

MINUTES OF SPECIAL MEETING HELD FEBRUARY 13, 197312TH BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

A Special Meeting of the 12th Board of Representatives of the City of Stamford, Connecticut, was held on Tuesday, February 13, 1973 pursuant to a "Call" from Mayor Julius M. Wilensky, in the Board's meeting room, 2nd floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by the President, George V. Connors, at 8:45 P.M. who opened the meeting with a prayer.

PLEDGE OF ALLEGIANCE TO THE FLAG: The President led the members in the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE:

A moment of silence was observed at this time in order to give thanks for the safe return of our prisoners of war, recently returned from Vietnam.

A moment of silent prayer was also observed for the speedy recovery of Mrs. Gerald Rybnick, (wife of the member from the 4th District,) who is in the hospital.

ROLL CALL was taken by the Clerk. There were 33 present at the calling of the roll, and 7 absent. However, Mr. Theodore Boccuzzi arrived shortly after, changing the roll call to 34 present and 6 absent. The absent members were:

Philip J. Gambino, (D), 6th District
 Charles J. Heinzer, III, (R), 13th District
 William P. Caporizzo (R), 15th District
 Daniel R. Russbach (R), 17th District
 George E. Russell (R), 17th District
 Richard J. Schade (R), 18th District

"CALL" OF MEETING:

THE PRESIDENT read the following "Call" of the Meeting:

Feb. 6, 1973

To: All members of the 12th Board of Representatives

From: Mayor Julius M. Wilensky

Subject: "CALL" of Special meeting for the purpose of final adoption of an Ordinance created to form a Transit Authority and to appoint the members thereof.

I, JULIUS M. WILENSKY, Mayor of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives, for

TUESDAY, February 13, 1973

At the Municipal Office Building, second floor
 429 Atlantic Street, Stamford, Connecticut

At 8:00 P.M.

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You already have the Poop Sheet outlining the Transit District proposal with our letter of January 23rd. Everything we have still applies, except you will recall Item 18 was then up in the air. The Connecticut Company had not agreed to give up their franchise. Since your approval of the Transit District for publication, we have had meetings with the Westchester Bus Operating Group, the Connecticut Company, the Union, the State Department of Transportation and the Governor's Aide. At a meeting this morning in Hartford, this was all resolved to a point where we can sign a contract and get the buses rolling as soon as we have a Transit District. Agreement has been reached by all parties concerned. Highlights of it include....

1. The buses go back on the road immediately, operated by the Connecticut Company.
2. Westchester Bus Operating Group subsidiary and the Connecticut Company jointly sign a labor contract with the Union.
3. The Transit District applies for an UMTA grant to purchase the fleet of buses which all include both 1964 and 1965 air conditioned buses and brand new buses, to be delivered at a future date to replace any buses older than 1964. It will also include real estate, shop and garage, service vehicles, bus shelters, and other items described in the original poop sheet. The price to be paid for the Connecticut Company's existing facilities will be the Fair Appraisal Price to be determined by two appraisers and approved by UMTA. The State will still pick up the 1/3 local share.
4. When the UMTA grant comes through, the Westchester Bus Operating Group subsidiary will take over bus operations in Stamford. This should be in four to six months.

(signed) Mayor Julius M. Wilensky

JMW/awm

MAYOR JULIUS M. WILENSKY:

THE PRESIDENT called on the Mayor in order that he may bring the members up-to-date on what has transpired since our last meeting on this matter.

MAYOR WILENSKY introduced his guests at this time. They were Ronald Weber, City Traffic Director, Ray Murphy and Charles Tackman from the Westchester Bus Operating group; Henry Helmar, President of the Amalgamated Transit Union, John Thompson, President of the State Union; J. Robert Bromley, Corporation Counsel; Colin Pease, the Governor's Aide, and Samuel Kanell, Deputy Director of the State Department of Transportation.

MAYOR WILENSKY thanked the members for being present this evening. He explained the reason why he did not wait until the next regular Board meeting and called this special meeting instead. He said we can get the buses rolling if this Board will form a Transit District and we can't do this unless we have a Transit District and it is the only course open to us. He urged compassion for the bus riding public and also for the bus drivers who have been out of work a long time.

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He said he won't bore the members with a repetition of what has previously been said on the subject, but this will give us local control. He said he has given all the members the news release that says the Supreme Court overruled Governor Meskill on vetoed portions of the mass transit Bill last fall. He said the Governor had legislation introduced simultaneously in both houses, in two parts - the first would validate the Act and permit us to keep the transit dollars which have been distributed --- there were three million dollars hacked up around the State and Stamford's share was \$103,000.00 and if this legislation goes through, then we get to keep that money. He said the second thing was legislation which would cancel the rest of the Act that he vetoed. He said that Act provided that the State would pay out of the transit fund whatever deficits were required, but also provided that this must not benefit the stockholders or the employees of the operating companies. He said this effectively ties your hands by saying you can subsidize, but you can't benefit and that will be cancelled. He said when both of those things happen you are right back where you were, so the net result of the Supreme Court's ruling is you will be right back where you were - needing a Transit District, which is the only way to go.

He said he had previously nominated four people for appointment to the Transit District and is herewith withdrawing one of those - Mr. Larry Blumenfeld and substituting instead the name of Mr. Tony Mascereilli, a local architect. He said he has not yet had a chance to submit this name formally, but did tell Mrs. Farrell before the meeting and trusts that the Board will consider this nomination in place of the other.

He said there has been talk about the gas tax and we do not know as yet what is happening there, but the latest scoop from Hartford is that it does not have a prayer. However, he said it would be beneficial to New Haven and Hartford, but doubts that we would ever need it here and if we did need it, a 1/4 cent would probably cover every conceivable deficit here. He said the Governor, at his request, the Governor asked for a change in the gas tax that would not have permitted the Transit District to levy it on its own authority --- they could propose it, but it would have to have the approval of both the Board of Finance and the Board of Representatives.

He said he is confident that if we get the Transit District and the new buses and get the routes in order to decrease some of the losers and increase it on some of the more popular routes and also extend it into areas that are not now served, we can make a profit, but not the first year because we have lost the school riders until perhaps September 1974. He said the State will pick up the deficit the first year. Also, which is not known to the Board, we will get an early Grant to enable us to staff this Transit District, which will be a very small staff - one man, and one girl. Eventually he said that will be picked up out of the fare box and only if there is a loss will it cost the taxpayer anything.

THE PRESIDENT asked the members if they have any questions to ask.

RECESS:

MR. MORRIS, Minority Leader, requested a five minutes recess at 9:05 P.M. which was granted.

The recess was declared over at 9:15 P.M. and the members resumed their seats.

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THE PRESIDENT called for questions from the Board members.

MR. COLIN PEASE, the Governor's Aide, said although he has been down here before, he thought there was something he could clarify and that is relating to the use of the commercial buses (blue buses) for school children. He said he spoke with Commissioner Luba, The Motor Vehicle Commissioner, this afternoon regarding that. He said apparently there are some misconceptions about what is going on in Hartford -- he said the Commissioner feels that the regulations can be changed through his normal powers such as validating regulations, so that the school children CAN use the blue buses. He said this can also be done by the Legislature during legislative sessions, so that if you can get the school children back on commercial buses, you can use them.

He said it is about time we look toward the people who need these buses and to put aside partisan politics and look towards the goal of the needs of our people and to work together to help these people who have no transportation.

MR. MILLER said he has a question for Mr. Pease. He said Mr. Pease alluded to Public Act No. 286 passed by the Legislature last year. He said it appears to him that the Governor's interpretation of this Act would be, as of September 1, 1974, we would NOT be able to use the blue buses for the school children.

MR. PEASE said that the actual interpretation comes from the Motor Vehicle Commissioner, who is in charge of regulating school buses and for promulgating regulations for the safety of the school children and that is why he addressed his question to the Commissioner, so that we can make sure that provision is put in there.

MR. MILLER said the point he wants to make is that the speaker appeared to say that we have to have further legislation in order to take care of this problem.

MR. PEASE said Mr. Miller misinterprets, and that the Commissioner feels that he can do a true promulgating department regulations and he will do that.

MR. MILLER asked ---- meaning without any further legislation?

MR. PEASE: "Yes".

THE MAYOR said he is glad that question is clarified, because both Commissioner Luba and the Governor's office had agreed to sponsor legislation which would remove that and Commissioner Luba told him right out that the Act (No. 286) was never aimed at the blue buses which have a much better safety record than the yellow buses. He said it was aimed at Volkswagen Vans and other types of vehicles in some of the country school districts and never here. He said the State has no objection to us going back to the use of those, only we can't do it before 1974, and because during the length of time elapsed, the school board has had to contract for additional yellow buses which they still don't have. He said it is now too late to cancel their order and it is too late to entertain hope for getting them back as this late date, although we will try to do so.

MR. MILLER said he fears that further legislation MAY be necessary and perhaps Mr. Luba's interpretation might not be held up by a Judge, which is the problem here.

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MRS. LAITMAN said she has a question to ask Mr. Kanell ----- Can the Transit District levy taxes independently?

MR. KANELL: The Transit District HAS authority under present legislation to levy assessments on the cities and towns which comprise the Districts, and once they levy the assessment, then it is up to the Town or City to determine how to raise money to meet this assessment, so the Transit District itself does not levy taxes - it levies an assessment on its member Towns and Cities to the extent it finds that to be necessary.

MRS. LAITMAN said she is referring specifically to the gasoline tax.

MR. KANELL that it is presently just a proposal, so he can't speak about something that does not exist.

MR. PEASE said he would like to speak to that because he spent well into last evening attending caucuses regarding the gasoline proposal, which is all that it was. He said the proposal came out of representatives from two cities - New Haven and Hartford and the representatives from those cities were given very firm instructions by the Chairman of the Democratic State Central Committee this afternoon to vote "NO" on that particular proposal. He said it was the very strong feeling of other legislators that if the representatives from those two cities requested that authority to levy the tax, then they intended to vote against it. He said apparently they felt why should they grant them this authority if the towns didn't want it and at this time it appears to be doomed.

THE MAYOR said if this does not prove to be a blind alley, and its your worst fears are realized, and there is a gasoline tax by local option, the way the Bill is written, they (the Transit District) cannot levy it on their own - they have got to have approval of the Board of Finance and the Board of Representatives in this city.

MRS. LAITMAN asked Mr. Pease when this gas tax will be voted on.

MR. PEASE said he thinks it will be killed tomorrow.

MRS. LAITMAN said what she is most concerned about are the powers that will be given to the Transit District which we would be creating. She asked if they could set rates for other towns in our District?

MR. PEASE said - tax rates, or bus rates?

MRS. LAITMAN said she is talking about tax rates, such as the tax on gasoline.

MR. PEASE said it depends on how a Bill may be written in the future and at this point there is no indication that any such Bill is going to be passed.

MRS. LAITMAN said she wants to know if anything is changed in this Act (No. 286) would it come back to this Board for approval?

MR. PEASE said this is up to the Legislature and he does not know of any Act passed by the Legislature that would come back to any Town for approval.

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MRS. LAITMAN explained the point she is trying to make - that this Board and this City would have no control over taxes or assessments against it made by the Transit District.

MR. PEASE asked the speaker if she is referring to the enabling legislation regarding the Supreme Court ruling.

MRS. LAITMAN said "right".

MR. PEASE said that will probably come up tomorrow and all it says, essentially, is that the Bill that was passed by the Special Session - Public Act 1 - is null and void, and there is no change in the situation, but remains as before the Court decision, and the only thing that it does do is to enable the Towns and Cities to use the money that was allocated to them --- Stamford received \$103,000.00.

MR. PEASE (reading from the Act): "Any agreement entered into thereunder for payments by the State shall include express provisions that no State funds received pursuant thereto shall be used for the benefit of stockholders or officers of the common carrier or be paid directly or indirectly to any of them, shall include specific provisions with respect to the proposed use of State funds and shall be for the period extending beyond June 1973." He said this precludes us from doing anything and this is the reason why the Governor vetoed it. Furthermore, he said it only goes until June 30, 1973 which would preclude us from entering into any kind of a contract, because the Union would not be able to go along with it because of labor contracts. He said the legal opinion received by the Governor said very clearly that this would preclude him from doing anything regarding mass transportation.

MR. KANELL said what the Governor had proposed was very simple - they were distributing twelve million dollars a year in so called Town Aid funds - every town has a share of it, per mileage basis and per capita basis. He said this was increased to fifteen million dollars by adding an additional three million and was to be used by the towns at their discretion - either for mass transit, or for roads, etc., so that each town would have the same amount of money, proportionately, and be able to use it at their discretion for bus service or for roads. In Stamford, he said you need both buses and roads and some rural towns only want roads and do not want bus service. He urged that Stamford at least get the buses going and get a Transit District Ordinance on the books. (applause)

MR. GUROIAN said he has no question - just a comment - and he takes issue with Mr. Pease' allegation that this Board should do certain things. He said he happens to be a Democrat, but was elected by both Republicans and Democrats and considers that he represents all factions in his District. He said he does not think that this Board is going to be shamed into adopting a Transit District Ordinance and many people are just about making it, what with the high taxes in this City.

He said he feels that the onus does not lie with this Board, but rather is in the hands of the Governor and he has control of the purse strings to release those funds in order to subsidize the buses.

He said he can't see double taxation by having our tax money be spent in a way that does not benefit us and then turning around and taxing us again with

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assessments levied by the Transit District, which is an autonomous body which would be no different from the Golf Authority, which thumbed its nose at a member of this Board - Mr. Kelly, because they did not have to answer to this Board and could do as they pleased, and neither will the Transit Authority be any different once they are established. He said he resents these high pressure tactics being used on this Board and said he wants to remind everyone that it is the taxpayer who will be presented with the bill for all of this, and without this taxpayer the salaries of these officials up in Hartford would not be paid.

MR. PEASE said if any remarks he made to accuse members of this Board of being political, he never meant it that way. He said what he was trying to say is that the State is offering to pay the full cost of bus service for the first year of operation, and after that, perhaps we will reach a break even point.

MRS. SHERMAN said she still believes the State is passing the transportation "buck" on to the cities, but the people of this City need public transportation and we have no choice but to accept the best deal we have been able to get, and at least now we have a guarantee of no cost to Stamford for the first year of operation.

MR. JOHN BOCCUZZI said he isn't going to mention the fact that the State receives something like 5.1 million dollars from the Federal Government under revenue sharing and not going to mention the proposed 28.7 million dollars that the State of Connecticut will be ahead this fiscal year and not even going to mention the five hundred thousand dollar aeroplane that the Governor wants to fly around in, while the voters don't have buses.

He said he made a statement last month concerning the Connecticut Bus Company-- that he wouldn't vote for a Transit District if the Connecticut Bus Company was going to be involved in any way, shape or manner for the reason that he felt that the owner of the Connecticut Bus Company drained that company dry and now they are in a hole and expecting us to pull them out. He said he was assured at that time that if we did have a Transit District, that the Connecticut Bus Company would give up their franchise and wouldn't be involved in any way and it would be turned over to this Fordham line and at that time he went along with it, but now he understands that the Connecticut Bus Company will STILL be involved for six months - we can't get an agreement, and he thought we had one -- that we were going to buy their buses and the State would lease them to the City -- the City was going to lease them to the Fordham line and he thought it had been all straightened out. However, he said, from the statements made tonight, none of these things have been straightened out and if they were, somebody had reneged.

He said as long as the Connecticut Company is involved with transportation in this City in any way, shape or form (meaning the owners of the Company) he will REFUSE to vote for a Transit District.

THE MAYOR asked if he could answer that and was told to go ahead. He said it is true that we tried to get an immediate switch and the reason why we couldn't get it was because the Connecticut Company couldn't get the kind of statement they wanted from the State of Connecticut regarding the take-over of their assets.

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Now, he said, we have changed it so that we can get that transition made when we get the UMTA funds, which is the only way the State will do it. He said he must have a Transit District BEFORE we can even petition for the funds.

MR. BOCCUZZI said then we have no guarantee that the Connecticut Company is going to step out.

THE MAYOR said they will and he has it "sealed in blood" now from the Connecticut Company, provided UMTA comes through with the money, which they will because he has been down there and it is as certain as anything can be at this point and there is no doubt about Mr. Gengras' commitment as several of the people here tonight were with him when the commitment was made, and he will get only the fair appraisal value and not a dime more. He said this is something that Mr. Kanell insisted on and that is what blocked an immediate transfer.

He said we proposed simultaneously signed agreements with the Union by both the Connecticut Company will go out with no further payment and by the Westchester Bus Operating group, who will then step in.

MR. FRIEDMAN, said the facts do remain that if the Transit District operates at a deficit, it will be the responsibility of the City of Stamford to make up that deficit and it would have to come out of the taxpayers' pockets of this City.

MR. KELLY called attention to the fact that the Ordinance originally published and adopted for publication at the special meeting held January 26, 1973 reads: "Proposed Ordinance for publication, approving the establishment of a TRANSIT AUTHORITY" and asked if the word "Authority" was correct. He was told it should read "Transit DISTRICT" by the Corporation Counsel and probably was a typographical error, because it is based on the State enabling Act which is what the Board is voting on.

THE MAYOR said it is a Transit DISTRICT and not an Authority, but call it by any name and it still does have those powers.

THE PRESIDENT asked just where does Darien, Norwalk and Greenwich fit into the picture?

THE MAYOR said what this Board has before them establishes a Transit District in Stamford alone, but does enable Darien, Norwalk and Greenwich to come in if and when they want to, and Stamford would have four delegates of this Transit District. Darien would have one. Greenwich would have two, but Norwalk has gone its own way, and he believes they are voting on it tonight to establish their own District.

MRS. LATTAN asked Mr. Pease if he is familiar with the Supreme Court ruling. She read from a News release: The Governor now is backing a measure which would impose a Regional Gasline Tax - 10¢ a gallon levy - the nation's highest. She asked if this is a fact.

MR. PEASE said it is definitely editorializing.

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MRS. LAITMAN asked why it would not be possible for the State to set up a Transit Commission so that it could be responsible to the Board of Finance and to the Board of Representatives, as it seems to be very easy for them to change the laws.

MR. PEASE said it is not that easy to do and you can't ram things through the Legislature any more than you can ram things through this body.

The question and answers continued for some time.

MR. FOX asked if there were any further questions and if not, he felt we should not impose on these gentlemen any further.

THE MAYOR and the people who came to answer the Board's questions left the meeting at this time.

ADJOURNMENT:

MR. FOX MOVED that this meeting be adjourned to a time certain - namely, March 5, 1973 at 8 P.M., our next regular Board meeting. He said it appears that so many questions remain open and so many acts that we might take tonight depend on future events and not past events that have already happened.

MR. EXNICIOS objected, saying that a motion to adjourn cannot be debated.

MR. FOX said he then MOVES to adjourn to a time certain - March 5, 1973, at 8 P.M.

MR. EXNICIOS requested a roll call vote on the motion to adjourn. CARRIED.

The Clerk called the roll. The motion was CARRIED by the following ROLL CALL VOTE of 19 in favor and 15 opposed:

THOSE VOTING IN FAVOR OF ADJOURNMENT:

BOCCUZZI, John (D)
 BOCCUZZI, Theodore (D)
 COLASSO, John (D)
 CONNORS, George (D)
 COSTELLO, Robert (D)
 DIXON, Handy (D)
 FOX, Gerald (D)
 GUROIAN, Armen (D)
 KELLY, Stephen (D)
 KNAPP, Warren (D)
 LAITMAN, Marilyn (D)
 LENZ, Frederick (D)
 MILLER, Frederick (D)
 MORABITO, Joseph (D)
 PERILLO, Alfred (D)
 RAVALLESE, George (D)
 ROSE, Matthew (D)
 RYBNICK, Gerald (D)
 WALSH, Peter (D)

THOSE VOTING IN OPPOSITION:

CROSBY, Robert (R)
 EXNICIOS, Robert (R)
 FORMAN, Barbara (R)
 FLANAGAN, William (R)
 FRIEDMAN, Bertram (R)
 IACOVO, James (R)
 LIVINGSTON, Jeremiah (D)
 MORRIS, Thomas (R)
 PERKINS, Billie (R)
 PONT-BRIANT, Lois (R)
 ROOS, John (R)
 SHERMAN, Edith (R)
 TRESSER, Michael (R)
 TRUGLIA, Anthony (D)
 VARNEY, Kim (R)

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The meeting was adjourned at 10 P.M.

Velma Farrell
Velma Farrell
Administrative Assistant
(Recording Secretary)

VF

APPROVED:

George V. Connors
George V. Connors, President
12th Board of Representatives

Note: The above meeting was broadcast
over Radio Station WSTC.

vf