

MINUTES OF SPECIAL MEETINGJANUARY 24, 197714th BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

A Special Meeting of the 14th Board of Representatives of the City of Stamford, Connecticut, was held on Monday, January 24, 1977, pursuant to a "Call" issued by PRESIDENT FREDERICK E. MILLER, JR., under the provisions of Section 202 of the Stamford Charter.

The meeting was held in the Legislative Chambers of the Board of Representatives, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Conn.

The meeting was called to order at 9:50 P.M., after caucuses were held by both parties.

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

ROLL CALL: President Miller requested Mrs. Mildred Ritchie to act as TEMPORARY CLERK in the absence of Mrs. Clark. Mrs. Ritchie called the roll. There were 33 members present and 7 absent. The absentees were: Linda D. Clark, Leonard Hoffman, Adam Osuch, Gerald Rybnick, Barbara McInerney, George Baxter, and Donald Sherer.

CALL OF THE MEETING

THE PRESIDENT read the "Call" of the meeting, as follows:

"I, FREDERICK E. MILLER, JR., PRESIDENT of the 14th Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives for:

MONDAY, JANUARY 24, 1977  
at 8:00 P.M.

In the Legislative Chambers of the Board of Representatives, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut:

for the following purposes:

To consider the eleven items which were listed on the agenda, (and which are handled in their proper numerical order in the minutes that appear on the following pages).

FISCAL COMMITTEE (continued)

MR. MORGAN: I would like to move for a Suspension of the Rules at this time in order to consider this item.

MR. MILLER: MOVED and SECONDED. Motion is CARRIED.

MR. MORGAN: Our committee held it last month because Commissioner Hadley was out town, but voted 7-0 this month in favor and I would so MOVE.

MRS. GOLDSTEIN: Personnel concurs.

MR. MILLER: No report from Public Works. MOVED and SECONDED.

MR. SIGNORE: How do you get around it? You say you get around the Rules by having Suspension of the Rules. How do you get around it?

MR. MILLER: That is not getting around the Rules, that's Suspending the Rules.

MR. SIGNORE: Well that's what you said. You have ways of getting around the Rules

MR. MILLER: I said we have ways of Suspending the Rules. That's not the same thing as getting around.

MR. SIGNORE: You said getting around.

MR. MILLER: Getting around implies violation of the Rules. We are Suspending the Rules.

MR. SIGNORE: That was a poor choice of words. The point is how do you do that when you don't have a Second Committee or a Third Committee?

MR. MILLER: We had a report from the Second Committee and we had a report from the Personnel Committee.

MR. SIGNORE: All right, we are going to go further down this agenda and there will be items that only had one other committee and they might not have met.

MR. MILLER: That's possible but we haven't gotten to that point yet.

MR. LOBOZZA: Are there any movement of personnel involved in this transfer?

MRS. GOLDSTEIN: The person is the same in a different department. There is a movement of personnel.

MR. HAYS: I MOVE the question.

MR. MILLER: MOVED and SECONDED. The motion is CARRIED UNANIMOUSLY.

(2) THE MATTER OF THE DEPARTMENT OF BUILDINGS AND GROUNDS LUMPING TOGETHER INTO ONE BUDGET TWO UNITS THAT WERE PREVIOUSLY SEPARATELY BUDGETED:

SOUTHFIELD COMMUNITY CENTER (Old Code 655)  
GLENBROOK COMMUNITY CENTER (Old Code 646)

FISCAL COMMITTEE (continued)

MRS. GOLDSTEIN: Mr. DeRose, I would like you to clarify what you mean the proper procedure in relation to advertising?

MR. DeROSE: It seems to me as though the job called for a rate of \$20,550 and evidently there was money set aside and lo and behold they hired a Parks Superintendent at the rate of \$23,620 and I was wondering if some form of approval should have been requested prior to making this commitment.

MRS. GOLDSTEIN: The Park Department had obviously budgeted for \$20,550 for the position. When a position is advertised, it is advertised at a particular salary range, sometime it fluctuates as much as \$5,000 from low range to high range. Quite frankly, I believe the proper procedure should have been that prior to telling the man who ultimately got the job, that he would get the job for \$23,620. The Park Commission should have come to the Fiscal Board and requested the extra \$3,100 or \$3,070. In terms of actual money we don't have to appropriate any new money this year, but there is extra money that will be going out for this job for next year's budget.

MRS. COSENTINI: We had considerable discussion along these lines in Fiscal and in our caucus. We have here a situation where it is a very similar to item #8 on our agenda where incorrect City procedures were used; however, City obligation was incurred and the courts upheld the person who sued the City. I think we have a commitment legally to this gentleman, if he has a letter in writing that he was being hired at \$23,000.

MR. SIGNORE: It is unfortunate that the Parks Commission didn't check this out before they advertised the job. It is a situation where the Stamford taxpayers are nibbled at again. You know we keep nibbling at the taxpayers, \$3,000 here, \$7,000 there, and it keeps adding up. Nobody seems to care about the little guy who is trying to keep his home.

MR. ZIMBLER: I wouldn't want to vote against this item and thereby penalize the person who did accept the job in good faith. The job was offered to him at a certain figure and the City has certainly a moral obligation to this man. But I think at the same time that this Board should not let something like this go by without at least commenting on it very strongly and not allowing these other commissions to set a precedent and possibly a letter from the Board to the Parks Commission and the Personnel Dept. informing them of our displeasure with the way this item was handled and telling them in no uncertain terms that if something like this should occur again that we just simply won't appropriate the money.

MR. HAYS: The Parks Dept. does need a new superintendent and I am not sure whether it needs a new commissioner or not. If you look to the other item that Mrs. Cosenti referred to where a goof occurred, that was also a Parks Dept. item. We admonished the Parks Dept. to live by the City rules and ordinances. It is interesting that just a few weeks ago we were ripped off down at Terry Connors. I say if we hire this man for this money, let's pay, but I say to the Parks Dept., let's straighten up and run a tight ship.

MINUTES OF SPECIAL (REGULAR) MEETING JANUARY 24, 1977

FISCAL COMMITTEE (continued)

MRS. COSENTINI: I apparently missed the discussion on this committee. It seems like a very good idea on the face of it, but so have some other resolutions that we have passed. I wondered if there had been any discussion with the legal department about the relative effectiveness of some of the measures that are mentioned in the resolution? What the cost of the City would be for litigation on this, how far we would go, and what would be the reasonable expectation of result?

MR. MORGAN: Mrs Cosentini, as the member of our committee who abstained, those are all very good questions and I think that the answer to them is simply that is up to the corporation counsel and his professional judgment to determine which steps, in which order, and how appropriate they might be. The question is what is the best way to get it. All we are doing here is simply urging him to take the steps necessary are the words that are used. Obviously in matters of this kind, the possibility of filing a lien or foreclosing are extreme steps, but they are altogether appropriate. It is very possible that if the corporation counsel writes a letter to ConRail demanding payment, we may get a check. It may take stronger pressure, but I think we have got to get started in order to do that and the purpose of this resolution is to begin that process.

MR. SIGNORE: I would like Mr. Morgan to see that the money comes in, but I wouldn't hold my breath waiting for ConRail to pay the \$70,000.

MRS. PERILLO: Through you, I would like to ask Mr. Morgan, why do we have to wait for a Sense-of-the Board Resolution when they owe this money? Everybody else has to pay taxes. Why are they letting them get away with not paying taxes?

MR. MORGAN: Mrs. Perillo is right, but they haven't paid and we have got to do something about it and this is one way to bring it to the public's attention and to people within the City Government's attention. Several months ago this Board approved the payment of an annual fee at ConRail for a easement that the City has to run a sewer line through a piece of property that they owned. It is very possible that perhaps we could have some sort of offset that the corporation counsel could negotiate whereby instead of making a cash payment to ConRail and not receiving anything in return, we could just have a bookkeeping transaction and reduce the amount of back taxes they owe by the amount of money that we are supposed to pay them for their easement.

MR. GLUCKSMAN: I think that this is an important thing that we bring to the attention to our legal department. Also that we should take every possible effort to get these taxes paid as previously stated.

MR. SIGNORE: I agree with your resolution Mr. Morgan, however, why did we pay for the right-of-way and why wasn't your resolution out before that payment was approved?

MR. MORGAN: That was done on the advice of the corporation counsel's office. When we had one of the assistant corporation counsel in to speak to the Fiscal Committee about the matter of paying for the easement, it was his legal opinion that we would possible jeopardize the sewer line if we proceeded by just demanding that it be used as an offset payment against back taxes, rather he suggested that this might be a more appropriate way to both continue our easement, which is a very important easement, by the way, it takes care of sewerage through a neighborhood on the Eastside. By doing it this way, we don't jeopardize that particular line. At the same time we can also move against ConRail now that we have had an opportunity to get some of the facts about how much they owe us and in what years.

RESOLUTION NO. 1077

AMENDING THE 1976/1977 CAPITAL PROJECTS BUDGET, ADDING THERETO  
A PROJECT ENTITLED "PUBLIC WORKS HIGHWAY MAINTENANCE COMPLEX"  
TO BE FINANCED UNDER A GRANT UNDER TITLE I OF LOCAL PUBLIC WORKS  
CAPITAL DEVELOPMENT AND INVESTMENT ACT OF 1976 IN THE AMOUNT OF  
TWO MILLION SIX HUNDRED NINETY DOLLARS (\$2,000,690.)\*.

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford in accordance with the City Charter:

1. To adopt an amendment to the 1976/1977 Capital Projects Budget by adding a project in the amount of \$2,000,690.00, with the stipulation that \$71,303.00 be returned to the General Fund having already been approved on Nov. 8, 1976 meeting (item #16 fiscal). The \$71,303.00 appropriation was entitled "PHASE I - HIGHWAYS & MAINTENANCE FACILITY AT HANOVER STREET"; The balance of the funding under this Resolution No. 1077 are for project entitled "PUBLIC WORKS HIGHWAY MAINTENANCE COMPLEX".
2. To authorize the financing of said project by grant under Title I of Local Public Works Capital Development and Investment Act of 1976.
3. That this Resolution shall take effect upon enactment.

MR. MORGAN: I would like to move for a Suspension of the Rules on this item.

MR. MILLER: MOVED and SECONDED. The motion is CARRIED.

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MR. MILLER: There is no report from a Secondary Committee. There will have to be another motion to Suspend the Rules because the item is in the nature of an appropriation and it is over \$2,000. Is there a motion to Suspend the Rules? MOVED by Mr. Flanagan. MOVED and SECONDED.

MR. SIGNORE: I just want to say that I am in favor of this particular item; however, we are back to the same thing we discussed about the committee not operating as it should, the leadership should get together and discuss this.

MRS. COSENTINI: Is there a time limit on this grant? Is there an urgency to this?

MR. MORGAN: Yes, there is and we have to act before Feb. 10th or we lose the funds. Not that this Board has to approve by Feb. 10th, but the City has certain obligations that it must perform before that time, so legislative approval tonight is imperative

MR. SANDOR: I would like to know what the obligations are?

MR. MORGAN: Certain steps must be taken to begin preparation of the construction and in fact there will be some kind of a surprise audit, a visit from Personnel and the Federal Economic Development Administration during the month of February. If they find that the City has not begun work on this project the two million dollars will be taken back. And of course, the City cannot begin work until the various Boards have approved it. So we really are faced with a very real time constraint.

RESOLUTION NO. 1078

AMENDING THE 1976/1977 CAPITAL PROJECTS BUDGET, ADDING THERETO THREE PROJECTS (TITLES AND AMOUNTS LISTED BELOW) TO BE FINANCED BY GRANT UNDER TITLE I OF LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT ACT OF 1976.

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford in accordance with the City Charter:

1. To adopt an amendment to the 1976/1977 Capital Projects Budget by adding three (3) projects entitled and in the amounts listed below:
  - A. REHABILITATION OF WEST MAIN STREET COMMUNITY CENTER.....\$111,707.00
  - B. GLENBROOK COMMUNITY CENTER..... 139,150.00
  - C. MUNICIPAL OFFICE BUILDING..... 338,800.00

TOTAL.....\$589,657.00
2. To authorize the financing of said projects by grant under Title I of Local Public Works Capital Development and Investment Act of 1976.
3. That this Resolution shall take effect upon enactment.

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MR. MORGAN: I would like to move for Suspension of the Rules to consider another request from the Public Works Dept.

MR. MILLER: MOVED and SECONDED. The motion is CARRIED UNANIMOUSLY.

MR. MORGAN: Our committee by a vote of 7-0 voted in favor and I would so MOVE.

MR. PERILLO: Public Works no report.

MR. BLUM: Health and Protection - no meeting.

MR. MILLER: It was given to the House Committee; it was my understanding that this money will involve some alterations to these rooms.

MR. MORGAN: They are going to have recessed lighting and also generally for the building besides renovation, there is going to be new air conditioning.

MR. MILLER: The Chair would have to say that since this matter has not been considered by a Secondary Committee, there will have to be another motion to Suspend the Rules. MOVED and SECONDED. The motion is CARRIED UNANIMOUSLY.

MR. MORGAN: There is no further discussion on my part, other than to re-emphasize the fact that the committee was unanimous in its support of these three worthwhile projects and urges full Board adoption.

MR. COSTELLO: \$111,000 to rehabilitate the old West Main Street Community Center, and we don't know what it is going to be used for. \$139,000 for the Glenbrook Community Center for an elevator, and we don't have \$25,000 for the Hanrahan Center.

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FISCAL COMMITTEE (continued)

MR. MILLER: It is the Chair's opinion that the motion would not be in order, Mr. Zimbler.

MRS. GOLDSTEIN: Just one observation, since the Hanrahan Center has been mentioned so often this evening. I just question Mr. Signore's lamenting over money not being appropriated for the Hanrahan Center. It would have been wonderful had he felt that way a few months ago when we voted on that item, then perhaps we would have the funds for the center.

MR. PERILLO: MOVE the question.

MR. MILLER: MOVED and SECONDED. The motion is CARRIED UNANIMOUSLY.

(8) \$ 13,790.76 - PARK DEPARTMENT - AMENDMENT TO THE 1976/77 CAPITAL BUDGET BY ADDING A NEW PROJECT ENTITLED "TENNIS COURTS-SOUTHFIELD PARK" - to be financed by bonding, per letter of Mayor Clapes 1/13/77; and Park Supt. Robert B. Cook 1/12/77, 1/4/77 and 1/3/77 letters. This is to pay for a judgment against the City by Peckham Material Corp. in the sum of \$12,561.43 PLUS INTEREST of \$1,229.33, for a total of \$13,790.76. Board of Finance approved 1/13/77.

RESOLUTION NO. 1079

AMENDING THE 1976/1977 CAPITAL PROJECTS BUDGET BY ADDING A NEW PROJECT ENTITLED "TENNIS COURTS - SOUTHFIELD PARK", IN THE AMOUNT OF THIRTEEN THOUSAND SEVEN HUNDRED NINETY DOLLARS AND SEVENTY-SIX CENTS, TO BE FINANCED BY THE ISSUANCE OF BONDS.

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford in accordance with the City Charter:

1. To adopt an amendment to the 1976/1977 Capital Projects Budget by adding a new project entitled "TENNIS COURTS - SOUTHFIELD PARK" in the sum of THIRTEEN THOUSAND SEVEN HUNDRED NINETY DOLLARS AND SEVENTY-SIX CENTS (\$13,790.36).
2. To authorize the financing of said project by the issuance of bonds.
3. That this resolution shall take effect upon its enactment.

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FISCAL COMMITTEE (continued)

MR. SIGNORE: I think this Board is going to take on the name of the Board that Suspended the Rules.

MR. GLUCKSMAN: I would like to make one observation in this case and that is on item #1 on the agenda was an inter-departmental transfer, thereby leaving some additional funds in Public Works. I hope we could possibly use those funds in this regard, not have to appropriate as much money as would appear to be a need for.

MR. LOBOZZA: I would just like to voice my objection about Fiscal matters, especially matters pertaining to the Public Works Dept. without coming under the scrutiny of the Public Works Committee or the Board of Representatives. I have here in my hand the original request from Commissioner Rotondo, and if we look at item #2 on the list where it says rock, salt and sand, the money is ear-marked for account number 0601 which he has listed as rock, salt and sand. The simple check of the budget book shows that account number, if we did appropriate these funds, the funds would go in the General Material and Supply Account of the Public Works Department. I think it was a mistake; it definitely is done incorrectly here, and if we do approve these funds they will go in the wrong account.

MR. MORGAN: I wonder if Mr. Loboza has the right code, perhaps we could adjust our request in order to point out what he said.

MR. LOBOZZA: The proper account number is 0621 and we originally appropriated in the beginning of the fiscal year \$100,000.00 for that account. I can't see how they used that much sand up in this amount of time.

MR. MILLER: Mr. Loboza, unless it can be demonstrated here that there is some sort of clerical error since it came to the Board of Finance.

MR. LOBOZZA: A simple check will prove my point.

MR. MILLER: I just want to point out that the Board of Finance apparently approved this with these three code numbers, and I don't think we have the power to make any changes at this point unless it went back through the Board of Finance.

MR. HAYS: Can we stipulate if we should approve it, that the money in regards to the account they are in go to sand and salt?

MR. MILLER: The Chair doesn't think so, Mr. Hays. The Chair would have to rule if the Chair is requested to give a ruling, then that motion would not be in order and if there is going to be this much of a problem with it, perhaps we should wait on this, as much as we would prefer not to.

MRS. GOLDSTEIN: Is there any possibility that there was some typographical error made at some point between the time it came down from the Board of Finance and the time it was presented to us? That's the Board's number.

MR. MILLER: The Chair doesn't think so, Mrs. Goldstein.

FISCAL COMMITTEE (continued)

MR. LOBOZZA: First to Mr. Morgan, as far as my amendment being irresponsible, No. 1 - I think it was an irresponsible act by Mr. Rotondo for putting this thing through this way; No. 2 - by you, as Chairman of the Committee, now catching it when it came to your committee; No. 3 - this administration has deficit spent before, and they will now because if they don't do what they are supposed to do, they will have to answer to the taxpayers of this town.

MR. FLANAGAN: I think Mr. Glucksman's reasoning as to which takes precedent, the number or the description is well taken. I wonder why we could not approve the item and just delete the entire reference to the code number in the transmittal of our approval. I wouldn't want to hold it up on that basis.

MRS. COSENTINI: It was stated by Mr. Rotondo that this account would be an on-going account and that he would come back to us even though it would mean bothering us in a sense for continued emergency appropriations for a pay-as-you-go type of budget. I would like to ask if the Charter provides for any emergency appropriation a deficit spending of accounts; for instance, does somebody have the power in our government at any point to say that this is an emergency and you may deficit spend?

MR. MILLER: I don't think anybody in the executive branch of the government could do that.

MRS. COSENTINI: No one has that power?

MR. MILLER: Only the Board of Finance.

MR. HAYS: If I understand correctly, there was a motion before the Board in the total amount of the three accounts of \$110,000. Now the second motion amendment made by Mr. Loboza to reduce that by \$99,000 is going to leave about \$10,500. As a point of information which I think we have overlooked.

MR. MILLER: That is a good point. Mr. Loboza, what is your motion precisely?

MR. LOBOZZA: My motion was to delete \$99,500 from the total package to pay the overtime and the private contractors, but to hold the \$99,500.

MR. HAYS: I would like to go back to the point I would really like to make original; the need for these monies is serious and real. I suggest that we do have a control; if they misuse this account it's in question tonight they will be back for a budget for the next year very shortly and certainly if they have abused that account we can take the necessary action at that time to neutralize the misuse of that account. I would encourage all of you to vote for the motion that is presented by Mr. Morgan and against the amendment as presented by Mr. Loboza.

MRS. HAWES: Through the Chair I would like to ask Mr. Loboza what the title is for code 0601.

MR. LOBOZZA: General Materials and Supplies.

MINUTES OF SPECIAL (REGULAR) MEETING JANUARY 24, 1977FISCAL COMMITTEE (continued)

MR. LOBOZZA: As I made my amendment, I deleted the \$99,500 which would leave a balance of \$65,896. Now if the Fiscal Committee wants to chop up that, they could do it anyway they want to do it. I am concerned with the \$99,500 that is earmarked for a wrong account.

MR. MILLER: I don't think you are going to be able to do that. I think you have to try to delete that portion of rock, salt and sand under code number 314.0601 that Mr. Morgan was moving out. What was the amount on that code number that you were moving out, Mr. Morgan?

MR. MORGAN: \$66,665.00.

MR. MILLER: So the Chair would say, Mr. Loboza, that although I did accept the \$99,500 it would appear that the only way to do this properly would be to move to delete the \$66,665.

MR. LOBOZZA: I agree.

MR. BLOIS: I would like to remind the Board that last year we spent approximately \$550,000 in snow removal, sanding and salting the street. Here we are sitting here tonight and talking for an hour on this item alone. We are going to have to give Public Works a lot more money for the balance of the year. I don't think we should cut out any monies from this particular item tonight. If you want to know where every dollar and penny goes, fine, let's get detailed reports.

MRS. SANTY: I think all this debate and all this discussion could have been eliminated if a Second Committee heard this request. We suspend the rules and as you stated get around rules, but the important thing is time should have been allowed and the Public Works Committee, I am sure, since they are very efficient, would have found the problem and we could have avoided all this tonight. Mr. Loboza is sincere and right in wanting accountability, but we should be accountable to our taxpayers and follow Board rules.

MR. SIGNORE: I move the question.

MR. MILLER: The motion is CARRIED UNANIMOUSLY. We are now voting on Mr. Loboza's proposed amendment and the Chair would advise the Board that if this amendment is approved, that means deletion, not holding in committee. The motion is LOST. You don't need a division, it's not a final action on the item. We will now proceed to a debate on the main motion which is the \$110,775.45.

MR. ZIMBLER: I move the question.

MR. MILLER: MOVED and SECONDED. The motion is CARRIED UNANIMOUSLY. Is it your intention, Mr. Morgan, that the rest be held in committee?

MR. MORGAN: Yes.

MINUTES OF SPECIAL (REGULAR) MEETING JANUARY 24, 1977FISCAL COMMITTEE (continued)

MR. MORGAN: It is necessary that the Board take action on this matter because the Commission's procedures for administering their so-called "South of the Parkway Account" was recently changed. This is not an additional appropriation, it is actually a transfer, and in a sense, therefore, is a bookkeeping transaction. Our committee voted 8-0 in favor and I would so MOVE.

MR. PERILLO: Public Works Committee - no report.

MR. D'AGOSTINO: Sewer Committee - no report.

MR. MILLER: We'll need a Suspension of the Rules in order to proceed to vote. MOVED by Mr. Morgan and SECONDED by Dr. Lowden. The motion is CARRIED. We will take a DIVISION. There are 32 members present, we need 22 votes to Suspend the Rules. The motion is LOST. There are 21 YES votes; 10 NO and 1 OBSTENTION.

MR. WALSH: I didn't hear any discussion on the last motion, I can't understand why it was.....

MR. MILLER: The Suspension was defeated, not the item itself. The item itself can be placed on the agenda for the next meeting.

- (11) REQUEST FOR AUTHORIZATION TO FILE PRELIMINARY APPLICATION FOR STATE AID GRANTS FOR "STAMFORD HIGH SCHOOL AUDITORIUM MODERNIZATION PROJECT" AND "STAMFORD HIGH SCHOOL SITE IMPROVEMENT PROJECT", STAMFORD PUBLIC SCHOOLS, CAPITAL PROJECTS BUDGETS, 1975/76 and 1976/77. Letter of 9/27/76 from Benjamin R. Reed, Supt./Business Affairs, Board of Education.

MR. MORGAN: I guess that the Sewer Projects that would run through the 13th, 14th, and 16th Districts are going to be delayed now because of this action. Item #11 is an item that the Fiscal Committee has not had an opportunity to consider, we therefore have no report so I don't see a need to Suspend the Rules to consider this

EDUCATION, WELFARE AND GOVERNMENT - No report.

MR. MORGAN: I would like to move for a Suspension of the Rules in order to consider a request from the Finance Department in the amount of \$92,581. This is for the car allowance that was on our regular agenda for this month's consideration.

MR. MILLER: What is your motion?

MR. MORGAN: I would like to have the Board consider this item which appears to have been left off through some kind of clerical error.

MR. MILLER: What is your motion?

MR. MORGAN: That we Suspend the Rules in order to consider this request.

MR. MILLER: What rule are you Suspending?

MR. MORGAN: I am interested in getting on with the City's business and not in playing parliamentary games.

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FISCAL COMMITTEE (continued)

MR. HAYS: Then if I wanted to question the Parliamentarian's comment previous to this challenge?

MR. MILLER: You may ask a question of the Parliamentarian.

MR. HAYS: Does not the public notice in our last Special Meeting that we were going to discuss this tonight, in effect place it on the agenda, particularly in light that its omission tonight was merely clerical?

MR. FOX: Well, for one thing, that's an assumption that I don't think has been established, that the error tonight was a clerical one. The Charter section that I referred to, as I said before, is, I think, self-explanatory. The purpose of the call, which I believe all of us have received, does not make any reference to this item which Mr. Morgan is bringing up. It is my opinion that the agenda, that purpose as set out by Mr. Miller, is the document that is controlling and I base my decision on that.

MR. HAYS: Mr. Parliamentarian, I believe you had knowledge at the last Special Meeting that this would come up at this meeting.

MR. MILLER: This is a comment, not a question and I think it is time to proceed to a vote. We are voting on an appeal of a ruling by the Chair. A yes vote would be to sustain the Chair's ruling.

MR. FOX: Just a point of information, Mr. Miller. A yes vote does not go to our interpretation of whether or not your ruling is correct, but whether we agree with it.

MR. MILLER: What is the distinction, Mr. Fox?

MR. FOX: I think there are two questions here, and I just want to be sure in my mind, what it is that we will be voting on.

MR. MILLER: You are voting on whether or not to sustain the Chair's ruling. Your question is whether or not a vote to sustain a ruling by the Chair would be a vote to agree with the Chair's reasoning. Is that correct?

MR. FOX: With the Chair's interpretation of the Charter as opposed to whether or not we feel that this particular item should be taken up tonight and consequently whether we feel that your decision is a proper one, not necessarily a correct one.

MR. MILLER: The Chair does not understand the distinction that you are trying to make Mr. Fox.

MR. FOX: Let me try to explain it. My question is this: if we now vote on this appeal, if we vote to sustain the appeal, does that vote go to determine whether or not we are in agreement with the ruling, or whether we feel that the ruling is correct in terms of interpretation of the Charter? There is a question in my mind as to whether or not that item, as a matter of policy should be taken up and voted on this evening.

FISCAL COMMITTEE (continued)

MR. MILLER: MOVED and SECONDED.

MRS. SANTY: I would like to know the difference, Mr. Morgan, between car allowance and transportation. Would you clarify that please?

MR. MORGAN: The car allowance is the mile<sup>age</sup> expense that the City employees are reimbursed for when they used their own cars.

MRS. SANTY: What is transportation on the last page, Mr. Morgan?

MR. MORGAN: Transportation also refers to in the instance where the use of a car involved provided by the City rather than the employee's own car and that's an attempt to make an allowance for those situations.

MRS. SANTY: But some of these people appear twice, so they get a car allowance for their own car plus a City car, is that right?

MR. MORGAN: They have the use of a City car but they can also use their own car. They can't use them both at the same time, obviously, but if a City car were available they would use that in lieu of their own car.

MR. LOBOZZA: I have a question for Mr. Morgan. I am under the impression that the City provides the Mayor with a car. I would like to know how come he still gets transportation allowance?

MR. MORGAN: I would like to respond by deferring to another member of the Fiscal Committee, George Hays.

MR. HAYS: I believe that the car allowance is a flat rate allowance in varying amounts to the City employee who uses his car. Transportation is really a mileage allowance when the employee leaves the City on trips.

MR. SANDOR: I would like to ask Mr. Morgan whether this amount is all contractual?

MR. MORGAN: In many cases it is, it depends on the classification of the employee, but there are municipal employees association members, for example, in the case of those employees, it is, in fact, contractual.

MR. SANDOR: Can you tell me whether or not it is contractual out of the \$92,000.

MR. MORGAN: No, I cannot.

MR. LOBOZZA: I would like to make an amendment to Mr. Morgan's motion, if I may.

MR. MILLER: Make your motion, Mr. Loboza.

MR. LOBOZZA: I would like to make an amendment that we pay only the ones that are contractual obligations, and the rest be subject to review by at least two committees of this Board.

MR. MILLER: Do we know precisely who we are talking about, Mr. Loboza?

FISCAL COMMITTEE (continued)

MR. MILLER: Mr. Sandor is leaving the floor of the Board. We are now voting on moving the question. MOVED and SECONDED. The motion is CARRIED. Mr. Flanagan has left the floor. The Chair would direct the clerk to take a roll call of those members presently on the floor of the Board to determine how many are present. Mr. Wider and Mr. Perillo are leaving the floor. Mrs. Perillo has left the floor.

ROLL CALL was taken.

MR. MILLER: It is not possible to conduct any business at this time. There are only 20 members of the Board on the floor. Does anyone else wish to return to the floor?

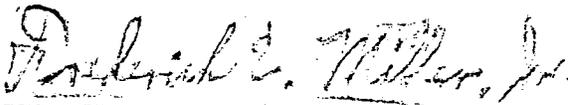
ADJOURNMENT:

MR. MILLER: If there is no objection, the meeting is ADJOURNED. To be very serious, since we have a regular meeting in two weeks, the Steering Committee will have to meet, if however briefly, tonight, if only to adjourn to some other evening. So may I beg your indulgence and ask that we have a quorum which is at least 10 members of the Steering Committee to go into the Steering meeting?

The meeting was adjourned at 12:05 A.M.

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

APPROVED:

  
Frederick E. Miller, Jr., President  
14th Board of Representatives

NOTE: Above meeting was broadcast over Radio Station WSTC in its entirety.

HMM:HG :ET AL