation to limit rather than eliminate the powers of the Board of Representatives.

OTHER PROPOSED AMENDMENTS

"The C.A.C. recommends favorable action on two other proposed amendments:

- (1) To defer the date by which the Commissioner of Finance must present his debt limitation statement,
- (2) To transfer jurisdiction of a section of the City from the Turn-of-River Fire Department to the City Fire Department.

"In our opinion, the proposal to change the date for submission of the debt statement presents yet additional evidence of the need for comprehensive Charter review. It will be recalled that the original Charter required submission by the date which this proposal would reinstate, but that an amendment, changing the date, was passed in 1960.

"The amendment concerning the pension systems of municipal employees remains to be considered. The C.A.C. neither endorses nor opposes this proposal,



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because we do not believe that the full provisions of pension plans belong in the Charter in the first place. They offer a good example of the type of detail we have recommended be considered for elimination from the Charter by a comprehensive review Commission. It is our opinion that subjects as complex as this, simply cannot be evaluated intelligently or meaningfully by referenda.

"In conclusion, the Citizens' Action Council wishes to commend the Charter Revision Commission and the Charter Revision Committee of the Board of Representatives for their diligent efforts in behalf of the community.

THE CHAIRMAN: "Thank you, Mr. Mayers. Are there any other comments as to the Corporation Counsel's recommended technical amendments?

"If not, we will now move on to the provisions for bonding procedures for the Parking Authority. Does anyone wish to be heard?"

SECOND SPEAKER: Frank J. Daley, representing East Stamford Taxpayers' Association and others.

"Gentlemen, my name is Frank J. Daley, representing the East Stamford Taxpayers' Association and others.

"Your Committee is sitting on a request for a Charter amendment asked for by Mayor Kennedy through Mr. Norman Gluss, the Finance Commissioner. They would ask for a thirty year issue instead of the normal twenty year period of financing that Stamford has followed in all its past bond issues.

"First, because of the amortization period paying off a small amount each year; and secondly, because the interest rate on a twenty year bond issue is less than the thirty or forty year issue.

"It is astounding that after all these years Stamford must resort to this type of financial operation requested by Mayor Kennedy and Finance Commissioner Gluss. We are going back to a period where there existed first, second and third mortgages; where everything was done on paper. This is the type of financing that your city officials are asking the people of this City to approve.

"The entire proposal is based on the fact that the City does not have the borrowing capacity to construct the URC garages that are estimated to cost Nine Million and one-half Dollars.

"The Special Study Committee of the C.A.C., based on a report by bankers and by the State National Bank, said that the URC figures were unrealistic when compared with Bridgeport, Hartford, so that this figure of nine and one half million will run toward twelve million dollars and over.

"Today, the City has a favorable interest rate in financing their bond issues. The average at this time, being approximately 3%. However, where money is borrowed the Parking Authority, the records show that we paid for the 1957 issue, 4% and the 1958 issue, 5-1/2%, so that if you are to be so foolish as to approve this request, we would be paying 5-1/2% plus, since we would be paying on a thirty year period instead of the normal twenty year period.



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"Based on borrowing Seven Million Dollars over a period of twenty years - the normal method - we would pay back in interest alone over that period, Two Million, One hundred and Eighty-five Thousand Dollars.

"If you approve this request, we will pay back in interest (if the bonds were 5%) the sum of Five Million, Eight hundred and Thirty-four Thousand Dollars, and that is just INTEREST.

"If the interest is 5-1/2% or 6%, you can see that our interest costs over a thirty year period would be equal to the loan. This adds up to the biggest piece of Blue Sky Pie-in-the-Sky-finance since 1928. The plan is frightening to the taxpayers who must pay the bills.

"Mayor Kennedy and Mr. Gluss, our highly paid part-time Commissioner of Finance, either did not use a pencil in figuring the cost of this project, or they are desperate and don't care.

"That Stamford is in a serious financial condition is apparent, when the city's officials must resort to this type of borrowing. That Stamford is in a bad condition financially, is borne out by the official records.

"On 7/1/1959 Stamford had outstanding on bond issues, Sixteen Million, Eight hundred and some odd thousand dollars. This cost the taxpayers Four hundred Thousand Dollars for interest and One Million Three hundred Thousand Dollars for amortization, or for 1959 we paid back, just for costs of borrowing money - One Million, Seven hundred Thousand Dollars.

"For 1961, we owed Nineteen Million, Six hundred and Seventy-one Thousand Dollars. The amortization of this amount was Two Million, Four hundred and Thirty-eight Thousand Dollars all down a RAT HOLE -- we did not get a school, or a public improvement out of the entire Two and one-half MILLION DOLLARS.

"It all went to the bond houses and banks for borrowing costs. The original issues, as of 7/1/62 were Twenty-nine Million, Nine hundred and five Thousand Dollars,

"Our group and the taxpayers of Stamford are objecting strenuously against this request, which will guarantee our insolvency. Interest and amortization costs in five years will exceed Five Million Dollars per year.

"Consider, if you will, alone, this Seven Million Dollar bond issue for garages. Consider the fact that in 1962 the ten year Capital Budget, passed by the Planning Board, approved by Mayor Kennedy and the Boards, covered the amount of Seventy-eight Million, Four hundred and Thirty Thousand Dollars.

"Added to this is Stamford's share of Seven Million Dollars for URC, Six Million Dollars (which is supposed to be put up by the State, which we will certainly have to consider paying back) -- added to this the facilities which will cost us upward to Ten Million Dollars, which will have to go into URC -- such as a bridge over Mill Road River at Willow Street -- purposely left out of the URC figures.

"With the proposed Seven Million Dollars added for the construction of the garages, the total necessary for the Capital Budget for the next ten years, will be One Hundred and Eleven Million Dollars.

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"Add to this the Fourteen and one-half Million Dollars owed on the Pension Funds, and you have a total then of nearly One hundred and Twenty-five Million Dollars which is forecast.

"Of the Hundred and Eleven Million Dollars, it will be necessary, if we follow our normal financial procedure of taking 75% on bonds and 25% against realty, - - - real property - - it will be necessary to raise Eighty-three Million, Three hundred and twenty-five Thousand Dollars in bond issues."

THE CHAIRMAN reminded Mr. Daley that his time was up and if possible, to make his remarks brief.

MR. DALEY: "I have about four lines here, sir, and I would like to say this: that on such an important subject, for your Committee to set a period of five minutes it is the most ridiculous thing I have heard in all of the time that I have been in Stamford. You could go along for many minutes, even hours, in talking about things that are very important to our taxpayers. I am sorry to say that your Board has taken it upon yourselves to set a ridiculous time limit."

THE CHAIRMAN: "I am sorry you feel that way, Mr. Daley, and I appreciate your views. However, perhaps you can be allowed to speak without everyone else having to wait the full time -"

MR. DALEY: "I would like to say this in closing. To raise the sum of Eighty-three Million Dollars on this bond issue to finance the URC in the proposed Capital Budget, it would mean that it would be necessary to re-assess all property again and again, with the final result that no business man in this City, or individual, could afford to live in the City of Stamford. And - - I thank you for giving me the two extra minutes."

THE CHAIRMAN: "You are quite welcome, Mr. Daley. Does anyone else wish to be heard on the question of the bonding procedures for the Parking Authority?"

PROPOSAL NO. 3 - Concerning Deferral of Debt Limitation Statement by Commissioner of Finance from present date of January 5th to January 15th

THE CHAIRMAN: "Does anyone wish to be heard on this Proposal?"

There were no speakers on the above proposal.

PROPOSAL NO. 4 - Concerning removal of a certain section of the city from jurisdiction of the Turn-of-River Fire Department and transferring same to the City Fire Department.

THE CHAIRMAN asked if anyone wished to speak on the above proposal. Hearing none, the next proposal was considered.

PROPOSAL NO. 5 - Concerning Compulsory Charter Review every ten years.

THE CHAIRMAN inquired if there were any speakers on the above proposal. Hearing none, the next proposal was considered.



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PROPOSAL NO. 6 - Concerning the altering of procedures involved in reversal of Planning Board or Zoning Board decisions by the Board of Representatives.

THIRD SPEAKER: Michael S. Sherman, member of Board of Representatives from 18th District.

"Gentlemen, members of the Committee, my name is Michael Sherman. In this instance, I represent myself and do not appear before you as a member of the Board of Representatives.

"I had originally proposed to the Charter Revision Commission the complete elimination of all referrals to the Board of Representatives of both Planning Board and Zoning Board decisions as now set forth in the Charter.

"The reasons for this recommendation were many. The primary one was that I felt that the original motive in placing this provision in the Charter was to overcome the situation where either the Planning Board or Zoning Board as first instituted, made a decision that was abhorrent to the general populace of the city and it is my understanding that this was the reason behind the adoption of that Charter provision.

"I think the history of the Planning and Zoning Board operations in Stamford denies that possibility and there are other remedies, if such a possibility does exist. I think that the Board of Representatives, in hearing such appeals, does not reach its decision on the basis of sound zoning and planning consideration, but rather on the basis of emotional appeal and plain pressure brought upon the members and voting constituents throughout the city of Stamford.

"I am not opposed to a check on the right of appeal, rather than complete elimination. However, I feel that the proposal that has been referred to you by the Charter Revision Commission is merely an attempt to mollify the Board of Representatives as such - give them something that might pass, rather than something that has no chance of passing.

"I think that the Board of Representatives is more enlightened than that. I do not think that there is valid reasoning behind stating a curb for only unanimous decisions of either the Planning Board or Zoning Board. The reasoning behind the right of appeal is the same in either case - the mustering of a two-thirds vote to overturn or to uphold the decision is not, as you know, that difficult a proposition.

"I would urge your Committee to examine the past history of such appeals before the Board and you will note, I am sure, as I have noted, and as I presented to the Charter Revision Commission, that the outcome of each appeal will show that it is an effort for proponents to get through the back door what they have not been able to get from the Board (either Planning or Zoning) in the original instance, and it gives the opportunity to opponents to really forestall the inevitable.

"I would urge that if you do not consider the complete elimination of this right of appeal, to at least limit all appeals - not just unanimous appeals - to require a two-thirds vote on the Board of Representatives. Thank you."

THE CHAIRMAN: "Thank you, Mr. Sherman. Does anyone else wish to be heard?"

FOURTH SPEAKER: Ralph Layman.

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"I believe, as Mr. Sherman has stated to you, that the right of appeal should not reside in the Board of Representatives. The Board of Representatives has many jobs to do - they have a great many jobs to do and they are responsible to the City of Stamford - the City of Stamford's voters and to the taxpayers.

"Now, if we did not have a Planning Board and we did not have a Zoning Board, then the situation would be different - someone would have to handle the appeals. But, we do have a competent Planning Board and we do have a competent Zoning Board, and there is no reason why the Board of Representatives should be burdened with the task of appeals such as they have been in the past.

"Also, these appeals are generally handled through Committees, and these Committees frequently do their work very diligently. But, there are times when they are pressed for time and they have to arrive at rather hurried decisions and then they give their report as either yes or no and there is frequently very little discussion from the Board members as to whether or not the proposition has merit.

"I have observed that in a couple of instances in the past few years, only a handful of the Board members take serious interest in the case that is being appealed to them and that a vast majority of the Board will just sit back and vote either yes or no, probably along party lines or some other line which represents bias or prejudice. Thank you."

THE CHAIRMAN: "Thank you, Mr. Layman. Does anyone else wish to be heard on this?"

FIFTH SPEAKER: Mrs. Stephen Roeck, 323 Weed Avenue.

"My name is Mrs. Stephen Roeck and I live at 323 Weed Avenue. I would just like to mention one point which I think has been overlooked by the other two speakers. On the question of the right to appeal to the Board of Representatives in a disputed Zoning or Planning Board decision, I don't think that the public should be cut off from the Board of Representatives in appealing a decision which definitely may have some wrong to the private property owner, which after all, the Zoning and Planning Boards are not concerned with private property rights. And, I think this is a very important point which nobody should forget.

"Therefore, I would not like to see any of the powers of the Board of Representatives curtailed in this matter. Thank you."

THE CHAIRMAN: "Thank you, Mrs. Roeck. Does anyone else wish to be heard on this proposal?"

There being no further speakers on Proposal No. 6, the next proposal was considered.

PROPOSAL NO. 8 - Concerning revision and amendment of the Pension Systems, of the City employees.

SIXTH SPEAKER: Lt. John J. Hogan, Jr., member of Stamford Fire Department and Secretary of Firefighters Local 786.

"Mr. Chairman, members of the Committee, my name is John J. Hogan, Jr. I am a member of the Stamford Fire Department and Secretary of the Firefighters Local 786. I am speaking here tonight in their behalf."



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"In its recent report to the Board of Representatives, the Charter Revision Commission has made certain changes in the proposed Charter amendments concerning Police and Fire Department Pension Systems. The effect of these changes is to correct the inequities which the original proposal would have imposed on the present members of both departments.

"We are grateful that the Commission has seen fit to make these changes, which protect the interest of present members. However, the proposal as it applies to new members is wholly unacceptable. There is universal agreement that pensions are financed solely out of wages - both the employees' direct contributions and the city's pension costs are wages which are withheld in order to induce long and continuous service.

"Pension costs, along with direct salary and other fringe benefits, are part of the total wage package. The Actuary has estimated that pensions for present members costs 28% of the payroll, with the employees to make a direct contribution of 5% and the city to make a contribution of 23%.

"On the other hand, it is estimated that the cost of substantially lower benefits for new members is only 18%, with the employees to make a direct contribution of 6% and the city to pay the remainder of 12%.

"This, in effect, means that two different levels of wages will be established for the same position. New members will be receiving 11% less in total wages than present members, with whom they will be working side by side and performing the same duties and facing the same dangers.

"Bitter experience in several Connecticut communities and elsewhere, has proven that different levels of pension benefits, or different levels of wages for the same job, destroys morale and the efficiency of a department. It makes recruitment of first class people much more difficult, if not impossible. It sets member against member, and causes internal conflicts which sabotage the teamwork so vital to an effective fire fighting force.

"For all practical purposes, the proposal as it applies to new members, will leave their survivors without protection, in the event of non-service connected death. In such a case, if a new member should die before retirement, his widow and children would only receive a flat sum equal to 1-1/2 times salary and his own direct contribution, plus interest. This is only comparable to about 5 years of benefits for a widow of a present member who died after 15 years of service, but prior to retirement. After this limited amount was expended, the widow would be forced to fend for herself.

"We find it difficult to reconcile this suggestion - to strip protection from survivors - at a time when most people in public life are expressing an ever increasing concern over the welfare of our senior citizens. Certainly, a City like Stamford, which has always recognized its responsibilities to its Policemen and Firemen, and their families, pension-wise, should hold this proposal with repugnance.

"To cast aside widows and children in this manner, would not reflect honor or any employer, least of all the government of Stamford, which in its role as an employer, is supposed to set an example for others.



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"In addition, we are not opposed to the principle of funding pension plans, but we are disturbed by the prospect of over-funding, which we believe will result if the present proposal is adopted.

"We do not challenge the calculations of the Actuary, which are mathematically accurate. Unfortunately, his calculations are based on the false assumption that every Policeman and every Fire Fighter will retire after 26 years of service. The actual experience and history in the fire service of Stamford, shows that the average length of service before retirement is 28 years of service, which is not 26.

"A perhaps more accurate method of anticipating the cost of pensions, is to study similar pension systems in other communities. In Bridgeport, for example, with a system which is essentially similar on all counts, and which has been in effect since 1927, the total cost of the plan has leveled off at 15% of the payroll. The employees have been making a direct contribution of 2% and the City has been paying 13%. These percentages have remained constant for the last five years. Therefore, we would like to offer two alternatives to the proposal now before you:

- 1 - (a) That present benefits should remain in effect for both present and new members.
- (b) The employees' direct contribution for both present and new members, should be left at 2%, or, if it is increased to 5%, salaries should be increased commensurate with the pension assessment increase.
- (c) Since it is impractical to fund or to attempt to fund for past service liability, the city should continue to meet its obligation on a pay-as-you-go basis. The city's share of this part of the cost is averaging approximately 13% of the payroll, but will diminish in time if current and future liability is placed on a funded basis....."

THE CHAIRMAN: "Mr. Hogan, do you have much further to go?"

MR. HOGAN: "Just about another 30 seconds.

MR. HOGAN: "And, our second proposal is, if the City wishes to change the pension benefit structure, the total wage package should first be re-negotiated.

"Pension benefit costs are part of, and cannot be divorced from wages. If there is a desire to put more into direct salary and less into pension benefits, this should be handled through negotiation between the Fire Fighters' local, the Police Association and the City Administration.

"In closing, we wish to make formal request at this time, Mr. Chairman, to meet in executive session with your Committee in order to discuss these proposals further, so that all areas will be properly covered, and we will be given an opportunity to discuss our views in detail. Thank you very much."

THE CHAIRMAN: "Thank you, Mr. Hogan. If you would like to leave a copy of your remarks with the Secretary, we would appreciate it.

"Is there anyone else who wishes to be heard on this proposal?"

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SEVENTH SPEAKER: Attorney Daniel E. Ryan, Jr., representing the Police Association.
(Speaking on Proposal No. 8)

"Mr. Chairman, ladies and gentlemen of the Board; my name is Daniel E. Ryan, Jr. I am an attorney here in Stamford with the law firm of Ryan, Ryan and Ryan. We represent the Stamford Police Association and I am appearing here tonight, speaking in opposition to the proposed amendment to the Police and Fire Pension Plan.

"Before discussing this matter on the merits, Mr. Chairman, I would like to make two observations, for the record. One of these being that we are appearing here tonight before a COMMITTEE of the Board of Representatives, rather than the Board of Representatives as a whole, there being present at this Committee meeting, six members.

"I would like to secondly point out to you gentlemen, a drafting here which I believe exists.

"At the time that the representatives of the Police and Fire Departments met with the Charter Revision Commission, we pointed out to that Commission, that in our opinion, any increase in the contributions made by members of the Police and Fire Departments to the Welfare and Pension Funds would be a violation. Any mandatory increase in that contribution would be a violation of the Home Rule Act, because it would be a diminution of the rights which the members are presently receiving, which would be contrary to the provisions of that Act.

"I therefore assume that the Charter Revision Commission amended the proposal to read as they now do " by adding to page A-2 the last four lines.

"Now, if it was the intent of the Charter Revision Commission that the members of the Police and Fire Departments be given a compensatory pay increase, to offset the contributions being required for the Pension Plan, then I would submit to you that the language which is used here is inadequate, statutorially speaking, to accomplish that purpose - and I know that there are many members on your Board, so I will just point out why I think so.

"The last four lines read as follows:

'....and further provided that the salaries of both groups
1 and 2 members shall be increased for each of the annual
periods above; July 1, 1963, July 1, 1964 and July 1, 1965;
by an amount equal to the increased monthly assessment, such
salary increases to be over and above any other wage adjustments.'

"By an amount equal to the increased MONTHLY assessment. I submit to you that the intent was that it should be increased by an amount equal to twelve times the monthly assessment to be offsetting. I think that you can readily see that error.

"I also think that the same last four lines that were added say that the salary shall be increased for each of the annual periods above; namely July 1, 1963, July 1, 1964 and July 1, 1965 that that also is not adequate language.

"I would like to ask you what YOUR understanding is of the salary situation on July 1, 1966. It would appear to me that the provisions as they are now written, would require a decrease in the payments to the members of the Police and Fire Departments.



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"Now, I realize that the intent was to offset the increased payments to the pension fund and I also realize that this can be remedied by re-drafting the language of the amendment, and I would submit that you would do that.

"But, coming to the merits of this question, Mr. Chairman, what IS this proposal that is before you this evening? It has come to you with the benefit of much advance publicity, widely heralded to be a proposal to put the pension systems on a sound actuarial basis.

"Now, if it were that and it were only that, then we would not be here appearing before you tonight in opposition to it. Because, once the Charter Revision Commission increases salaries to offset any increases in contributions to the Pension Fund, then as a practical matter, we are not suffering - we are not losing.

"But, it is NOT that - it is not that and only that. It is a proposal which sets up an entirely new Pension System and that Pension System is inadequate from the standpoint of new members in both the Police and Fire Departments, and also will prevent the Police Department from recruiting much needed members.

"The most important fact, to my mind, that you gentlemen have to keep in mind is this: That the members of the Police Department, the members of the Fire Department, are not covered presently by the Social Security System. These men do not receive benefits in accordance with the Social Security laws of the United States. And, therefore, when you modify these Survivorship Rights, which the widows of these men will receive, you are bringing about a situation where it is possible where a man will be hired by the Police Department of the City of Stamford, or render valuable service over a long period of time, will retire; and when he does retire, he will live on for several years - five - seven years - and then die. And, then WHAT does his widow receive? She receives nothing that is adequate to provide for her - in other words, you are telling this poor woman that, knowing full well that she is NOT covered by Social Security - that the citizens of this City of Stamford just don't care about what pension benefits she receives - she's expected to then go out and fend for herself at a time when she is sixty-five, seventy or eighty years old, and I submit to you gentlemen that's not what YOU want, that's not what I want, and I don't think that's what the citizens of the City of Stamford want.

"And - I further fail to understand how it is possible for anyone to be in favor of progressive social welfare legislation, especially medical care to the aged, and at the same time propose THIS type of legislation.

"I submit that it is not necessary and should not be done and it's unfair to the widows and to the dependents of the members of the Police and Fire Departments. But - it will have another and a more serious effect - not a more serious effect, but another serious effect - and that's this: It will prevent the Police Department of the City of Stamford from obtaining the services of competent and capable police officers.

"Now, gentlemen, I am not going to review the pay structure of the Police Department for you here tonight - I know that Committee after Committee, after Committee, have given report after report and your Board has reviewed that problem and has always determined that their pay is inadequate.

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"So, it's not the PAY structure that induces men to become members of the Police Department of the City of Stamford, or the Fire Department - it's not the conditions which exist within the department - it's the one single fact that the pension plan, as it now exists is adequate to provide these men with an adequate return when they retire - a man can work for the Police Department - he can retire - he can keep his pension - he can supplement the income which he will receive from his pension with other employment, without affecting his pension benefits. He therefore receives adequate income - he can get by and when he dies, his widow, under the present system, receives retirement benefits and this is as it should be.

"So what are you going to do NOW? Are you going to MODIFY the pension system? The one, single inducing factor to attracting new men to this Department - and when you do THAT you're going to bring about a situation whereby it is going to be very difficult to attract new men.

"Now, in closing, let me say this: Because, I can see, Mr. Chairman that you are about to cut me off....."

THE CHAIRMAN: You're precisely right, Mr. Ryan.

MR. RYAN: "In closing, let me say this. This is not necessary. There is no reason why a pension fund which is adequate in relation to benefits paid to the members and survivors of the Police and Fire Departments of the City of Stamford cannot be worked out. And, there is no reason why it cannot be put on a sound, actuarial basis. We're in favor of putting these things on a sound, actuarial basis. But, it's a question of what benefits you are going to pay that's important.

"And, we submit to you, that you should deny this proposal as it has been submitted to you here tonight. Thank you."

THE CHAIRMAN: "Thank you, Mr. Ryan. Does anyone else wish to be heard on this proposal?"

EIGHTH SPEAKER: Ptlmn. Kevin Tobin, President, Stamford Police Association.
(Speaking on Proposal No. 8)

"My name is Kevin Tobin. I am the President of the Stamford Police Association. I have been a regular member of the Stamford Police Department for nine years.

"Gentlemen of the Charter Revision Committee of the Board of Representatives. good evening. I would just like to back up what Brother Hogan of the Fire Department and Attorney Dan Ryan had to say this evening. I don't plan on getting into a long discussion on salaries, pension benefits, or what-have-you.

"I do have the latest report on the Retirement Committee of the National Conference of Police Associations which has just convened its Convention in Chicago, and just for a point of information for the members of your Committee, I would like to compare and let your Committee know, as well as everyone else know, that we are very satisfied with our present Pension Plan as it now stands. However, we don't want to give anyone the impression that it is the best, because we do know that there are better Pension Plans than ours in the United States. As has been stated before, big evil comes in this legislation by the taking away of the basic survivorship benefits under the new Pension Plan.



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"Now, for instance, here we have a report of 21 different Police Departments all over the United States - some big - some small, but I think it gives a pretty good cross-section of what is going on in Police Departments throughout the Country in relation to pension benefits.

"A big factor, and a big inducement, and of great benefit, as far as pensions go, is the 20 year retirement plan. The Connecticut State Police have such a plan, and nine other Police Departments out of these 21 Departments reporting, also have a 20 year retirement plan. It's a very lucrative proposition.....at 50% of their salary.

"There are only seven Police Departments that have more than one Pension Plan. And, most of these seven Police Departments are now in the process of enacting legislation that will rectify these changes.

"Now, all but two Police Departments have a 50% salary plan; the other two have the 40% and one has the 35%, with longevity pay plan. Now, age 65 is the average age of retirement and along those lines we would like to point out that most policemen retire at 60, 62, 58 years of age.

"Under the new Pension Plan, when a man does retire, he has to work until he is 55 and at that he does not receive half salary, but he has to have at least 25 years in, and therefore, when he does retire from the force, he is out on his own. Now, it has been pointed out by Attorney Ryan, after a man has passed on and leaves a widow, a survivor, she is entitled to very small benefits over a period of a few years, and then she is told to go out and that's it - you've had it - and you'll just have to turn to something else now.

"I don't think that's fair at all. I know you members of the Committee and the members of the Board of Representatives, by and large, the citizens of Stamford, feel that that is not a fair proposition. It has been brought out that Policemen do not come under the Social Security Plan. We have opposed such legislation that has been attempted - before the State Legislature two years ago, for the simple reason that the Social Security Plan as we know it now, even with its increased benefits, has nothing to offer a Policeman, because it just doesn't hold up for the services rendered.

"As far as pensions go, Policemen were among the first public employees to receive a Pension Plan, going back to 1857. The reason for this is because of the hazards of the profession and of the comparatively early age at which our members must be replaced by younger men - State legislatures, local Councils, even the Congress of the United States - have enacted separate and special retirement legislation for Police Officers.

"I would like to emphasize that these retirement systems for Police, came into existence and have been improved and been expanded more as a safeguard for the public, rather than as a special privilege, for a reward for the Policemen, though, believe me, it is a merited and well-earned pension.

"Today, we have seen how the changing times see attacks on our Policemen each and every day. The job is definitely becoming more and more hazardous, and therefore it stands to reason that a little more consideration should be given to the members of the Police profession by our Legislatures. One can readily understand why a sound Pension Plan with good survivorship coverage is essential for the recruitment of men of high caliber and integrity and I am sure that the members of the



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Board of Representatives, the elected representatives of the people of Stamford, will give us a good fair shake and will consider our request very seriously. Thank you."

THE CHAIRMAN: "Thank you, Mr. Tobin. Does anyone else wish to be heard on this proposal?"

NINTH SPEAKER: Attorney Saul Kwartin, representing the Municipal Employees Association. (Speaking on the proposed amendments to the Stamford Charter in regard to the Classified Employees Retirement Fund)

"Mr. Chairman, and members of the Charter Revision Committee, my name is Saul Kwartin. I represent the Municipal Employees Association, whose membership is over 500 people, and represents roughly half of the employees of the City of Stamford.

"The previous speakers have been able to say that they are relatively satisfied, under their present plan. We can't say that. As a matter of fact, we complain often, bitterly, with respect to the Plan covering us now.

"Now, I come here with qualified support of the present proposal. I think that I should say QUALIFIED because, going back into history, when consolidation came along and the Regional Charter was adopted, the question of pensions for Classified Employees was considered then. Now, at that particular time, the electorate gave the Board of Representatives the POWER TO ADOPT A PENSION PLAN for their municipal employees, which called for retirement after twenty-five years, and called for survivorship benefits for their dependents. They got neither.

"As a matter of fact, they have been in a RUT in this whole Pension System right along. They have accumulated a very NICE fund - there has been a surplus in it. They have been the only ones who have been carrying the ball.

"We have been offered some additional benefits by this new Plan. But, again, as the previous speakers have pointed out, the thing of greatest moment to us, and I speak of the editorial 'us', has been the survivorship benefit question. Under the present plan, the proposed plan, I should say, the only concession toward our requests for a survivorship benefit, has been automatic election under Provision 2, so-called, which appears on page B-5 of the Proposal. That essentially says, that if a person has reached retirement age and is not retired and thereafter dies, while still in the service, there shall be an automatic election by him ----- there shall be CONSIDERED to have been an automatic election - of the lesser benefits that he could have gotten had he retired then and wanted survivorship benefits.

"In dollars you can't actually say what this is, because each case is figured out on an individual actuarial basis. But, in dollars, I dare say you can say this - anybody who is a beneficiary under this particular Plan, gets virtually NOTHING. Because, the pension to which the person would have been entitled to is out and then the Dependent only gets 50% of the cut pension.

"Now, for some reason, Section 749d on page B-5 adds the language and speaks of the election, but ONLY SPEAKS OF THE MEMBER'S SPOUSE as the one who would be entitled to the benefits under this particular election. I can think of any number of instances where either the children or the parents who are Dependents, where there is no spouse, should be entitled to these very same benefits.





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"Now, with respect to the question of survivorship benefits in general, I would suggest that the present form that is now set up for the Police and Firemen, should be retained for them and the equivalent form be adopted for the Classified Municipal Employees. This, in essence, is a payment of one-half of the salary prior to retirement.

"And, I would suggest that you very seriously consider that in the over-all picture of this Pension Plan.

"As I stated earlier at the Charter Revision Commission meeting, I specifically asked Mr. Schanes of the Martin Segal Company, what this would cost, and he told us that it would cost \$90,000.00 for the Classified Municipal Employees. And, in relationship to the Mil rate, this represents 15/100ths of a Mil.

"Mr. Tobin made reference to the getting of competent good help for the City. I don't have to tell you gentlemen that the running of this City is becoming more complex every day, requiring better and more capable help. If you offer these people decent plans, if you offer them decent incentives, and I don't say that the present do not work up to their top capabilities - but I think that an adequate added incentive will give you a much better, smoother running group of people working for the City and will be of benefit to the City in the long run.... I would URGE you that in your consideration of this Pension Proposal, you give VERY serious consideration to the request that we have made with respect to the Survivorship Benefits. Thank you."

THE CHAIRMAN: "Thank you, Mr. Kwartin. Does anyone else wish to be heard on this Proposal?

"Is there anyone who wishes to be heard on ANY Proposal at this time? Seeing no further speakers in the audience, I will declare this meeting adjourned. Thank you very much for your attendance and cooperation."

Velma Farrell,
Recording Secretary

Note: The above transcript is a verbatim transcript of the proceedings. These proceedings were also broadcast over Radio Station WSTC.

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