

MAYOR
LOUIS A. CLAPES



BOARD OF REPRESENTATIVES

FREDERICK E. MILLER, JR.

PRESIDENT

JULIUS J. BLOIS

MAJORITY LEADER

S. A. SIGNORE

AUDREY M. COSENTINI

CO-MINORITY LEADERS

Sandra Goldstein

CLERK

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CITY OF STAMFORD, CONNECTICUT 06901
MUNICIPAL OFFICE BUILDING
429 ATLANTIC STREET

April 21, 1977

To: ALL MEMBERS OF THE 14th BOARD OF REPRESENTATIVES

Subject: SPECIAL BOARD MEETING ON REPORT OF TENTH CHARTER REVISION
COMMISSION, SUBMITTED TO BOARD OF REPRESENTATIVES ON
APRIL 1, 1977.

I, FREDERICK E. MILLER, JR., President of the 14th Board of Representatives of the City of Stamford, Connecticut, pursuant to Section 202 of the Stamford Charter and Section 7-191 of the Connecticut General Statutes, do hereby CALL a SPECIAL MEETING of said Board of Representatives, for

THURSDAY, APRIL 28, 1977

In the Board of Representatives' Meeting Room

MUNICIPAL OFFICE BUILDING

at 8:00 P.M.

for the following purpose:

To consider and act upon the REPORT OF THE TENTH CHARTER REVISION COMMISSION and the recommendations of the Charter Revision Committee, and to act upon proposed Charter amendments to be submitted to the Referendum, or referred back to the Commission for such changes as it may deem desirable.

FEMJR:HMM
cc: Town Clerk

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

1.

MINUTES OF APRIL 28, 1977 SPECIAL MEETING

14th BOARD OF REPRESENTATIVES

STAMFORD, CONNECTICUT

CHARTER REVISION

A Special Meeting of the 14th Board of Representatives of the City of Stamford, Connecticut, was held on Thursday, April 28, 1977, pursuant to a "CALL" issued by PRESIDENT FREDERICK E. MILLER, JR., under the provision 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 8:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG: President Frederick E. Miller, Jr.

ROLL CALL: Sandra Goldstein took the Roll Call. 33 members were present and 7 absent. The absent members were: Michael Morgan, Kurt Zimble, James Lobazza, John Wayne Fox, Christine Nizolek, George Connors and John Sandor.

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, and Section 7-191 of the Connecticut General Statutes, do hereby CALL a SPECIAL MEETING of said Board of Representatives, for:

THURSDAY, APRIL 28, 1977 - at 8:00 P.M.

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

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CHARTER REVISION COMMISSION and the recommendations
of the Charter Revision Committee, and to act upon
proposed Charter amendments to be submitted to the
Referendum, or referred back to the Commission for
such changes as it may deem desirable.

CHECK OF THE VOTING MACHINE: The machine was found to be in working order.

MR. MILLER: The Chair at this time appoints Ralph Loomis, Vice Chairman of the Special Committee on Charter Revision. In the absence of Christine Nizolek, Mr. Loomis will give the report for the Charter Revision Committee.

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MR. MILLER: (continuing) We do have to be concerned with procedures here this evening. We should all have on the desk in front of us the April 1, Final Report of the Charter Revision Commission. That is the text for this evening, the Final Report of the Commission submitted to this Board April 1. We will proceed this evening to call upon Mr. Loomis to report. I don't think it's necessary, Mrs. Cosentini. We have broad latitude this evening in accordance with the Corporation Counsel's opinion, and it's no point to be concerned about. We have broad latitude. We're working in accordance with Mr. Wise's opinion.

MRS. COSENTINI: No, what I wanted to know is if we're going to approve, in other words if we don't recommend something to the Commission tonight, does that mean the Commission cannot alter it anymore?

MR. MILLER: If we make no recommendations at all, that would be the end of the process until it is submitted to a referendum. Yes.

MRS. COSENTINI: So they can't alter unless we make a recommendation.

MR. MILLER: Yes, that's right.

MR. LOBOZZA: Thank you, Mr. Chairman. If we vote and accept what they sent down to us, would that be it?

Could we take a vote on whether we accept or reject, or do we have to discuss it?

MR. MILLER: It would be possible for a member of the Board to make a motion to recommend to the Charter Revision Commission that they throw out everything they have done. We could make that type of recommendation, or we could recommend to the Charter Revision Commission that they dispose of everything except the rather technical and housekeeping changes they have proposed.

We're going to proceed now, the hour is late. We're not going to spend a long time with unnecessary discussion. The Chair's going to proceed to explain how we're going to go about this meeting. We should all have copies of the April 1, report from the Charter Revision Commission. The Chair is going to call upon Mr. Loomis to give a report on behalf of the committee. We're going to work along going page-by-page, as Mr. Loomis proceeds page-by-page, in many cases, there will be no motion on his part to recommend any changes to the Commission.

If Mr. Loomis, on behalf of the Committee, makes no motion on a particular page on a particular section that doesn't mean that someone cannot make a motion from the floor. So we're going to go page-by-page much as we would during a budget meeting. I would suggest that we have a great deal of work before us. I would also suggest that all of us have had many opportunities to express ourselves on Charter Revision issues to talk to members of the Commission, to appear at Public Hearings. This meeting is not a meeting for long philosophical discussions about hypothetical questions, it's not a meeting for lengthy questions; we have had ample opportunity for that already.

It is now 8:40 P.M. We are going to adjourn this meeting at about 12:00, and if we haven't completed our work by 12:00, the Chair will immediately dictate a call for a meeting to be held at 8:00 P.M., Tuesday evening because we do have a 15-day time period, 15 days beginning to run on the day of the public hearing, which was held last Thursday.

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MR. RYBNICK: Just a clarification for Mr. Loboza. Can he, on the floor, make a recommendation into accepting this or not? This is what he is asking.

MR. MILLER: To accept the whole thing.

MR. RYBNICK: No, if he wanted to select an item in here.

MR. MILLER: Yes, he can make a motion. He doesn't have to wait for Mr. Loomis. I'm going to call upon Mr. DeRose. I know Mr. DeRose has a statement to make and then I'll get to Mr. Loomis and Mr. Baxter.

MR. DEROSE: Mr. President, I'd like to make a statement or two this evening with regards, or I should say on behalf of the members of the Tenth Charter Revision Commission, who have spent an entire year reviewing the matters before us this evening, which are of extreme importance; many people would consider the task they endured to be dull research and drudgery. The Commission members were selected on the basis of their knowledge of our City Government, their capability, and last but not least, they were selected with the idea in mind that they represented a wide range of thought and diversified ideas.

For example, the members of the Charter Revision Commission served in various capacities. I'll try to make this brief. Isadore M. Mackler was former Chairman of the Board of Finance and former Corporation Counsel. Mr. Thomas Mayers was a former Mayor to the City of Stamford. Phobie Johnston served as the Mayor's Aide. Mr. William Askew represented Labor. Anna B. Cunningham, a former member of the Board of Education. Mr. Harry Benoit Jr., was a member of the Charter Study Group. Rose Ann DeCamillo, who served formerly as a secretary of the Democratic City Committee. Mr. John Fusaro who was former president of our Board of Representatives. Mr. Paul Kuczo Jr., who also served as a member of the Board of Representatives. Mr. Thomas A. Morris, who was a former Majority Leader of the Board of Representatives. Mr. John O'Brien was a former Commissioner of Public Works. Mr. Gordon R. Paterson was a former member of the Board of Representatives. Mr. Fred T. Richards who represented, as I understand it, SACIA. Mr. Jerry Walden who was also a member of the Board of Representatives, and last but not least, Mr. Donald Zazima, who was a State Central Committeeman for the Republican Party.

To be sure, this compilation of expertise was a credit to the City of Stamford, and most important of all, these members acted on a non-partisan basis with no influence, or little influence from the Board of Representatives. Now while the Commission may have had some faults, which are generally considered to be a natural phenomena among people, the criticism lodged against them by a couple of dissident groups should be interpreted as healthy and necessary in a democracy, but in no way should it be considered as a condemnation of their total endeavor.

In conclusion, the Charter Revision Commission put in countless hours and energy with no thought of remuneration. I am especially pleased as former Majority Leader and a Representative who had a direct hand in this Commission's formation to thank each and every member of the Commission for their recommendations and for the active part that they played in making Stamford the great city that it is. I'm sure there are other Board Members that would echo those sentiments. Thank you.

MR. SIGNORE: I am one of the Board Members that echo those sentiments. I think the Charter Revision Commission did an excellent job and worked very long and hard at this task. I feel that we should look into every item tonight, but we should also consider that they have done their part and we should do our part, and I

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MR. SIGMORE: (continuing) think everything should be for the betterment of the City of Stamford. Thank you.

MR. BAXTER: I yield the floor to the Chairman, Mr. Miller.

MR. LOOMIS: Can I start my report, Mr. President? Thank you. I think it's important at the outset here to explain the process. The process we are entering and the process we shall go through. We had a hearing as you know on the 21st. By Law 15 days after the hearing we must report back to the Commission with our recommendations, which means on May 6, whatever our recommendation are, must be reported to the Commission. They then have 30 days to consider.

MR. MILLER: Mr. Loomis, I believe some people on this side can't hear you.

MR. LOOMIS: Well, my microphone's on. Is it alright now? Can I be heard now?

MR. MILLER: Go ahead, Mr. Loomis.

MR. LOOMIS: Let me start again. I just wanted to go through the process because I think it's important. We had our public hearing, which was required by law on the 21st of this month. By law, 15 days after that hearing we have to report back to the Commission with our recommendations. They then are given 30 days to deliberate, think over our recommendations, and then report back to us. We then have 15 days with that final report, and we can at that time reject or accept. We could reject, for example, the whole report; we could accept the whole report; or we could reject or accept portions of the report. Then one year after, within one year after we go through this approval process, at some point it must go on the ballot for approval or disapproval of the voters. Now, that is the process, and I think it's important that we understand it. Tonight we are making recommendations. We will have another opportunity to adopt a final report, or if it's in the interest of this Board, to reject the report. Now, our Committee met and we had quorums on five different occasions. In addition as I mentioned, we did.....

MRS. COSENTINI: POINT of ORDER?

MR. MILLER: Yes, Mrs. Cosentini, what's your Point of Order?

MRS. COSENTINI; I think when there was some discussion between the Commissioners and the Committee one night when I was sitting in there, in the Committee Room, about what the Commission could do after our meeting tonight. Now you told me one thing and I just heard, I thought, something else.

MR. MILLER: I am in agreement with what Mr. Loomis just stated.

MRS. COSENTINI: When we send our recommendations back, they're not really finalized, and the Commission can change things even that we have not acted on tonight?

MR. MILLER: That's correct.

MRS. COSENTINI: All right.

MR. LOOMIS: If I could continue now, so we've discussed, we've gone through page by page on three separate occasions the entire report of the Commission, and I would echo Mr. DeRose's comment that the Commission itself has met on more

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MR. LOOMIS(continuing)...than 40 different occasions. So the document before you is the document resulting of the long hours of work and deliberation. Our goal, like that of the Commission was to formulate recommendations whose effect would be to improve the performance and operations of Stamford's Municipal Government. Now, what I think would be appropriate to do at this point is to, if we all have copies of the reports, start on Chapter 1, and proceed through. I don't know if you all have copies of the reports. There were two reports, April 1 is the one that we're using. That was the final report to the Board.

There are no changes on Chapter 1. Chapters 2 through 5 is to clearly define the language which is used in the charter. They refer to corporate powers of the municipality. They talk about the legal effects of the charter. I would, under Chapter 5 just draw to your attention under Section 54, there is new language which mandates that the Charter has to be reviewed every ten years, rather than every twelve years, but this does not prevent us from appointing a commission if we so choose in the interim. Also, moving onto Chapter 6, there's language that I just would quote "The owners of property to be condemned shall be notified in writing not less than 60 days prior to the condemnation proceedings." This is an issue on the floor of this Board, and this language is in there to address itself to that concern. Chapter 7, there was no change.

MR. MILLER: Mr. Blum, do you wish to be recognized to make a motion? For what purpose?

MR. BLUM: For the purpose of making an addition to the Chapter 6.

MR. MILLER: You're making a motion then to recommend to the Charter Revision Commission some additional language in Chapter 6?

MR. BLUM: In the proceedings on condemnation, I would like to read and add the language that I feel should be put in "The proceedings for condemnation of said land shall be those set forth in Section 48-12 of the General Statutes where appropriate." The condemnation proceedings provided for in this Charter. The owners of property to be condemned shall be notified in writing of a public hearing, and this is what I'm adding: "of a public hearing to be held not less than 60 days prior to condemnation proceedings."

MR. MILLER: Who would be holding the public hearing?

MR. BLUM: Well, whatever agency would be looking to condemn the land.

MR. MILLER: All right, we have a motion made by Mr. Blum. Is there a second to that motion?

MR. McINERNEY: I'd like to second it.

MR. MILLER: Seconded by Mrs. McInerney.

MRS. McINERNEY: If I might, too, Mr. President, I'd like to amend that for just a minute also. I'd like to add two words.

MR. MILLER: What are the two other words, Mrs. McInerney?

MRS. McINERNEY: "To be notified in writing - Certified Receipt Requested."

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MR. MILLER: Do you agree to that Mr. Blum? Accept the amendment? It has been moved and seconded. Any discussion on Mr. Blum's motion as it has been modified by Mrs. McInerney?

MR. BAXTER: Mr. Chairman, through you, I would like to ask Mr. Blum if he would permit consideration of this, of his motion, at a later time since it may be that Section 48-12 requires a hearing, and our Corporation Counsel has gone to see if he could get into his office to bring the Statutes down. I don't think it's wise to vote on something where we don't have the law in front of us, and when it comes down, we could come back to it if Mr. Blum agrees.

MR. MILLER: We'll pass over this for a moment, alright ^Mr. Blum? We'll have to return to Chapter 6 if there's not going to be any action taken on Chapter 6. At this time I think we can move on.

MRS. McINERNEY: Yes, Mr. President, if Mr. Blum withdraws his amendment, would it still be possible to have these other words added?

MR. MILLER: Well, he didn't withdraw the amendment.

MRS. McINERNEY: All right.

MR. MILLER: We'll just take up the whole matter later.

MRS. McINERNEY: All right, fine.

MR. MILLER: We'll have to come back to Chapter 6 then. Chapter 7.

MR. LOOMIS: Yes, Mr. President. In Chapter 7 there are no changes at all, either by us or the Commission. Chapter 10, there are changes, and I think important changes. Under Section 102 the terms of the elective officers are spelled out, including that of the Mayor. Now in our meeting two evenings ago, we had a quorum of three persons and voted two to one to increase the term of the Mayor from two years to four years. Last night we had a quorum of four persons, and we found ourselves split on the issue; however the Committee agreed the motion which was approved the previous evening 2-1 in favor of the four-year Mayor should be reported out favorably, so I so MOVE.

MR. MILLER: MOVED and SECONDED, it's the report of the Committee and there's been a second to that. Essentially what we have on the floor is a motion to recommend to the Commission the adoption of the concept of the four-year Mayor in the Stamford Charter.

MR. BAXTER: Mr. President, I think it's important that we enlighten, or at least share with this Board the reasons why we did this.

MR. MILLER: Do you want him to continue, Mr. Loomis?

MR. LOOMIS: No. We regard this as an important change and don't take it lightly. Now these are the reasons we thought it would be wise to shift from a two-year to a four-year Mayor.

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MR. LOOMIS: (continuing)..First of all, under a two-year term, it is our belief that the Mayor spends half of his term finding his way, or perhaps in the future, her way, around City Hall. The second part of his term, or her term, campaigning for re-election.

Second, the Mayor during his first term is largely locked into the budget prepared by his predecessor. Then after he prepares his own budget, if past history is any indication, he may be turned out of office and the process starts once again over. So he never really has control of a budget of his own.

Thirdly, when the Mayor campaigns for office, and when he asks the voters to endorse his proposals, his plans, his promises for the future, it hardly seems possible, that given these restraints, in two years he could fulfill those pledges that he can clearly carry out those things he's promised to the voters.

Fourthly, I think we've seen the past several months, The Economic Base Study, the Planning Board's Master Plan, the Regional Plan Association Studies. They all emphasize the importance of some very critical decisions that have to be made by this City in the very near future. The decisions affect many aspects of our community's life. With this revolving door mayoralty as we now have, I don't think the consistent, steady managerial follow-through to get things done is presently existing with our two-year Mayor.

Now this is why our Founding Fathers drafted a Constitution with a four-year executive and a two-year executive and a two-year legislative body. This is why, in most municipalities, in other states, the same thing exists.

Now, those who are opposed, suggest that the Mayor might have too much power. But they fail to recognize that we do have budgetary powers shared with the Board of Finance. In addition to which, we have the power of appointment, or at least we have the power to approve appointments. So that it isn't as if we're setting up somebody that's going to be running free without any restraints.

This body approves money which the Mayor can use, it approves appointments of persons who are going to serve under him. So for those reasons, we decided that a four-year term would be in the best interest of this City. In all fairness, there were a small number of persons, 2-1, and Mr. Baxter had persuasive arguments as to why this might not be a good idea, so I'd like to refer to Mr. Baxter to give his point of view.

MR. BAXTER: Because I think the general outline is known by most people who thought of the issue, because there are certainly two sides of this issue. The main reason why I opposed a four-year term was because of the additional accountability, the needed accountability that a two-year term provides the people of Stamford.

One of the people of the public who commented strongly on the Charter Revision Commission's report and asked us to throw it out entirely used in his last communication to us that we should return the government of Stamford to the people. Well the people's voice has to be heard and the Mayor has to be accountable to those people.

The last several elections, you'll notice that these people exercised their right to be heard and decided that the incumbent Mayor ought to be replaced by someone else. That would have been prevented then if that incumbent had been in for more than two years.

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MR. BAXTER: (continuing).. Now, on the Charter Revision Commission there were many ex-politicians and even a one ex-Mayor, and it was their feeling and my feeling that the statements that the Mayor, a new Mayor half of his term finding his way around and the other half trying to make sure he stays around campaigning, is a extreme exaggeration. It doesn't represent the fact that the Mayor who gets elected doesn't show up in Stamford the day before the election. That he understands at least in general nature, and some of them in a more detailed nature, the things that are wrong with the City, or the things that are good with the City and the mechanics of it.

He campaigns at great length; he's subjected to grillings at different public appearances where he has to formulate rational answers or be thrown out. So I don't think that argument itself holds water. The second thing we say is that he is locked into someone else's budget, and on his own budgetary plans he's out of office before he can see fruit that they've borne, at least more than once; I mean we do have one year that the Mayor has his own budget.

The problem with that is it is not the Mayor's budget anyway. Mayor Clapes is in the process of submitting a budget right now. That budget was submitted last year. There was a budget, the Board of Finance cut the budget rather substantially, if you remember. The Board of Representatives followed that up by cutting the budget once again.

Now when it was all done, you'd think that Mayor, would ask for more, would say that's my budget; all you guys gave me less than what I wanted. The Mayor, whether he's in for 16 years in a row, or whatever else, comes in with a budget that other people have cut and changed, and it is no longer his budget. It's a combination of budgets; it's not his, it's the Board of Finance and the Board of Representatives' changes. So I think whether we have a four-year term or two-year term, it's to say that that argument doesn't hold water, to my mind.

We say that he campaigns, but he can't effect his plans, he can't carry them out. This Charter Revision has strengthened the Mayor in a two-year term framework, has strengthened the Mayor's powers by making a number of the boards and commissions that now exist, those that are not quasi-judicial, like the Zoning Board of Appeals, in all which should be independent, by making a number of them advisory, by reducing the terms of some of them to give the Mayor somewhat more control. It's a strengthened Mayor that we have in this new Charter Revision package.

The Commissions and Boards in turn provide, and that's part of the idea of having Commissions and Boards, provide a certain continuity. They don't, like the Police Commission and the Fire Commission, they don't all vanish with the Mayor. They have the reservoir, they have the cycled terms and they have the reservoir of the ideas that they've had and they can carry it forward.

Lastly, making analogies to the President and the Governor are fair, but the President and the Governor have a much broader scope of policy decisions than a Mayor does. You have a problem sometimes with this; you know you shouldn't think it's all good. You have a four-year Mayor who, since he doesn't have to stand for re-election until four years from now, is free to do what he chooses for three years, knowing that the voters have a short memory, and as long as he does his trick in the last year, gets the budget down and does a few cosmetic things, he will win, or hopefully he will win again by acclamation.

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MR. BAXTER: (continuing)...I say, we want the Mayor listening to the people all the time and to be accountable to them and therefore, I do not agree with the recommendations and urge that you defeat it.

MR. LOBOZZA: Can I speak of this specifically. I just want to make a couple of points there. Mr. Baxter touched on one and I really think it's a fallacy thinking a man has to find his way around. He shouldn't be elected to office if it takes him a year to find his way around. He should know before he gets in there.

Number two, Mr. Loomis brought up a good point, as far as carrying out his promises to the voters. I think that some of the people we had in Mayor's office, today I think you would find it would take them 20 years carry out some of their campaign promises. So I'd like to leave it the way it is.

MR. BLOIS: Thank you, Mr. President, I, too, would vote against the four-year Mayor and it's very obvious, and I think Mr. Baxter covered it very well, and I might add, we did give the Mayor more powers, or are about to according to the amendments to the Charter, and I think a Mayor in a four-year seat, could very well stack these boards and commissions in the first three years and have very powerful control. I don't think the citizens, the voters, the electors, and the people that live in Stamford would really appreciate that, and I think that all of us should examine our consciences and think of the people who live in the City.

If you get a Mayor in there for four years who isn't really doing his job, we've got a lot of problems. I think a review every two years is good for the City, and I think that if the man proves himself, he sure can get reelected. Thank you.

MR. ZELINSKI: Thank you, Mr. President. If I may, through you to Mr. Loomis, a question.

MR. MILLER: Mr. Zelinski, yes.

MR. ZELINSKI: Yes, okay. Mr. Loomis, in that same section, would you also be changing the term of the Town & City Clerk and the constables and also the members of the Board of Representatives to a four-year term as well?

MR. LOOMIS: It is my understanding that the State Statutes says we cannot tamper with the term of the Town & City Clerk.

MR. MILLER: No, that's not true, Mr. Loomis. You could give those people a four-year term. In fact, I was in the Legislature when that was voted in.

MR. LOOMIS: Well, then I'm mistaken. But to answer Mr. Zelinski's question, no we did not consider a four-year Town & City Clerk; however, we did consider 14 other things which we thought might be reasonable to change within the Charter assuming that we did vote here tonight, and later on if the commission were

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MR. LOOMIS: (continuing)... to vote for a four-year term for Mayor. That is to say, we are aware of other implications in the Charter that might have to be changed if we vote tonight in favor of a four-year Mayor, and Mr. Baxter and I have a list of 14 of them and if we vote in the affirmative, we will submit those 14 suggested recommendations along with this report.

MR. WIDER: Thank you, Mr. President. It is my feeling that if a man has been involved in a community and working as a man should be, before his name is put into the hopper, he should be aware of the needs of the City and the projects that should be brought forth to push the City ahead, and we give the citizens what they are entitled to and meet their needs. This might take two years; as a matter of fact, this might take more than two years. It takes a lot of years before your name is put in the hopper to become a Mayor, and this is more important than the four years that he would have.

I don't think we could do it in two years, I don't think we could do it in four; as a matter of fact, he may feel worse in four years. As a matter of fact, he may put us in a position where we might be out on a limb in the City of Stamford, if he had four years. I would think that if he does do his homework in the community before he gets into office, he will be able to take care of it within two years. Thank you.

MR. HAYS: I MOVE the question, Mr. President.

MR. MILLER: MOVED and SECONDED. We'll vote now on moving the previous question. All those in favor, say aye. Those opposed, no. The motion is CARRIED.

We'll proceed now to a vote on Mr. Loomis' motion which in effect means that we would be recommending that the Charter Revision Commission consider a four-year Mayor for Stamford. There is a request for a ROLL CALL vote. Would those members desiring one, raise their hands. The Chair sees a sufficient number. The vote will be taken by ROLL CALL. The record will indicate that Mr. Connors is now present. There are 34 members of the Board present. Mr. Fox is also present. There are now 35 members of the Board present.

The vote will be taken by ROLL CALL. A yes vote is a vote for the four-year Mayor, a no vote opposed. The Clerk will call the Roll.

NO VOTES

Mildred Perillo
Haudy Dixon
Leonard Hoffman
George Ravallese
Alfred Perillo
Adam Osuch
Sal Signore
James Loboza
Jeanne-Lois Santy
John Wayne Fox
Mildred Ritchie
John Schlechtweg
Sandra Goldstein
Thomas D'Agostino

NO VOTES

Lathon Wider
Gerald Rybnick
Joseph DeRose
Julius Blois
George Baxter
John Zelinski
Donald Sherer
Robert Costello
Leo Carlucci
David Blum
George Connors
Peter Walsh
Audrey Cosentini
Frederick Miller

YES VOTES

George Hays
Ralph Loomis
Vere Wiesley
Marie Hawe
William Flanagan
Lynn Lowden
Barbara McInerney

ABSENT

Michael Morgan
Kurt Zimble
Jeremiah Livingston
Christine Nizolek
John Sandor

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MR. MILLER: The MOTION is LOST; there are 7 YES VOTES, and 28 NO VOTES.

MR. LOOMIS: Yes, Mr. President. Continuing in Chapter 10, I would only point out in Section 103, I think an important change was made calling for reapportionment commission, to be set up in 1980, and thereafter every 10 years which would call for the reapportionment of our 20 districts in an equitable way as far as population is concerned.

MR. HAYS: Yes, I'd like to speak on Section 103, if I may for the moment, Mr. President.

MR. MILLER: Are you making a motion relative to it?

MR. HAYS: Yes, I am. I would like to preface my motion with a comment that the 1980 census, if it goes as the 1970 census went, it won't be ready until about 1982 and by the time you get in the implementation of this addition to the Charter, we'll be into 1983 which is 6 years from now.

I feel there's a more urgent need for reapportionment or re-districting in our City today. I would like to and I do MOVE to delete the words "following the 1980 census" and insert there "within 180 days after the adoption of this amendment, or this Charter amendment"

MR. LOOMIS: Mr. President, may I reply?

MR. MILLER: Yes, Mr. Loomis.

MR. LOOMIS: I don't think we have to get into the effort of drafting specific language if we understand the sense of what Mr. Hays says. That would be sufficient to make a recommendation. So I think we understand what George is saying, but I think it's important though, George, that we keep in this provision that every ten years after 1980 we would have a regular reapportionment.

MR. HAYS: Mr. President, through you to Mr. Loomis. That was my intention in dropping just the first part of that sentence. It continued with and every 10 years thereafter was my proposal.

MR. MILLER: Are you continuing to make that proposal?

MR. HAYS: I have made the MOTION; I'm not hung up on my language, and I've said Mr. Loomis' comments will only pass on the motion as a suggestion or in whatever manner you want to. I suggest your doing it by the language, but I don't care.

MR. LOOMIS: I would only add one other thing and that is that we have to consider the cost of doing such a survey to determine what the population is in what part of the City, and so if I think we do pass this, we have to understand that there's going to be money involved in implementing that.

MR. MILLER: The motion you made is still on the floor, Mr. Hays.

MR. HAYS: Yes, Mr. President. I have an only comment that the money's going to be there whenever it's adopted. The issue to me is better representation, more equal representation, and not the cost. The cost is going to be there whenever we re-district.

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MR. MILLER: Well, the motion has been made. Is there a second to Mr. Hays' motion. MOVED and SECONDED. The proposed change is on Section 103 to delete the words at the beginning of the fourth sentence there, delete following the 1980 census and put within 180 days after adoption of this charter amendment and then following every ten years thereafter. That motion has been made and seconded. Discussion, Mr. Baxter?

MR. BAXTER: Thank you, Mr. President. I would like to say a couple of things. One is that we're halfway through 1977, so we're two years, let me say it again... There will be one more election which is going to be on the, held without benefit of the new census, and I doubt we would get a census in time to reapportion between now and November. The next election will be in 1980 and we may or may not do it quick enough for that one, I don't know. If we follow Mr. Hays' suggestion, at the benefit of saving at most two years, we cost the City money in redistricting without benefit of the census, not only this time, but every other time, because it's a minimum of every 10 years thereafter. I would recommend that we wait until the 1980 census and do it there, and in conjunction with the census every other 10 years. Thank you. I would recommend that we leave it alone.

MR. FLANAGAN: Thank you, Mr. President. Mr. Baxter touched upon the same subject that I was going to raise. My question originally was going to be through you to Mr. Hays. What population data he was going to propose that we use? In his further comments, he suggested that the City conduct it's own census for this purpose, and I would like to be on record against this because I don't think this City can afford to run an independent one for this purpose, and once we get into the cycle as proposed by this change, we will continue, and I think that it would be wrong to initiate a census, and continue it as he proposes every ten years, we just can't afford it, and I doubt if it would be accurate.

MR. WALSH: Mr. President, I'd like to MOVE the question.

MR. MILLER: Is there a second to that motion? MOVED and SECONDED. The question is on moving the previous question, all those in favor say aye; all those opposed say no. The MOTION is CARRIED. We'll proceed to a vote on Mr. Hays' motion, which I think we all understand. Changing that language to instead of following the 1980 census to put in within 180 days after adoption of this Charter amendment. The Chair would note for the record that Mr. Morgan is now present. There are now 36 members of the Board present. The question is on adoption of Mr. Hays' motion. All those in favor say aye. All those opposed, no. We'll take a DIVISION, using the machine. Up for yes and down for no.

MR. BAXTER: Mr. President, since what we're here to do is make suggestions, and since we don't adopt by clear voice vote, and no one calls for a Roll Call or Division, we don't adopt someone's suggestion and I wonder if it is we haven't acted at all, and therefore don't have to go through this drill.

MR. MILLER: The Chair doesn't agree with that, Mr. Baxter. Anyway, we're in the midst of this vote now and I believe everyone has voted and we'll take the count. The MOTION is LOST, there are 7 yes votes and 26 no votes and 3 abstentions. We'll proceed, Mr. Loomis. Anytime we're ready to go back to that Chapter 6, please inform the Chair, but otherwise, we're proceeding on to Chapter 11.

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MR. LOOMIS: Mr. President, I believe Mr. Baxter has the relevant statute, so we could return to Mr. Blum's original point.

MR. MILLER: We'll move back to Chapter 6 then, Mr. Baxter.

MR. BAXTER: Thank you, Mr. President. The Section mentioned is Section 61 which was the subject of Mr. Blum's recommendation. That Section does not provide for a public hearing as we understand a public hearing. It provides for a procedure whereby the value of the property which is to be condemned gets decided. The Section that's drafted there talks about 60 days' notice prior to the proceedings of condemnation, so that would give the people 60 days in which to come before the Sewer Commission, or whoever, not the Sewer Commission but whoever is going to condemn it, to try to convince them not to; but there's no public hearing.

So I would suggest if Mr. Blum doesn't feel that that is satisfactory protection, if he's to make a motion, I would suggest for him to continue with this motion that in light of what Mr. Loomis said, that is not to make a specific language, we can't bind them into language. We tell them what we want like a hearing, consider having a hearing for this, and that would be sufficient, rather than having specific language, Mr. Blum.

MR. MILLER: But he can, if he wishes, Mr. Baxter, make the motion he has made which is specific, and Mrs. McInerney has the right to make her amendment.

MR. BAXTER: Of course he can, Mr. President. I'm just concerned that he'll get hung up on the way that the person who makes the motion phrases it, and spends needless time when we will not bind the Charter Revision Commission. They have a professional drafter and that will waste time, whereas the sense of what he wants, and Mrs. McInerney wants, is clear, and we ought to be able to limit ourselves to that.

MR. BLUM: Through you to Mr. Baxter for legal opinion. Would that mean that a new Section would have to be put into Chapter 6?

MR. BAXTER: Mr. Blum, I don't know. I think you could draft it a number of ways, and if you wanted to have a hearing; there may be a problem with getting a hearing on condemnation, that the City has the right to get that and without having a hearing. I'm not sure about that, but I think that the lawyers on the Commission can look at that, and if you wanted to say, there ought to be a hearing, they would draft it either by a new Section or by amending that sentence.

MR. MILLER: The Chair suggests that probably Mr. Blum and Mrs. McInerney would be able to do what they wish to do if they could simply phrase this in such a way that the Board would be considering a motion to have the Charter Revision Commission consider the possibility of requiring a public hearing and requiring certified mail notice.

MRS. McINERNEY: Yes, it's a certified letter return receipt requested. But I would like that regardless of whether there is a public hearing or not.

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MR. MILLER: There^{are} two separate things, but why don't we consider a motion on the floor for a public hearing on this? You mentioned 60 days. Why don't we leave this language in, Mr. Blum? The owners of the property to be condemned shall be notified in writing not less than 60 days prior to the condemnation proceedings and then make the motion to recommend to the Charter Revision Commission that they consider adding language which would require a public hearing not less than 60 days prior to condemnation and also put in the requirement for the certified mail.

MRS. McINERNEY: Would it be possible to make an amendment to have it read now "shall be notified in writing, certified letter, return receipt requested"; just add those words in this particular sentence at this point.

MR. MILLER: We still have to deal first with Mr. Blum's motion.

MR. BLUM: The reason why I'm asking for a public hearing for the person whose land is going to be condemned is through incidents that have happened here in Stamford. I'm asking that the Charter Revision Committee somehow put the language in that the owner of the property to be condemned be afforded a hearing, a public hearing, and notice be given in writing.

MR. MILLER: You want notice in writing of the hearing, I suppose? You know, we're getting into a lot of technical matters here without anything available before the Board in writing. Now I think without taking too much time, we could send a message to the Charter Revision Commission about basically what we want here. Well, Mr. Blum, we're going to consider your motion. Your motion is, as I understand it, then, that we recommend to the Commission that before there is any condemnation, there be a public hearing with notice in writing to the property owners involved of the hearing. O.K. Is there a second to that motion? MOVED and SECONDED. We'll get to yours afterwards. We're now talking about Mr. Blum's motion.

MR. FLANAGAN: Thank you, Mr. President. I wonder if Mr. Blum would accept an amendment to his motion that would, in effect, say; the said owners shall have the right of public hearing during this time, during the 60-day hearing, because in many cases I'm sure people would not require or desire a public hearing, and to require that any and all Condemnations have a public hearing first would be kind of counter-productive. So if he would accept the motion that the said owner shall have the right of a public hearing during the 60-day period, I would support his motion.

MR. MILLER: Mr. Blum, would you accept that?

MR. BLUM: I'm not a lawyer, but I want to make sure that that gets in. Shall have a public hearing. That little word shall.

MR. MILLER: We'll discuss it with Mr. Flanagan. Right.

MR. BLUM: Right of a public hearing.

MR. MILLER: We have a motion on the floor then to recommend to the Commission that they add in the Chapter 6 language requiring that these people involved with Condemnation of their own property shall have the right to a public hearing and they shall be notified in writing, given written notice of the hearing. All those in favor say aye. All those opposed, no. The motion is CARRIED UNANIMOUSLY.

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MRS. McInerney: Yes, do you want me to repeat the.....

MR. MILLER: Yes, I would.

MRS. McINERNEY: Section 61. Proceedings by Condemnation. The last sentence again. The owners of the property to be condemned shall be notified in writing, certified letter, receipt requested, not less than 60 days prior to the condemnation proceedings, and said owner shall have the right to public hearing.

MR. MILLER: Well, we've already taken care of the public hearing, but your're getting into certified letters. Is there a second? MOVED and SECONDED by Mr. Zelinski.

MR. BAXTER: At the risk of dragging this on even longer than it now appears to be doing, Mr. Chairman I request you consider ruling out of order any further amendments that are adding language, especially to start talking about commas. We cannot draft a Charter here with 40 people. Even if we could, we would be unsuccessful. Motions for certified mail I really request that either you do it, or my fellow Board of Representatives members, restrain their ability, their attempt to give their ideas like certified mail which is clear, it's understandable, it's a good idea, and just say it. The Charter Revision Commission is going to do what they want; we don't have to sit here reading it off like Mr. Blum did, like Mr. Flanagan did, and we will never get out of here.

MR. MILLER: Thank you, your point is well-taken. We have a motion made by Mrs. McInerney and seconded. Do we vote on that? All those in favor say aye. All those opposed, no. The motion is unanimous, and I think it will be very clear to the Commission as to what we mean and what we intend. We will now proceed, Mr. Loomis. We're now up into Chapter 11.

MR. LOOMIS: I would like to reiterate Mr. Baxter's comment if we are here to draft a new Charter, we're going to be here for another couple of days, and we'll only be halfway through by that time. So if any recommendations should come up, they should be general and in just a sense of what the person wants to accomplish rather than detailed language.

Now in Chapter 11, there is another important change, Section 115, in regard to the Board of Representatives. The night before last, we had a vote on the size of the Board of Representatives, and a vote was taken; it was 2-1 to cut the size of the Board from 40 to 20 members. The reason why those of us felt the Board should be cut was because we were troubled by its large size; indeed, it's the

largest legislative body in this country with the exception of Chicago. It's large size makes it particularly unwieldy to conduct City Business with 40 members. It's difficult to get together for more than once a month, and yet with only one meeting, it's difficult to conduct all our business, something of a Catch-22 situation.

With 40 members, a crowded schedule, it is confusing and it's difficult for voters to know where their representatives stand on issues and because it's impossible for every member speaks out on every issue, we have a situation like we did when Chief Cizanckas' name came before us and the meeting lasted about five hours.

It raises a whole question of accountability to the voters who elect their representatives. Let me quote further something that was prepared for the National League on Legislative Bodies, and there are two sentences I'd like to quote.

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MR. LOOMIS: (continuing)...

- (1) "Large Legislative Bodies tend to become more formalized, less deliberative, breaking down into numerous committees which easily get it caught up and bogged down in administrative details unrelated to the overall management of government."
- (2) "Smaller Legislative Bodies tend to ignore the administrative trivia of larger Legislative Bodies and tend to become more involved in directing and controlling, regulating, scrutinizing, coordinating and monitoring those employed by the City who actually do the work."

Now if we look around us, in Bridgeport there are 10 members on the Legislative Body, The Board of Alderman. In Hartford there are nine. In Waterbury, there are 15; and in New Britain, there are also 15. Now you can say that if we look at New York City, which is nearby, there are 40 people. If we want to emulate the Government in N.Y.C. perhaps we should continue the way we are.

Once again, in fairness to Mr. Baxter, who has been very active and helpful on this committee, he was a dissenting vote, and I think he should express his point of view which is contrary to the one I just expressed.

MR. BAXTER: Thank you, Mr. Chairman, and Mr. Loomis. I'm for the 40-member Board. I think it increases accountability. I think that the people are more likely to call up when there are two members from each district; it's a neighbor, or they know the person. I think that there is a problem of inefficiency with the 40-member Board, all of us here know that. I'm not sure how much of it vanishes with 20-members and only half the people to do the work.

We are part-time. We come from different backgrounds. We don't have a staff to help us research and monitor the Boards. The fact that we have 40 people, and people that come from different backgrounds and different experiences in this City, allows us, when we sit in committee and hear stories from people from the Public Works Dept., from this department, from that department, in their budgets or different requests. Those of us that don't have experience on the particular thing that's being brought up, are at sea.

All we can do is say to ourselves is what the person asks for does it make common sense and does it stick together. With 40 members on the Board, there will be somebody there on the committee, there's someone there on the floor more often than not who has actual experience on the thing, and can bring things to light for us.

I think it's interesting that the cities, I mean I know Mr. Loomis could have picked other cities, but I just find it amusing that here we are in Stamford with a 40-member Board and he want us to become like Bridgeport or Waterbury with a smaller Board. I know that's for humor not for substance. I know that there are other cities that are better with smaller numbers.

I think if we have problem with once a month, we may find more problems with fewer people to handle the workload and I think our committee process is very informal and very productive and we may need a balance where it does get more formalized and we can move on things more orderly. I would recommend we stay with 40. Thank you.

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MR. HOFFMAN: Thank you, Mr. President. I certainly echo Mr. Baxter's sentiments. When you think about one question that Mr. Loomis brought up and that is the difficulty of meeting more than once a month. How many times do we come down here and how many times do we meet on a monthly basis, on a committee basis. I have often come down here myself, and I marvel at the fact that you can look and there are sometimes 20 or 30 Board Members around looking out for the interest of the taxpayers, and we're not paid. I think most of us are down here because we want to do a good job for the City; we're not interested in headlines or greater ambitions in Hartford or elsewhere, instead we're just trying to look out for our fellow citizens and the fellow taxpayers, and I think for us to say that we'd have difficulty meeting more than once a month, I would say we'd have difficulty meeting less than once a month.

When it comes to the numbers of committees that we have and having more committee members on these committees, then I say that this gives us an opportunity to probe deeper into what's going on in the City. What kind of, say, shenanigans, is somebody trying pull over on us. With more committees, you could certainly ask more questions, and as Mr. Baxter pointed out with the varying backgrounds that the people have on the Board, it gives them an opportunity to dig deeper.

When you talk about delays in the Legislative proceedings that is caused by a 40-member Board, I say this is absolute, utter nonsense. There are better words for it than that, but I'm going to leave it at that. The reason I believe this is nonsense is because how many times have we 40 members sat here, and how many times have we been sort of stampeded into approving something or other because lo and behold, somebody has to have it tomorrow, next day, within the next 15 days, within the next 10 days, or something like that. We are being rushed into these kind of decisions and approving various things, whether it's money that's being appropriated, whether various acts or so forth to be appropriated or approved of.

I believe that this is all wrong. I believe some delay in the Legislative process, in the approving of various monies for the City's operations are somewhat good, rather than to just rush headlong like a doggone fool in saying yes to these things. I think that some of these require better study, and I think the taxpayers ought to sit back and say thank you Board Members for doing justice for me. Thank you, Mr. President.

MR. BLUM: I would like to voice my opinion for a 40-member Board. I think we all ran an election a year and a half ago where we want our neighbor and citizens participation. They wanted a person who was knowledgeable not only of his district, but also knowledgeable of the City. I think that some of the worry is that we as 40 neighborhood Representatives are not knowledgeable of City matters. believe me, I don't know how long others have been here, but I've been here 56 years, and I think I'm knowledgeable of what's going on in this City. That is why my constituency elected me, and if I don't do a good job, I will not be elected.

We have to turn not to New York City or Waterbury; we have to turn to our next-door neighbors, rural town meetings. I think Greenwich has 240 members and I don't know how they do it but they vote on a lot of money. How do they do it in Darien and New Canaan? Sure they're smaller, but they vote on a lot of money, and I think that we, as 40-members, have done a good job for our City as well as our neighborhood. Thank you.

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MR. ZELINSKI: Thank you, Mr. President. Being one of the two newest Board Members, I believe that we all owe our constituents what they deserve and expect and that's good representation. I sincerely believe that by leaving a Board of 40 members, that is to represent us from each district, it gives our constituents and all our districts a better opportunity to contact and have more accessibility to the Representatives who run their Government, and I am strongly in favor of leaving the Board at 40 members. Thank you.

MR. RYBNICK: Most of the things have been said that I wanted to say so I'll pass right along.

MR. BLOIS: Thank you, Mr. President. I, too, would object to cutting the Board of Representatives, and I have many reasons; but not to sound repetitive, I would just like to say that as a member of the 14th district, I can say that I have a very close relationship with my constituents, and I feel that if you double the constituents that I would have to converse with, it surely would be a terrible burden. I don't think that I could really satisfy many people. Therefore, I would say to be a good Representative, we shouldn't be burdened with extra duties that would normally come up with extra people that would communicate with you.

Also, if you cut the Board of Representatives, you would have to consider the workload. There would be a lot of expenses, because you wouldn't have to go into some sort of payment system, because you wouldn't expect anybody to put 8 or 10 hours per day in with no food on the table at the end of the day. I think the City is run very well. I think we're 40 watchdogs; and for some people's sake, I would like to say that in comparing us with other cities, I would say we have a triple A rating at the present time, and I think that we should be very proud of it.

MR. FLANAGAN: Thank you, Mr. President. It was interesting in the last Board where many of the members that served more than one term, that by my recalling there were over 21, or at least 21 members of this Board, that would have voted in favor of reducing the Board size to 20. I've heard a lot of commentary here. On the previous issue Mr. Baxter said we could not possibly draft with 40 members on the Board; I agree. I don't think you could run any kind of business here with 40 members. I disagree with the statements that say if there were 20 that there would be more man hours put in because that would venture to say that 15 or 20 handled the burden of this Board right now.

I think that anybody in all honesty wants to think about it, and take attendance at the various committee meetings around here, it is not 40 people running the City, that there are fewer numbers that are actually doing the work. However, I have learned something here in over five years, and that is how to count votes. I'm not going to speak any longer because I know where the vote is.

MRS. HAWES: I just want to bring up another reason why the committee voted this way, and that is we considered one of the benefits of the Board of Representatives as it is now is that it's very close to the people. There are Representatives from each section of the City. By cutting it to 20, by still keeping the 20 Districts as we have now, we'll still get a cross-section of all the different people groups of people, within the City and people with different backgrounds.

There will still be a neighborhood Representative that you could call, but yet we'll keep the good points of what we have now, but I think we would get a more streamlined and efficiently-run city by reducing it to 20. Thank you.

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MR. DIXON: Thank you, Mr. President. Certainly Mr. Baxter and those others who have spoken in opposition to this change have spoken very well, and there's very little I can add to what they've said. I might attempt, though to say that what happens in Bridgeport is done for the benefit of the people in Bridgeport and other cities likewise. I think in Stamford, we should be concerned about what is best for Stamford.

Now things have change quite a lot in the past 10 years, and certainly are going to continually change; and in the next 10, I believe Stamford might be ready for a 20-man Board. I just don't believe at this present time that one person representing a district has the concern and is even willing to give full representation to all the constituents of a district. I think Stamford is better off with the 40-member Board and I'm certain that the people of Stamford, on a cross-section basis, are getting much better representation. Thank you.

MR. SHERER: Thank you, Mr. President. I'm in favor of lowering the number of membership to 20, and to paraphrase Mr. Blois, it's been said that we are 40 Mayor's here and not watch-dogs. I think sometimes that's the main problem with such a large number. I have to and I don't want to repeat what Mr. Flanagan said, however, I did make some observations in the course of the last year-and-a-half and have noticed how difficult it has become, on many of the committees I'm on, to get a quorum, and how we function with just the minimum number necessary to have a quorum. That leads me to believe that since the quorum is just over half and there's over 40 members, then just about half, as Mr. Flanagan said, of our members carry the Board. I've seen this all too often.

I really believe that contrary to Mr. Hoffman's observations that our constituents and taxpayers are astute enough to choose the best candidate in their district to watch-dog their interests. I think that whether there's one, or two, or three candidates running in the district, the people in that district will make their voice heard so as to get their proper representation on the Board. Therefore, I strongly urge you to give up a little selfishness in perhaps your own seat, and think of the welfare of the community and vote in favor of lessening the number on the Board.

MR. D'AGOSTINO: I MOVE the question.

MR. MILLER: Is there a second to that? We'll vote on moving the previous question. All those in favor say aye. All those opposed, No. The motion is CARRIED.

The question is on the recommendation that the size of the Board of Representatives be reduced from 40 to 20 members. A YES vote is for the reduction to 20. Roll Call vote. Would those desiring a Roll Call Vote raise their hands. Since 1/5 of the members present desire a Roll Call Vote, the Clerk will call the Roll. A YES vote is for reducing the size of the Board to 20, a NO vote against. The Clerk will call the roll.

(vote on next page)

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MR. MILLER: (continuing)...A YES VOTE is for the reduction to 20 members, a NO VOTE is against.

<u>NO VOTES</u>		<u>YES VOTES</u>
Michael Morgan	Lynn Lowden	Mildred Perillo
Handy Dixon	Thomas D'Agostino	George Hays
Leonard Hoffman	Gerald Rybnick	Ralph Loomis
George Ravallese	Frederick Miller	Vere Wiesley
Alfred Perillo	Joseph DeRose	Marie Hawe
Adam Osuch	Julius Blois	William Flanagan
S.A. Signore	George Baxter	Sandra Goldstein
Lathon Wider	John Zelinski	Barbara McInerney
James Lobozza	Robert Costello	Donald Sherer
Jeanne-Lois Santy	Leo Carlucci	Audrey Cosentini
John Wayne Fox	D ^A vid Blum	
Mildred Ritchie	George Connor	
John Schlechtweg	Peter Walsh	

The motion is LOST. There are 26 NO VOTES, 10 YES VOTES.

May I have your attention please? The Chair has an announcement which is of considerable importance. It is with great pleasure that I think that I could publicly announce what I think we all know, that City Representative and Mrs. Mike Morgan have recently become the parents of Sarah Morgan, and this is our first opportunity to publicly congratulate them.

Before coming to this meeting I reviewed the minutes of the last meeting of this type which was held in 1969 and at that meeting, the birth of one of the City Representatives, John Fusaro's children was announced. Mr. Fusaro was a member of this last Charter Revision Commission, too. So we continued a tradition tonight. Congratulations to Mike and Susan Morgan.

MR. MORGAN: Thank you, Mr. President. Thank you everybody. It's my excuse for being a little late tonight, too.

MR. MILLER: We'll proceed with the business at hand.

MR. LOOMIS: Yes, Mr. President. Moving along, Chapter 12 there were no changes; there, however, were in Chapter 20 which specifies the powers and responsibilities to the Board of Representatives. I might say on this page there are two what I call technical changes which the Committee made. These are changes that are typographical errors or where the language isn't very clear.

Under Section 201, they say if a Representative shall die, resign, or cease, and we added there if a Representative shall be removed; in addition to clarify that section on the bottom of the page, the word powers' was misspelled, so we just noted that. So when the final report is printed, at least we'll have something that is correct grammatically and in the way the language is to be understood.

Now, there is a more substantive change. Section 202.3 states that the President of the Board of Representatives shall appoint an Administrative Clerk. There was some confusion as to who or what the Administrative is, so we changed that to Administrative Assistant, so that we know exactly who we're speaking of in this particular provision and that was a unanimous vote. So I would so MOVE that we change

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MR. LOOMIS: (continuing)...Administrative Clerk to Administrative Assistant just for clarification purposes.

MR. MILLER: MOVED and SECONDED. Mr. Baxter.

MR. BAXTER: Thank you, Mr. President. I would like to offer an amendment to the motion made by the Committee Chairman. The amendment would be that instead of where that section now reads that the Administrative Clerk would be the person to have custody and control of our records, files and records. I'd like to make the amendment that was originally proposed by Mrs. Goldstein that it would be the Clerk of the Board who would have custody of these records. Now she offered that in one of our meetings. Principally because of my disagreement, it didn't pass. Because we felt that since the Administrative Assistant was the person who was physically here during the day, and handled the day-to-day matters that come into the office of the Board.

The present charter which says it's the Clerk of the Board was written at a time we didn't have an office staff, and the person elected as the Clerk of the Board took the stuff home. Now Mrs. Goldstein and the other members of the Committee indicated that it would be better not to have, only to have the elected person in the Charter be the one who has the custody and control, and while I didn't agree in the Committee meeting, I've had a chance to think about it, and I find myself in complete agreement with them.

Mostly in terms of what happens if the custodians abuse their power. If the Clerk of the Board, Mrs. Goldstein's successor, abuses her custodianship, we can, by a majority vote, remove her in an instant. If the public servants shall abuse their power, Mrs. McEvoy's successors should abuse their power and not give the records up, we could remove them but only by complying with Civil Service procedures which takes a long time.

MR. MILLER: Do you accept this, Mr. Loomis?

MR. LOOMIS: Yes, I do.

MR. MILLER: I think though there is some confusion about what we would be putting in here. It would seem to me that what we suggest is that 202.3 there will be a Clerk of the Board of Representatives elected by the membership, is that correct? Well, it wasn't stated by Mr. Baxter.

MR. LOOMIS: Mr. President. If I can give the sense of what we're saying is that in not having the language written out but that this Board would elect a Clerk. The Clerk would then be the one to have the custody of the correspondence, the files, the records. The President would be the one to appoint the Administrative Assistant and others who would be working in the office. That would be the way it was worded as I understand it.

MR. MILLER: Well, we're not talking about others working in the office. Where we have the right in 202.3 is the President of the Board of Representatives shall appoint an Administrative, the word is Clerk.

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MR. LOOMIS: The language which is in our Rules of the Board, I believe, would conform to what I just expressed and that I think is what we intend, or what we'd like the sense of this section to be.

MR. MILLER: I think there's still some confusion but I think what is intended is that there be a Clerk, as there is now, to be elected by the Board, and the Clerk would be the person with custody of correspondence, files and other records; and then there would be an Administrative Assistant appointed by the President of the Board of Representatives in accordance with Chapter 73 of this Charter.

MR. LOOMIS: That's correct.

MR. BAXTER: Mr. President, may I respectfully suggest that we don't need to put into the Charter the method by which the Board picks a Clerk of a Board. By rules which we have adopted, we decide that we will elect them. So future Boards may want to change their Rules and have the Clerk appointed by the President or some other way. I don't know if we need to put in the Charter the method of selection.

MR. MILLER: Well that's what you have in it now, you know. Well you're talking about removing people, you know. You're talking about the ability to quickly remove a Clerk, and of course when you elect somebody, there is that implication that if the Body elects, the Body can also remove.

MR. BAXTER: It says a point which it can do by its Rules, Mr. President. Why should we bind in people for ten years to cause an election for an office.

MR. MILLER: Well I don't interpret that to mean that the Board of Representatives could do anything but elect. I think if it says the Board of Representatives shall appoint, that means the Board of Representatives, that means the majority of an election. I think we agree on what the motion is now. If you want to change it Mr. Baxter, go ahead.

The motion is, as the Chair understands it is, to make a recommendation to the Charter Revision Commission without getting too precise about the language that this Section 202.3 should contain the requirement that there be a clerk of the Board elected by the Board of Representatives. The word used there is "appoint" I would say that means the elected, in this case chosen, by the Board of Representatives and that Clerk will have custody of the records and so forth. There will also be appointed by the President of the Board of Representatives an Administrative Assistant. We're not talking about the Administrative Clerk. That's the sense of the motion, to get rid of that language: Administrative Assistant. It's a title of a Civil Service position. Now we'll open the floor to debate.

MR. MORGAN: Thank you, Mr. President. I support the motion that's been made by Mr. Baxter and restated by you. I think that it's really a very simple matter. We choose a Clerk among our colleagues to be responsible for the general supervision of the office. It goes hand-in-hand, I think, that this is one of the duties that the Clerk should have the final responsibility for. But that authority can very easily as a practical matter be delegated to the Administrative staff that are employed here on a daily basis. I think that's what the sense of the proposal really is, and I think that's a sound and altogether logical way for us to handle this kind of responsibility for the Board, and I support it therefore.

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MRS. COSENTINI: Yes, I would like to speak to this motion. I would like to support Mr. Baxter's motion. I feel that the reason this was put in the Charter originally about having a Clerk is because our Board has documents that are extremely important in terms of laws that we pass. There's nowhere else in this Charter, there may be one or two places that refer to records, but essentially, they single out our records as being of such importance that they designate someone to be in charge of them.

I think Mr. Baxter's arguments, in terms of that being one of the elected officials is very pertinent. I would like to say also that I don't even think, I mean have no objection about the part of the President choosing the Administrative Assistant from Civil Service, but I think this Board ought to have some say in how it wishes to operate in terms of what kind of staff we'd like. I don't care if the President is the final appointing and hiring authority. I think we ought to leave the Charter and again no place else in the Charter is there any reference to a Civil Service employee of this stature. Only department heads that are directing a whole department are mentioned. I think it's silly to get that detailed.

I think we ought to leave ourselves open as to how we would like, I don't care who the appointing authority or the hiring authority is. If it's the President that's probably very appropriate, but I'm reluctant to put titles of Civil Service employees in the Charter when we may wish as a Board at sometime to organize ourselves in some fashion that is more suitable to our needs.

MR. BLUM: I just wonder if looking at the Charter as it now stands Section 202.3 records. Why wasn't it kept intact the way it was. Why didn't they just add to it the President of the Board of Representatives shall appoint the Administrative Assistant. Then go on from there. Let's delete the whole thing and let it stay.

MR. MILLER: A motion to recommend that the commission leave this Section 202.3 intact as is would be in order when we get through with the motion presently before us.

MRS. GOLDSTEIN: Thank you, Mr. President. I do agree with Mr. Baxter's motion. There are certain talents that are vested in this Board that we as a group should and must guard jealously. One of these is the custody of our correspondence, files, and other records. It is our duty to maintain that custody. It is a right and a right we must keep. Currently, the Charter states it. This states that the Board in the person of the Clerk shall have custody. I believe it is a very good provision of the Charter.

The Clerks have been through the years able to delegate to administrative help the actual clerical work that must be done in administering the correspondence, the files, the records. But the ultimate responsibility must be vested in the elected representatives of the people and not someone who is not elected. Accountability is very, very important to the City.

Our Board, through its wisdom, has also through the years made this point very clear in our Rules. Our Rules of the Board state, the Rules that we vote on and have voted upon in the past and for this current term that the clerk shall be responsible for the keeping of the minutes, the correspondence, the records, etc.

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MRS. GOLDSTEIN: (continuing)...Then, the second provision of the Rules that the Clerk shall be responsible for supervision. In other words, supervise the Administrative help to take care of these Charter delegative responsibilities. Shall we change this now. Shall we divest of the power that is inherently ours. Shall we change the fabric of the Charter rather than permitting ourselves through our own rules to determine from Board to Board how we will handle our office. I say, let us vote for Mr. Baxter's amendment. It is a good one. I do not believe that this is a case where we should follow the recommendations of the Charter Revision Commission. Thank you.

MR. LOBOZZA: Thank you, Mr. President. Here tonight, I heard a lot of people speaking of continuity and things of that sort. Personally, my feelings our Administrative Assistant is hired because of her ability to pass the Civil Service examination and she's picked from I think one of three people. She has to be competent. There's no question about that.

I think if we want to have continuity and we want to have people that are responsible for things around here that it should stay or should be with the Administrative Assistant because in two years someone else is elected Clerk of the Board. Right now our experience is Mrs. Goldstein has just taken over for Mrs. Clark. I mean here, someone would have to learn something. Here we have a paid employee who's here 8 hours a day. It's her responsibility, if she doesn't do her job, she can be fired. I think that if we want accountability, it should be with Civil Services.

MRS. PERILLO: Thank you. I thought you forgot about me. I would like to ask Mr. Baxter, but he's not in the room, so I'll ask you Mr. President. What happens the next time around if a person is elected Clerk of the Board and they work eight hours a day, where is the availability of the records for the Board of Representatives?

MR. MILLER: I really don't think that's relevant to the debate at hand. People can take that into consideration when they vote I suppose, but there is no requirement that the person elected Clerk, according to our Rules, be in the office for long periods of time during the day. So that's a matter for each individual to consider. Anything else, Mrs. Perillo?

MRS. PERILLO: No, thank you.

MR. BAXTER: Mr. President, I would like to answer Mrs. Perillo only because I think there may be a misconception and I wouldn't want them to operate on that. The person who has the custody doesn't have to be the person who sits on top of the records with a shotgun. So if we have somebody who works and can't be in the office, that's why we have an Administrative Assistant. The power can be delegated, and it's a question of who is in control and not who is there who is in technical ownership of it for the Board, and not who is in the office allowing day-to-day access. Thank you.

MR. SIGNORE: I MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say aye. All those opposed, no. The MOTION is CARRIED.

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MR. MILLER: (continuing)... We'll now proceed to a vote. There is a request for a Roll Call vote by Mr. DeRose. Would those members desiring a Roll Call raise their hands. The Chair sees a sufficient number, 1/5 of the members present. The vote is on a request for a change and the essentials are that this Section of the Charter contain the requirements that the Clerk of the Board be elected by the Board, and that that Clerk shall have the custody of the records and so forth, and when ordered shall file them with the Town Clerk. Then there is also a provision for the President of the Board to appoint a person with the title Administrative Assistant, and that's the Civil Service employee we're talking about.

A YES vote is for this motion, a NO vote opposed. The Clerk will call the Roll:

NO VOTES

Mildred Perillo
Leonard Hoffman
George Ravallesse
Alfred Perillo
Adam Osuch
S. A. Signore
James Lobozza
Jeanne Lois Santy
John Schlechtweg
Thomas D'Agostino
Lathon Wider
Joseph DeRose
Julius Blois
John Zelinski, Jr.
Robert Costello
Leo Carlucci
George Connors
Peter Walsh

YES VOTES

Michael Morgan
Handy Dixon
George Hays
Ralph Loomis
Vera Wiesley
Marie Hawe
John Wayne Fox
Mildred Ritchie
William Flanagan
Sandra Goldstein
Lynn Lowden
Barbara McInerney
George Baxter
Donald Sherer
David Blum
Audrey Cosentini
Frederick Miller

The motion is LOST with 17 YES votes and 18 NO votes. The Chair would point out that it is still possible to have motions on this matter, and a motion to leave a Section of the Charter as is would be in order. Also, a motion concerning that Title Administrative Clerk would be in order.

MR. FLANAGAN: Thank you, Mr. President, you took the words right out of my mouth. I make a motion that the Section 202.3 of the Charter be left as written and as, it has stood since 1948, it has never been amended. It says that the Board of Representatives shall appoint a Clerk which shall keep a record of the Resolutions and other proceedings of such Board, and shall have custody of its correspondence, files, and other records when ordered by the Board. Such records shall be filed with the Town Clerk and open for public inspection at reasonable hours. I would accept an amendment to my motion that the word Town & City Clerk be added to that.

MR. MILLER: MOVED and SECONDED. Mr. Flanagan's motion is that 202.3 be left as is except that, as we've done with other Sections in this Charter Revision, where we see the term Town Clerk, that that becomes Town & City Clerk. Now we're open for discussion.

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MR. BAXTER: In a way I'm kind of glad that we're keeping on talking about this because as Mr. Flanagan read his motion, I focused on a sentence that I didn't before, that's in both of them, and it says, well let me ask Mr. Flanagan. Does it say when ordered, you should file it with the Town and City Clerk, or does it say it shall be on file with the Town & City Clerk?

MR. FLANAGAN: It says when ordered.

MR. BAXTER: In the old one...

MR. FLANAGAN: By the Board.

MR. BAXTER: I retract my comments, excuse me.

MR. MILLER: Is there any discussion on this motion.

MR. LOBOZZA: Correct me if I'm wrong, Mr. President. Actually, what we're doing here is we're voting on something basically the same as that that was just defeated. Am I right?

MR. MILLER: No.

MR. LOBOZZA: What's the difference, please?

MR. MILLER: The differences are very different because if you leave it as is, 202.3 as it presently exists in the Charter, there is a very substantial difference between that and the 202.3 recommended by the Charter Revision Commission, which not only apparently talks about a Civil Service employee and not the Clerk of the Board, but really creates a new title, which no one has at the present time, Administrative Clerk.

MR. MORGAN: In addition to that, the Charter Revision's recommendation gives these powers to the President of the Board, and not to the Board of Representatives as a group, and I personally would like to see it stick with us, 39 of us.

MR. MILLER: Clerk, that is.

MR. MORGAN: The Clerk.

MR. MILLER: Well I don't want to get into the debate but originally, they had proposed that the Board of Representatives shall appoint an Administrative Clerk, and I pointed out to the Commission at their last public hearing that what this in effect means was that a Civil Service employee would have to be elected by the Board of Representatives, and I wasn't sure that that's what they wanted really.

MRS. COSENTINI: Yes, when I was at the meeting Monday night when the Commission came before our Committee and I asked them the reason for the change, you know what it boiled down to. They thought that the Clerk that was mentioned in the Charter was our Administrative Assistant and were totally unaware of our own Rules about our Clerk and really hadn't given it any thought whatsoever.

So we had thrown in here what they thought was going to tidy up the situation and indeed muddy it irreparably unless we go back to the original, and I can only state

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MRS. COSENTINI : (continuing)...again that I think it's important that this Board, they were very reluctant to give away their powers when it came to being a 40-man Board. I find it strange that they're willing to give away this power of deciding who's going to be charge of their records. I would like to reiterate again that I think it's wise not to mention Civil Service title at all, unless we should want something different.

MR. HOFFMAN: Thank you, Mr. President. I'm sure you took a little exception to Mrs. Cosentini speaking before me because I do think I had my hand up before she did.

MRS. COSENTINI: I apologize Mr. Hoffman, but I did not see you.

MR. HOFFMAN: Now, if I may, I believe the wording here that we're getting hung up on this, as Mr. Baxter said, the Administrative Clerk, the Administrative Assistant that can be changed. I think that we can tell that to the Charter Revision Committee. But one thing I would hate like heck to see come out of there and that is the fact that this Administrative Clerk or Administrative Assistant has been appointed under the Civil Service provisions of this Charter.

On the last Board, we fought like the dickens to get this sort of thing through and get the Government and the Personnel Department following the Civil Service procedures. Now, suddenly we got a hang-up about this word Civil Service. Now when the one thing is becoming cleaned up, now that the thing is finally getting cleaned up to the point where it's acceptable and it's proper, and somebody in Civil Service now has a ghost of a chance, now we're saying let's cut it out.

MR. MILLER: Mr. Hoffman, I don't like to interrupt but I don't really think that's..

MR. HOFFMAN: No, I understand, Mr. President. But on the other hand, everybody has had a chance to speak on this particular motion, and I'm saying I'm for it and I'm opposing this business of trying to change this particular wording. I favor this. The other thing someone was saying to me that they are afraid that the Administrative Clerk or the Administrative Assistant can keep these records from us. I don't believe that this is the case at all and I believe that should be clarified as well, Mr. President. I don't believe that this is proper. So if we had a Civil Servant doing this that, you know, you can't get rid of someone like this. I don't believe that that's at all the case. Freedom-of-Information Act provides accessibility to all.

MRS. RITCHIE: I think the Charter Commission was trying to update the business language of today. Ten years ago a Clerk was a person who did the filing in the office, sharpened the pencils, etc. Today Administrative means orders or duties delegated to you in the absence of your boss. Therefore I think they just wanted to update it. A Clerk is a Clerk and an Administrative Assistant is an Administrative Assistant, and there is quite a difference between the two of them. Thank you.

MRS. GOLDSTEIN: Thank you, ^Mr. president. I do agree with Mr. Flanagan's motion. I think that the Charter as it stands now is good as opposed to the revision. I do want to say one thing in relation to Mr. Hoffman's statement. There is no question that the Administrative help in the office shouldn't be Civil Service employees. That's not the issue. It's vested rights and custody that is the issue.

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MR. SHERER: Yes, I think that the Charter should stand as it is written right now. I think that between the Charter playing out the responsibilities of the Clerk in keeping the custody of the files and other records, and the Civil Servant provisions of the classified service which lays out the Administrative Assistant function I think that two items are covered, and I think that there is a little cloud on the issue as 202.3 as amended is written because it tries to define something which isn't really needed, and I think that we should keep it the way it is.

MR. MILLER: Could we have order, please, before we proceed.

MR. WIDER: I MOVE the question, Mr. Chairman.

MR. MILLER: Is there a second to that. MOVED and SECONDED. All those in favor say aye. All those opposed, no. The motion is CARRIED. We'll proceed to take a vote on this question. The question is on the motion made by Mr. Flanagan to recommend to the Charter Revision Commission that Section 202.3 of the Charter remain as it presently reads. A yes vote is for that motion, a no vote, opposed. We have had a request for a Roll Call vote to my knowledge.

MR. MORGAN: A POINT OF INFORMATION, Mr. President before we vote. If we reject Mr. Flanagan's motion, then return to accept their recommendation of the Charter Revision?

MR. MILLER: Well then in effect, you've accepted it, unless somebody makes some other motion.

MR. MORGAN: Okay, but what I'm trying to ask is if we are essentially eliminating the elected position of Clerk of the Board of Representatives.

MR. MILLER: I wouldn't say so.

MR. MORGAN: Because this Section 202.3 is the only Section in the Charter at the present time that defines that position.

MR. MILLER: Well, Mr. Morgan?

MR. MORGAN: So therefore, we should leave it the way it is.

MR. MILLER: Mr. Morgan, the Chair doesn't wish to participate in the debate, but it is the Chair's opinion that even if 202.3 were to be completely deleted from the Charter, it would still be possible for the Board through its Rules to create the office of Clerk, and actually indirectly, the Charter would still require that we have a Clerk because there is language, just a couple of pages later which gives us specific duties to the Clerk concerning ordinances, signing them with the President and the Mayor.

If the motion presently before the Board fails, the Chair will feel compelled to leave the Chair and make another motion because there is a serious problem as far as the Chair is concerned with that title Administrative Clerk which is the Clerk no one at the present time has, and I really think, we're getting a little too involved with this. I think all the Charter Revision Commission was trying to do was to sort of up-date that part of the Charter, and I think they were confused, and I think they really didn't understand what they were doing.

We have a motion before us now, and we'll proceed with that vote. The motion made by Mr. Flanagan was to leave Section 202.3 as is. All those in favor say aye. All those opposed, no. The motion is CARRIED UNANIMOUSLY. We'll proceed.

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MR. LOOMIS: May I just note that we spent 35 minutes discussing this one section. We have 86 pages of this report left to go through. So if we proceed at this rate, we're simply not going to get through this report tonight.

MR. MILLER: Mr. Loomis, the Chair at this time is going to declare a 5-minute recess, and we'll resume at 10:30.

MRS. HAWE: Thank you. I'd like to make a motion regarding Section 201 on vacancy on the Board of Representatives and my motion would be to change it from the way it is now where the Board of Representatives at its next regular meeting following the vacancy elect a successor to serve for the remainder of the term.

My motion would be to change that to within 45 days of such a vacancy, a special election shall be held in that district for the purpose of electing a successor to serve for the remainder of the term.

MR. MILLER: MOVED and SECONDED.

MR. LOOMIS: Mr. President, we discussed in some detail the motion Mrs. Hawe just made. And by a vote of 2-1, turned it down. We did so for two reasons. Number one- the cost of holding an election each time a Representative should resign would be considerable over a two-year period. Here we've had six resignations and our term is not up even yet.

The second - is that it's very difficult in these kinds of special elections to really get a good turnout: and consequently, it's likely that only a few people would participate in the election process. So I would vote against the motion Mrs. Hawe is making

MR. MILLER: Is there any further discussion on this motion?

MRS. McINERNEY: Thank you Mr. President. I'd like to speak in support of Mrs. Hawe's motion. It is my own personal feeling after watching the Board change to see so many times during the past few years that I've sat on here, that the people who live in a district who elected a Representative should have the right to pick the successor from their district. It is those people who will have to turn to that representative for help. I don't really think it belongs in the hands of political parties, either Republican or Democrat, and I do feel that it should be a run-off election.

MRS. HAWE: My reasons for proposing this are what Mrs. McInerney has said that the people be given the right to choose the people who represent them. Mr. Loomis has brought up the fact that in such an election perhaps only a small percentage of the people in that district would come out to vote, and that could be true, but even in that case it is preferable. If that's the case at least the person that's picked will be more representative of the people's wishes than someone who's chosen by the 39 remaining members of the Board.

MR. D'AGOSTINO: I MOVE the question.

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MR. MILLER: Is there a second to that? MOVED and SECONDED. All those in favor say aye. All those opposed, no. The MOTION is CARRIED.

The question is now Mrs. Hawe's motion which would be to change Section 201 to provide for a special election within 45 days. Mrs. Hawe, if there is a vacancy on this Board, there would have to be within 45 days a special election for the constituency to choose a successor. I might, well, we'll proceed to a vote on this motion. All those in favor say aye. All those opposed, no. We'll take a Division, using the machine. Mr. Connors has left the meeting. We now have 36 members present. Mr. Hays has also left the meeting, we now have 34 members present.

The motion made by Mrs. Hawe was defeated. There are 29 no votes and 5 yes votes.

MR. LOOMIS: Yes, Mr. President. There were no other changes the committee considered or made in Chapter 20. Going onto Chapter 30, the Mayor's Powers.

MR. ZELINSKI: Mr. President. Excuse me. I didn't mean to interrupt Mr. Loomis, but there was a change I would like to discuss, that is Section 204 1A. The last sentence. The Board may at the meeting, or at any meeting within 45 days thereafter by a 2/3 vote and the changes of an entire membership pass the ordinance over the Mayor's veto, and the ordinance shall thereupon become effective without further action by the Mayor.

I seems to me that that's quite serious^a change and I would like to open it up for discussion.

MR. MILLER: Well there's really no way to open it up for discussion unless a motion is made. But I'll give the floor to Mr. Loomis.

MR. LOOMIS: Mr. Zelinski, we discussed this at some length with the officers of the Charter Revision Commission. It was, first of all, one of the guiding principles of the Commission to, in whatever way they could, strengthen the powers of the Mayor, and it was felt if we were to have the provision in the Charter as it remains, 2/3 vote of those who are present, you might have a very small number present, in effect over-riding the veto of the Mayor with just a handful of people.

So they thought it wise to strengthen this provision by saying 2/3 of the entire membership, and they felt it's something we shouldn't take lightly, overriding a veto of the Chief Executive officer of a Municipality and indeed if you look at the State or the federal level, you'll find the same kind of language. So that is why the change was made, and it was the change agreed to by this committee.

MR. ZELINSKI: Thank you, Mr. President. Just for clarification, by giving more power to the Mayor. It would seem to me that we're taking some slight power away from our own Board here. As it read, unless I'm reading it wrong, the way it was as far as members present, there again assuming you're not going to have a small amount, it would seem to me that.....

MR. MILLER: There was a technical problem with this I think the Chair should be free to point out; because we did have this issue come up in the 13th Board, and there is a technical problem with the language that you now have, because it reads by a 2/3 vote of the members present, and you have to have 21 members here to have a quorum, and another Section of the Charter requires that you have to have 21 votes in order to finally adopt an ordinance.

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MR. MILLER: (continuing)...It came to pass that we had a meeting at which it appeared that the Mayor's veto might be over-ridden by 2/3 of the members present, but because of the small number of people at the meeting, the 2/3 of the members present would be less than 21, and the Chair ruled that no matter what Section 204 1A, said, in order to over-ride a Mayoral veto, you have to have 21 votes, which seems to make sense, because if another part of the Charter requires 21 votes to finally adopt an ordinance, it doesn't seem right, logically, that you should be able to over-ride a Mayor's veto with less than 21 votes.

MR. ZELINSKI: Thank you, Mr. President, you clarified. You can move on.

MR. MILLER: You're welcome. We'll move on then to Title 3.

MR. LOOMIS: Once again in Title 3, Chapter 30 is a brief Chapter. We did not make any changes. In fact the Commission really did not make any substantive changes here.

Chapter 40 goes into the general provisions describing some of the responsibilities and duties of the departments. Now, on that page, Chapter 40, Section 401.1, I think it's not important but fair to note that this is an area where there has been some public debate. That is, concern over whether the Police Chief should be tenured, or whether he should be under contract. I might say that this provision would be similarly debated on the Fire Chief. It was unanimous vote of this Committee to leave the revised section as is.

There was some recommendation that the hearing which we held to go to a contract basis with regard to the Police Chief and the Fire Chief; our feeling, however was that if indeed to sign a five, six, or seven year contract with the Police Chief for example, it would be very likely after 3½ or 4 years that a good deal of politicking would take place within the City to secure the reappointment of the existing Police Chief, which is something especially, he being the head of a para-military force, which would not be desirable.

Particularly in view of the fact the State Statute just passed, now enables municipal employees to take part in the political process which would only encourage and increase the likelihood of the police getting involved in the political process.

Now the other important factor in our reasoning is that, in this Revised Charter, there are strong provisions for removal for cause. That is, if the Police Chief or the Fire Chief were to commit any wrong-doings under the Revised Charter, the Mayor would have reason to remove the Chief. So, we felt, therefore, that under the revised provisions of this Charter, the citizens of this City were protected.

So consequently, we agree with the provisions, the revised provisions, of this section. I wanted to describe this because I know there's been comment and debate, and there were particular suggestions made to our committee at the public hearing.

MR. MORGAN: I would like to amend this Section of the Charter, so that the Police and Fire Chief would be appointed for a term of 5 years, and I would make that suggestion, and along those lines, make a couple of comments.

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MR. MORGAN: (continuing)...This is something Mayor Clapes has recommended, this is something that a number of people who on this Board have spoken to Charter Revision Commission, this is something that our new Police Chief has indicated he would be willing to accept. It just seems to me that every member of this Board who works for a company, is not guaranteed their job until they're 65 years old, there's got to be some accountability. But at the same time, I think that a person who is a Police Chief or a Fire Chief in an important public policy role in the City of Stamford has got to have some security of which to make the day-to-day decisions.

By giving him a five year term, which is longer than the Mayor is going to be in office, it's longer than the members of this Board serve, five years gives him some security in order to run his department without interference. Now I've listened to argument, if you hire somebody for five years he goes for four years, and the fourth year he's susceptible to political pressure. I don't believe that. I think if somebody is doing a good job, and that they're competent and they've demonstrated their competence to the people in the community, they can withstand any kind of political nit-picking that might occur, yet, if indeed any occurred, in the last year of the five-year contract.

Now, the Section of this Charter that strengthens the removal for cause of Civil Servants just doesn't work. I mean, think about it. When was the last time that a Civil Servant in the City of Stamford was removed for cause, and how often does that occur. It is so rare, and it is so difficult, and it is so time-consuming, and it is so controversial that it just doesn't make good management sense to rely upon that mechanism for handling such important jobs as the Police and Fire Chiefs.

So I would suggest a fixed term and I'm suggesting 5 years, but I'm not, to five years, I would accept 7 years, or 8 years, or 10 years. But whatever, I think its got to be a fixed term and I think there's no reason the Police or the Fire Chief, whomever, is doing a good job after that five, seven, eight or ten year period, we reappoint him for another fixed term.

But we don't put somebody into a job when they're 39 years old and forget about them until they're 65. I just don't think that's good management or good government, and I'm against it.

MRS. PERILLO: Thank you, Mr. President. I agree with everything Mike said, he said most of what I wanted to say. Again I would like to say, very seldom is the Police Chief brought up on charges, and after this man is in, whether it be Chief Cizanckas or someone else, if he doesn't do anything wrong, what do they do to get rid of him if he just goes in and lets the Deputy Chiefs run the Police Department, and he's not doing anything wrong. How are they going to fire him?

MR. BAXTER: I hope everyone pays attention to the debate, because I think this question is almost as important as the other substantive issues that we've had, the four-year term and the 20-member Board. I think it's really hard to look at our past experience that we've had up till now to make a judgement and a prediction of what's going to happen in the future, because as Mr. Loomis pointed out, there are two, well he pointed out one I think, two major things that are totally different in the future than there is now.

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MR. BAXTER: (continuing)...Before we had a little check that prohibited the over-politicizing of the uniformed police and the uniformed firemen as well as the municipal employees.

No. 2, in an effort to strengthen the Mayor's position, just like we did with the 2/3 vote, the Charter Revision Commission tried to get us a stronger Mayor, and they gave to the Police Commission and the Fire Commission more powers over the Police Department than they now have. In effect, the Police Commission which is politically appointed, politically appointed by the Mayor, whoever he is, can put five of them on there, are the ones who select from the Civil Service, you know the three people on the recommendation of the Police Chief, they're the ones who select which of the three people are to be promoted, you know, the Civil Service thing.

The Police Chief works for them in a way, in policy, and for that they didn't before. That's to put a control on the guy if he's in there until age 65. I ask everybody to turn to Section 740 on the Chapter, especially those who haven't looked at it. There they set out much more detailed grounds for the reason that you can remove a Police Chief or a Fire Chief. That is to say the appointment Section of the Police Chief refers to this Section as the removal provisions.

You'll notice incompetency, misconduct, neglect of duty, and there's somewhere else insubordination, or failure to follow specific orders by supervisors. Those specific policies could be the Police Commissioners'. What you've got is a politicized, and I mean that in the best sense of the word, I don't mean all this hidden corruption. I mean someone amenable to the political process on top of the Police Chief, and you've got politicized people below the Police Chief. You've got in both of those forces a para-military organization that requires strict discipline and being kept in line in ways that normal office workers or executives don't have to be.

You've got these men out there, risking their lives and with weapons on, which if not used properly, could risk the lives of other people. You can't, I don't think in my judgment have a Police Chief who was attempting to discipline his men, be faced with the whole uniform force that can get him, through political pressure, out of office, and it was our judgement, no, I'll say one other thing, I'm one of the few people on this Board as you recall, that voted against Police Chief Cizanckas. I have no axes to grind on him. I voted against him, if you remember, not because of the man, but I think and still think that we didn't give adequate consideration to him. But I voted against him. Obviously, the guy I voted against is going to be in here until 65 if you buy the recommendation of the Committee. I'm talking about structure, and I really ask you to think about it, not vote personalities, and it's a check and balance that's absolutely necessary and I'd ask you to support the Committee's recommendation. Thank you.

MRS. COSENTINI: What perfect timing. May I ask Mr. Baxter through the Chair if he feels a longer fixed period such as 10 years would be inadequate for the same reasons that he articulated, because I find myself somewhere between Mr. Morgan's argument, that there should be some removal, but I feel the five years is much too short, and I agree with your argument, having to take care of discipline within the classroom. I know what discipline can be.

their teacher

If my kids could go out and politick to remove every time they didn't like her orders, I'd be in terrible trouble; they do have certain rights. So I wondered if you would feel, for instance, that it has to be all the way to 65 or if say a 10-year or 15-year

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MRS. COSENTINI: (continuing).....term or some such, would take care of both parts of the problem, both the reason to have a non-permanent person, but also to give him some stability in order to implement his policies without constant fear of intimidation by the people under him.

MR. BAXTER: I hadn't focused, no one has asked me that before, so it's kind of off-the-cuff now. I think that I would answer that, it needs to go to age 65, and I think what's persuasive to me, is the removal of the previous check. If the police under them couldn't be political, then the ten years would be enough to give them a chance and it would be hard to do them in on top, from on top, and still you know the people might get up in arms.

But when you can have all these unions out there working and the biggest organization, they'll be bigger than any of the parties, I think that you need to isolate the man. If they have cause to get rid of the guy, I think 740 gives the Police Commission the mechanism to do it, and I really think he needs to be protected.

MR. HOFFMAN: Mr. Baxter's argument was really very fine, the only thing I would add to it is that let's say that he has a five-year contract, or a ten-year contract, then in the fifth year or the tenth year, the guy really does become political and he does all the right political favors for all the right people, who are going to see to it that he's going to be re-appointed. So, therefore, I would recommend a vote changing this. Thank you, Mr. President.

MRS. RITCHIE: Yes, I, too, favor the five or ten-year contract. Not only for the Police or Fire Chief, but also for all department heads. I feel they should attain their job through merit, but in attending one of the Commission meetings, it was brought out that it's unfair to the subordinates in the department, because this prohibits the Civil Servant from the possibility of climbing to that top post. If he does ever attain that, it means that he must give up all of his retirement and all the benefits of Civil Service, and therefore it's just not fair to the rank-and-file Civil Service employee. Thank you.

MR. BLOIS: Mr. President, at this time I'll pass.

MRS. GOLDSTEIN: The arguments have been persuasive on both sides I must say, this is really one of the most difficult issues that we will deal with tonight. I just wonder if Mr. Morgan would mind an amendment to his motion or so amending it to read 10 years.

MR. MORGAN: As I said, I support a fixed term and I'll accept 10 years as readily as 5, so if that's what you're asking me, if I would view that as a friendly amendment, the answer is yes.

MRS. GOLDSTEIN: Well is it in order to so move?

MR. MILLER: Yes, it would be.

MRS. GOLDSTEIN: Then I so move.

MR. MILLER: We are now considering 10 years, instead of 5 as the limitation on the Police Chief and the Fire Chief.

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MR. LOOMIS: Mr. President, I'd like to speak in favor of the Committee's recommendation. This is a very important issue. It's one that not only did we spend considerable time talking among ourselves, but it's one the Commission itself spent three meetings talking about. Now Mr. Morgan said, incorrectly, that well, we've tried to get this removal for cause to work, and it hasn't, so he's failed to recognize that there's an entirely new Section which gives grounds for suspension or demotion, and if he had read that Section 740 as it is presented in this revised Charter, there are 14 different grounds upon which a Police or Fire Chief can be removed.

If he is out-of-line at all, these 14 reasons will give the Mayor the opportunity to remove him and I might add with a majority vote of this vote, because he would then bring him before the Board and he couldn't be completely or fully removed until we voted upon it. We're really saying that we're appointing this person, not necessarily to 65, but as long as he performs his job in a proper fashion and in a proper manner, and responsible fashion. If he doesn't, these provisions certainly would permit and allow removal, so I would strongly urge the Board members to support the Committee and vote against the amendment Mr. Morgan has proposed, even if it's 10 years, because the same political problems will occur through 10 years as they would with 5 years.

MR. FLANAGAN: I wanted to speak against Mr. Morgan's motion, rather than the amendment, but I'll just say I'll make this statement cover both. I think that whether it's 5 years, 10 years, or 15, we're just putting off to a later date the problem that is so frequently occurring in this City, and that is where the politicians pressure Civil Servants and pressure people that are in their jobs, and I think that the change from life, 10 years to age 65, is a good improvement and I would like to see it stay at age 65.

MR. MORGAN: I think that Section 740, which is the Section of the Charter having to do with removal for cause, is really a Section designed to deal with the extreme cases of something that's happened in one form or another that is so serious that a Fire or Police Chief is removed because of some extremely serious individual act, but it doesn't deal with just somebody who is a C minus or D performer, who's level of competence is not one spectacular act, but just doesn't do a good job all the way along.

That's the problem with that kind of process, it just doesn't deal with every kind of case, where we might want to make a removal for one reason or another in the best interest of the City, but beyond that let me also say that the times change, the City needs change, and nobody is perfect for a job forever, and although we may hire someone for a particular job now and his abilities may be perfectly suited for the problems that we face now, there is no guarantee that he'll grow into the new responsibilities that he'll face in the future and very possibly somebody who is exactly what we want in 1977 is not going to be exactly what we want in 1997, and so by putting someone in until the age of 65, you're giving up that opportunity to make sure that public policy is managed in a competent professional desirable manner and I think we just need to go with a shorter term, and that's good government and the responsible thing to do.

MR. ZELINSKI: Thank you, Mr. President. This is a very difficult issue indeed, after listening to both Mr. Morgan and Mr. Baxter. However, what keeps coming to my mind, is I wonder how we all would feel in our various occupations and professions, if at the end of five years, we have to come up for review, and that's the way I'm going to vote tonight.

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MRS. McINERNEY: Yes, thank you. During the past few months, of all the issues that came up during the recent appointment of Chief Cizanckas, and all the play I got from my district, the most important question or the thing that most bothered the people in my district was the fact that we had lifetime tenure for a Police Chief.

The next thing they felt that 65 was much too old. I have listened now for a while, and both arguments are very, very persuasive, but in my own mind, I feel that I was appointed or elected to do what my constituents wanted me to do, and I feel obligated, therefore, I would agree with Mr. Morgan, and I would certainly vote for the ten-year term or a six-term for Police and Fire Chief.

MR. DeROSE: I've heard a number of arguments here this evening, all of which certainly have some merit, and I think however there's one thing that we're overlooking, and that is this. Much of the talk stems around the fact that we have 40 members of this Board who could play politics and conceivably for whatever reason, dismiss a Police Chief. On the other hand, I think it's important to keep in mind something that we're overlooking, is the fact that we are also very, very, responsive to the voters of this town. It wasn't too long ago that we voted in a new Police Chief, and although there was certainly, a certain amount of sentiment for bringing someone up to the ranks and considering local personnel, I think this Board responded exceedingly well to the voters and I don't see that the voters would allow 40 members of this Board to get rid of any Police Chief unless there was considerable reason to do so.

So we do respond to the voters, and I think it does give the voters a chance after a fixed period of time, whether it be 5 or 10 years to respond, and let their district representatives know just what their feelings are, and furthermore, if we fix a period of 8, 10 years whatever it might be, there certainly is no guarantee that any of us sitting here now, will be here ten years from now, serving on this Board. That is an awful long time; in fact, I dare say there may be many that are sitting here now, that won't be here come November. Thank you.

MR. LOOMIS: I move the Question.

MR. MILLER: MOVED and SECONDED. All those in favor say aye. All those opposed, no. The motion is CARRIED UNANIMOUSLY.

The question is now on whether or not to approve the motion made and then amended, which ends up as a motion to recommend to the Charter Revision Commission that they put into the Charter a requirement that the Police and Fire Chief serve a 10-year term, 10 years at a time, so that is the motion we are presently considering. A yes vote of course is for the motion, and a no vote against.

MR. MORGAN: I request^a ROLL CALL VOTE.

MR. MILLER: There is a request for a ROLL CALL VOTE. Would those members desiring one raise their hands. The Chair sees 1/5 of the members present requesting a Roll Call. The Clerk will take the vote by Roll Call. A yes vote is for the 10-year term for the Police and Fire Chief, and no vote, opposed.

(vote on next page)

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MR. MILLER: The Clerk will call the Roll:

YES VOTES

Mrs. Perillo	Mr. D'Agostino
Mr. Morgan	Mr. Wider
Mr. Ravallesse	Mr. DeRose
Mr. Osuch	Mrs. McInerney
Mr. Signore	Mr. Blois
Mr. Wiesley	Mr. Sherer
Mr. Loboza	Mr. Costello
Mrs. Santy	Mr. Carlucci
Mr. Fox	Mr. Blum
Mr. Schlechtweg	Mr. Miller
Mrs. Goldstein	Mrs. Cosentini

NO VOTES

Mr. Dixon
Mr. Hoffman
Mr. Loomis
Mr. Perillo
Mrs. Hawe
Mrs. Ritchie
Mr. Flanagan
Mr. Lowden
Mr. Rybnick
Mr. Baxter
Mr. Zelinski
Mr. Walsh

MR. MILLER: The MOTION is CARRIED with 22 YES VOTES, and 12 NO VOTES.

MR. MILLER: We're ~~new~~ on the page which is entitled, Title Four, Departments, Chapter 40, General Provision. Mr. Blum, do you have a motion on this Section, Section 400?

MR. BLUM: I would like the language or the department called Traffic and Parking Department, be noted as the Transportation Department.

MR. MILLER: Mr. Blum, I'll ask Mr. Loomis a question. Is there a change later on there, Mr. Loomis?

MR. LOOMIS: We have not made any change in the title of this new department. There was a recommendation at a public hearing that it be changed to the Transportation Department in line with what Mr. Blum is suggesting now. If we were to change it, we would, you know, go through the Charter and change the appropriate Sections.

MR. MILLER: Mr. Blum, would you delay this until we get to that Section of the Charter that deals with this? I think it would be in order to consider this when we get to Chapter 49. Thank you.

MRS. RITCHIE: I have a question for Mr. Loomis: Are department heads taken care of later in this Charter. What I'm concern^{ed} about is their term of hire.

MR. LOOMIS: The responsibilities of the department heads are detailed under the appropriate departments, their duties and what their departments are responsible to do. In terms of the appointment, that is mentioned in Section 401 on that page. The Mayor shall appoint the heads of these departments in accordance with the provisions of the Charter.

MRS. RITCHIE: What I'm getting at, Mr. Miller is, if the Chief of Police and Fire Departments are under contract, I'd like to see the departments heads under the same kind of contract with merit reviews for advancement, etc. Thank you.

MR. MILLER: Shall we proceed, Mr. Loomis.

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MR. LOOMIS: There were no other changes in Chapter 40, and Chapter 41. In Chapter 42 there was a change.

MR. ZELINSKI: Regarding Chapter 41, Section 401.1, Public Works Commission. Unless I'm missing it, it doesn't seem that there's any approval for this Commission as there are with the other Boards and Commissions, that anyone appointed to this Commission must be approved by our Board of Representatives. I would like to make a motion, that as the other Boards and Commission members are approved by our Board, that this Board would also approve those members.

MR. LOBOZZA: I'd like to second that.

MR. LOOMIS: This Commission is advisory only, and the intent of the Charter Revision Commission in recommending the creation of this new Public Works Commission was to give advice, to give continuity, to give a level of expertise which the previous Commissioners and the present Commissioners have not had an opportunity to take availability of.

In other words, they felt that there were things that this Commission could offer in the way of guidance and advice in their own areas of expertise, that could be used by the Commissioner in the running of his department. It's just purely advisory, so if he wants to take your advice fine; if he doesn't, he doesn't have to, so I'm sure that the Commission exercises that much power.

MR. BAXTER: I'd like to add just a bit to what Mr. Loomis accurately portrayed. There's another continuity which is another reason for it, is to assist the Mayor in supervision and control and then watching the Public Works Department. Now, we, as the Charter Revision Commission intended, and as we, by divided vote agreed, we have a two-year term for Mayor.

The Charter Revision Commission and your Committee wanted to strengthen the Mayor within the frame-work of two terms and not to weaken him, because that's one of the problems with our government, is that the powers are too diverse, and so there have been a number of things throughout here that have strengthened the Mayor. Right now, when the Mayor submits the Public Works Commissioner for appointment and he get confirmed, by this Board of Representatives, there is no intervention of the Board of Representatives between the Mayor and his Commissioner and the operating of the department except by complaints, but we don't get in the way between the two of them.

If, as an advisory Commission appointed by the Mayor without our approval, that would still be the same. The Mayor would have a chance to put these people in to help him out, and he could run the Public Works Department as he now does, of course subject to screams by us or by the people, but it's still his responsibility. If we make it more politicized and that is to put the Board of Representatives in here approving him, I think what we're doing in effect is detracting from the power or the control of the Mayor, and that's, I don't think is what we want to do, I don't think we want to weaken the Mayor on that. Although I understand Mr. Zelinski's reason, I think for offering it, I'd like to recommend that he and all of you reconsider that and not vote for his motion.

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MRS. COSENTINI: I have some concern about this new Commission. I think the intention was to provide continuity in the Public Works area, and I think that concept is good. I don't know, however, that this particular setup will remove that Public Works Commission from a very political situation. The latest setup was a two-year term for the Mayor and three-year terms for Commissioners. We could develop a situation, we had a Minority Advisory Commission that could use it's position here to harass the Mayor and to impede rather than to help along our Public Works situation. I don't think this is an ideal solution.

If the Board feels that such a Commission would be of use, I would like to add this terminology that is elsewhere in this report, which I know our Committee can put their fingers on. Which says "that no member of, I think it's the Personnel Board of Appeals, and it probably should apply here, that no member that is on this particular Commission should be an active political participant in any organized party work". I'm sure they could still be terribly political without being, I'm sure that we can never completely un-politicize individuals, but I do think some precautions have to be taken here.

I would have preferred, frankly, that the whole Public Works situation was taken and put into some kind of Civil Service situation altogether, so that we don't throw it into the political arena. But, to sum up, I'm not sure that I favor this Commission at all. If it remains as is, I would like to remove the Board of Representatives' vote and I would like to add even further political restraint on it.

MR. MILLER: We'll leave your motion in abeyance and vote first on this motion as to whether or not these people should have to be confirmed by the Board of Representatives; it's two separate issues involved.

MR. BLUM: I wanted to reiterate what Audrey Cosentini had said in regard to the three-year term. We have now suggested a two-year term for the Mayor. This would be an overlapping expertise in regard to the, in other words, they carry over into another administration, so where is the advisory. In other words, this Commission of five members is selected or appointed by the Mayor to be advisory, but they are going to serve for three years, the Mayor is only going to serve for two. So for one year, they have control, in a sense, over the Public Works Department.

MR. WIDER: I find this another political plum. We're headed out to get some of the relatives of some of the nice contractors in the inside. It's another spoils system, when we look at it, it doesn't add anything to the man's power at all. Believe me, this Commission, as far as I'm concerned, is just a force. I don't think we really need it. I don't think it should even be put into the Charter. I think we're going back to the same thing that we had before, some years ago.

When you get a Mayor in and he brings all of his cronies in to give them something, because they worked for him, and if this Board of Representatives don't have to approve them, then I think that we will have a top heavy Public Works Commission full of.....
(end of tape)

MR. ZELINSKI: The comment made by Mr. Baxter regarding the Public Works Commissioner approved by our Board, but yet, not having the five Commissioners regardless of their duties and responsibilities would seem to be in direct contradiction. So again, I would strongly urge this Board to support my motion to have the approval of my Board for the five members.

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MR. WIESLEY: I kind of feel that we're worrying a little bit too much about what this Commission would really do. If you're a Mayor, or you were the head of a department in any kind of business, that you would certainly have the right to go and pick from the total departments that you have, keep people who use your own Board of Directors to use his advice wherever he would need it, and certainly a continuity which is badly needed in any kind of these departments that we have.

If you had to change this so it would fit with the Mayor's own term, that would be better than losing it in toto. Certainly, we have said here over this past year and a half, and we watched many, many, items whether there was a failure at the incinerator or wherever it might be, but a lot of it is lack of experience, lack of continuity carried over from one group of people, not necessarily the Mayor, but one head of a department to another one.

I think that we should not shy away from this with the idea this is going to be all powerful and lots of bad apples in it. Let's consider the fact that you might come up with a better budget, which that department certainly needs to do. One that they could live within, and I think continuity is badly needed, and I think it's a good idea, and I don't think we should get scared about it.

MR. RYBNICK: I was just wondering if Section 401 covers most of these appointments of heads and whether that particular issue would take care of what they're talking about now.

MR. MILLER: The issue before us now is whether or not we should vote for Mr. Zelinski's motion, which would be to ask the Charter Revision Commission to provide the members of this Advisory Public Works Commission should have to be confirmed by this Board. If we could vote on that, we would dispose of that and other motions relating to this Section might then be in order.

MR. BLUM: I just would like to ask, what type of motion, in other words to delete it entirely?

MR. MILLER: Well that would be in order after we vote on Mr. Zelinski's motion. We'll proceed to a vote. The question is on Mr. Zelinski's motion pertaining to Section 40.1, Public Works Commission. His motion was that this Advisory Public Works Commission would have to be confirmed by the Board of Representatives.

All those in favor say aye. All those opposed, no. We will take a DIVISION, using the machine, up for yes, down for no. Mr. D'Agostino has left the meeting, there are now 33 members present. The MOTION is LOST, there are 13 YES VOTES, 14 NO VOTES, Are there any other motions?

MR. BLUM: I would like to make a motion to delete the entire proposal.

MR. WIDER: I'll second that motion.

MR. MILLER: MOVED and SECONDED. DISCUSSION.

MR. HOFFMAN: I hold it against the Board of Representatives requiring this confirmation and I would vote against Mr. Blum's proposal as well. The reason I would do

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MR. HOFFMAN: (continuing)...this is because I believe in the arguments that were offered earlier in that we do need some continuity in this particular department, something that hasn't existed in the past, and should be, whereby if someone else, one of my colleagues over here on this side, pointed out to me that if indeed the Mayor really wanted to appoint a group of people to help him, he could do this anyway without anyone's approval.

If he asked for this kind of help and assistance, he could get this kind of help if he so desired, and I think that appointing a group of people who could lend some expertise to this particular department, I'd think it would be beneficial and I do favor a stronger Mayor than what we've had in the past. So on that basis, I would vote against Mr. Blum's recommendation.

MRS. RITCHIE: I would like to see the Public Works Commissioner put on the Civil Service basis under a contract, and then we would have continuity.

MR. MILLER: Of course, the motion before us is to eliminate this Section 410.1.

MRS. HAWE: I MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say aye, opposed, no. The MOTION is CARRIED. We'll now proceed to a vote. The question is on elimination of Section 410.1, Public Works Commission. We'll take a DIVISION, using the machine. There ought to be 33 members participating, in the vote,..... A YES vote is for deletion, a NO vote against deletion. The MOTION is LOST. There are 10 YES VOTES; AND 19 NO VOTES, 4 ABSTENTIONS.

MRS. RITCHIE: I would like to make a motion that the Commissioner of Public Works be put on the Civil Service basis with a contract, a five or ten-year contract, Oh, I'm sorry, then it shouldn't be Civil Service, it should be a contract position according to qualifications.

MRS. COSENTINI: I second it.

MR. MILLER: The MOTION made by Mrs. Ritchie, seconded by Mrs. Cosentini, that the Commissioner of Public Works should be on a 10-year basis with qualifications, of course you're not specifying qualifications, but I guess the gist of it is that the position is professional rather than political. Discussion?

MR. LOOMIS: I believe that if that language were to be added to this Charter, it would be under 401, because that specifies where the Mayor may appoint, as you see, Section 401, appointment and removal and....

MR. MILLER: Well that's all right, we could still put this in our report, and it would be, I suppose that the Mayor would appoint a Public Works Commissioner, it would be very similar to the Police I suppose and the Fire Chief's ten-year term, confirmation by the Board of Representatives, and professional qualifications presumably. But I think the point is it's a ten-year contract, it's not the political appointment we have now. Is there any further discussion?

MR. FLANAGAN: Under Section 411, which is titled Deputy Commissioner of Public Works, that job was supposed to take care of this very problem. It was created and a former Commissioner of Public Works filled the job, it was done by examination,

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MR. FLANAGAN: (continuing).....and it says, there shall be a Deputy Commissioner who shall possess all the powers and perform all the duties of the Commissioner during the absence or disability of the Commissioner or in the event a vacancy in that office exists. So we already have a slot, it's a Civil Service job. I don't think we need two tenured positions, be it 5, 10, or life to take the same work. I think what we really need is a little more efficiency within the department from the personnel that exists there now.

MR. LOBOZZA: Everyone's talking again about continuity, here's a good chance to get it. I think that there's one big political plm that I think if anything is destroying the City, it's the Commissioner of Public Works position. Every two years, if we elect a Mayor, every two years, we get a new Public Works Commissioner. As Mr. Flanagan says, we have a Deputy Commissioner, but his power does not go beyond the Commissioner's power. Every time we get a new Commissioner, we have new procedures. We have no continuity, they just take the planning that was done by the previous administration and change it around to their liking. I think now we have an opportunity for the first time to get a good professional in here on a contract basis and we could maybe get a job done that we have to get done.

MR. BLOIS: I'm in accord with Mr. Flanagan. The purpose of the Deputy Commissioner was to fill his gap. Now if you're going to have a Commissioner for a ten-year period, I don't think there's any need for a Deputy Commissioner, then you can have an assistant Commissioner which you know carries less fringe benefits, less pay. I don't think that office requires two tenured people. Now if you had a one-man command, if you're going to put the Commissioner for a ten-year period, you should eliminate the other job, and make an assistant there on a periodic basis. We're here to save money. I don't think we're here creating jobs tonight.

MRS. GOLDSTEIN: The job is there as was already said. I will say that last night the Fiscal Committee met until 12:35, going over the Public Works Budget. That budget is so vast, that department is so vast, so complex, that it can no longer be in the political arena. Now this is not to comment negatively on any of the Public Works Commissioners that we have had, because being a Public Works Commissioner for two years and sometimes coming into the position not knowing anything about the City can be difficult.

What we need is a contractual employee for an x number of years, whatever number of years is determined by this Board who will lend an expertise and professionalism to that department that we must have, and he certainly would need a Deputy Commissioner. That budget is the lion's share of the entire City Budget, and it's a vast complex and increasingly complex department, and I think Mrs. Ritchie's amendment is marvelous.

MR. BAXTER: I would hope that we would give this some considered thought before we act on what appears to be an apparent good. Except for a person's religious faith, or for their choice of wives, or maybe even their political party, there is nothing to my knowledge that is only good and doesn't have bad potential. Now ask yourself, why was Civil Service put in. It was put in to remove political pressure, to get some continuity and professionalism to segregate and protect those employees from the political process so that they could do their job.

That's the type of good that I've heard the people who are for this, to be Civil

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MR. BAXTER:(continuing).....Service job, mention. But there are, Civil Service or contract, we protect them, or contract. We have to keep the person in except for cause. But there are harms to that. Look at the Civil Service as an example. I'd like to have a contract on my job. I'm sure those of you who work here, would like to have contracts on your jobs. The potential harms are that, not only do you get possibly more bureaucracy, but you remove, you know politics isn't a dirty work.

The people elect representatives, we had a revolution about it, and that's the way we go, the way our country has gone, and there has to be some input of the people through a political process that allows to get people out. Now there's a Board of Education, spends a lot of money here. The people who run them are elected. You have a police department that provides an essential service, the next biggest thing, and think of the calls, those of you who've been here for a year and a half, and those who have been here for more, don't have to think of it, they're almost burdened with it, of the problems that Public Works area things have caused.

There's road repairs, and other things that need to be happening, and each of the Commissioners to my knowledge has been responsive. There has been a fast, not always done what we've asked, but there has been a fast access to that Commissioner to take care of a problem that shows up on somebody's door. If you have a contract guy, you may lose that. Not everything is totally good and there are harms to having that and I'd ask you to think about it, I don't think it's a good idea, and I hope you vote it down.

MR. LOOMIS: Yes, I'd agree with Mr. Baxter. I find it somewhat surprising that one thing said by simply having someone sign a contract, automatically we're going to get a level of professionalism and we're going to get a better level of service that we don't have already.

One of the problems we have there is, that if you look at the salary paid to the Public Works Commissioners in any of the cities around here, we're paying far less, and so the kinds of people who normally have these responsibilities are not attracted to this job here in Stamford. If you look at the problems in the past several years, their Civil Service abuses in middle management levels having very little to do with the Commissioner per se. So this panacea of getting somebody to sign a contract and then solving all our problems, the fact is, you can get a fellow who has been, I wouldn't say incompetent, not as good as we would want, and then we'd be stuck with him for five years.

I don't see this as any kind of solution to the problems we see in the Public Works Department today, or those that we've seen in the past. I think this is a very hasty recommendation coming from this Board, this hasn't been thought out, and once again I'll remind you that on some 40 meetings, the Commission kicked around these alternatives. I would vote against the motion that's on the floor.

MR. BLUM: I do hope that this Public Works Commission that we did vote on, would have been, not an advisory commission, but a full commission.

MR. MILLER: We've finished with the Commission, Mr. Blum. We're talking about the Commissioner now. Try to make sure the discussion is relevant, Mr. Blum.

MINUTES OF APRIL 28, 1977 - SPECIAL MEETING

MRS. COSENTINI: I'd like to speak in favor of Mrs. Ritchie's motion. I commented earlier that I felt that it should be something along these lines. It's my understanding that this recommendation for the Commission, because there was a need recognized was put forth by one of the ex-Commissioners who sat on the Charter Revision Commission. He felt himself apparently that the political two-year appointment was not appropriate to have long-range planning to solve the problems of Public Works. I think in terms of getting qualified people that if we had a salary that was adequate, and if we had a job description that required training, we could get a top-level person for such a job to allay Mr. Loomis's fears. I think the difficult thing is to take someone to wrench himself out of his private life for a two-year appointment, to do a very difficult job with no guarantee of further employment and it's usually, if someone is in a field that would train him for such a thing, he would have a job that he would not want to leave.

I think the way it is set up now does not lead us into an professionalism or a continuity, and I think that, as I pointed out, this is an area that cuts across our life style in so many ways that it should be very professionally handled, and I think a contract^{for} whatever term would be an excellent way to handle the situation.

MRS. PERILLO: I MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say aye, oppose, no. The MOTION IS CARRIED. The question on the floor involves the motion to make the Commissioner of Public Works a person who would work for the City with a five-year contract, with professional qualifications and confirmation by the Board of Representatives.

MR. DeROSE: I have a question in my mind. Perhaps someone could answer it. If this does go through, will he still be a member of the Mayor's cabinet, or will he be removed from that?

MR. MILLER: The charter doesn't really create ^acabinet, that's an informal term. I suppose you could say he's a member of the cabinet. He would have to be close to the Mayor certainly and participate in many meetings, but the whole idea is that he would cease to have an overly political function and be more of a professional.

MR. BAXTER: POINT OF ORDER. Could I ask you, is this a vote to strengthen the powers of the Mayor?

MR. MILLER: I don't think that's an appropriate question. I think that's for each person to decide for himself or herself.

MR. HOFFMAN: Does he have to come from Stamford?

MR. MILLER: That's not part of the motion. We'll proceed to a vote. There is a request for a Roll Call vote. Those desiring a Roll Call raise their hand. The Chair sees a sufficient number. The vote will be taken by Roll Call.

MR. DIXON: Would you state the motion again?

MR. MILLER: The motion was to recommend to the Commission that it put into the Charter that the Commissioner of Public Works, should have a five-year contract, it should be confirmed by the Board of Representatives, and he should be a professional, with qualifications in the field.

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MR. DIXON: Does this mean then, that the Commissioner of Public Works would no longer be appointed by the Mayor?

MR. MILLER: No, that's not really true, nobody put into this motion that the person who got the job would have to go through the Civil Service system.

MR. BAXTER: POINT OF ORDER. Neither did anyone put in there that it would be approved by the Board of Representatives.

MR. MILLER: Yes, they did. That was put in. There was nothing in the motion about Civil Service anyplace.

MRS. COSENTINI: POINT OF CLARIFICATION. Is this the kind of contract, for instance that Dr. Gofstein is under? Would that be considered a Civil Service, going through a Civil Service?

MR. MILLER: No.

MRS. COSENTINI: All right, then I think we eliminate the Civil Service reference because, Mrs. Ritchie is that what you had in mind?

MRS. RITCHIE: That's right.

MR. BAXTER: It is quite evident that we need more discussion on this. We've closed off debate and under various.....people are still uncertain or asking questions. I don't think we should move into it.

MR. MILLER: Well, we have moved into it.

MR. BAXTER: Mr. President, what is the appropriate, may I ask the Parliamentarian, what is the appropriate way to remove, to change a motion to?

MR. MILLER: It's too late, Mr. Baxter. We're in the midst of a vote. We'll proceed with the vote. The Clerk will call the roll.

NO VOTES

Mrs. Perillo
Mr. Dixon
Mr. Hoffman
Mr. Loomis
Mr. Ravallese
Mr. Perillo
Mr. Osuch
Mr. Signore
Mrs. Santy
Mr. Fox
Mr. Flanagan
Mr. Rybnick
Mr. Blois
Mr. Baxter
Mr. Costello
Mr. Walsh
Mr. Miller

YES VOTES

Mr. Wiesley
Mrs. Hawe
Mr. Lobozaa
Mrs. Ritchie
Mr. Schlechtweg
Mrs. Goldstein
Mr. DeRose
Mrs. McInerney
Mr. Zelinski
Mr. Sherer
Mr. Carlucci
Mr. Blum
Mrs. Cosentini

ABSTAIN

Mr. Morgan
Mr. Lowden
Mr. Wider

MR. MILLER: The MOTION is LOST. There are 13 YES VOTES and 17 NO VOTES, with 3 ABSTENTIONS.

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MR. LOOMIS: There are no further recommendations on Chapter 41. I'd like to turn to Chapter 42. The Health Department. The language here is largely dictated by a State Statute. We found no changes to make.

Chapter 43, the Police Department.

MR. ZELINSKI: In-as-much as earlier this evening we passed a resolution or I should say an amendment to this, to the other Sections dealing with terms, which specifically deal with the Police and Fire Chief, and I think we should be consistent in doing this with other things that come up, such as the Health Director in this particular situation, Section 421, and it mentions "he shall be appointed by the Mayor with the approval of the Board of Representatives for a term of five years". In-as-much as we voted earlier to have a ten-year term, I think in all fairness then we should also change this to be a ten-year term as well.

MR. MILLER: We're dealing with Chapter 42, the motion by Mr. Zelinski is to extend the term of the Health Director from five years to ten years.

MR. BAXTER: If you recall, when we were talking about the Police and Fire Chief and got it to ten years, we were worried about para-military organization, about the power the man had and we thought further, isolate him going from five to ten years. Now the Health Director isn't in the same situation. The five years has worked well in isolating him too much from political pressure, but it has also allowed the Mayor and the Board of Representatives to exercise, express its dissatisfaction with a Health Director who doesn't do what the Mayor and the rest of the City want him to do.

I believe if those of you who were at the Charter Revision Commission's meeting, I think I heard Dr. Gofstein indicate that the five-year term was fine. I don't want to put words in his mouth, that's honestly what I remember hearing, please disagree with me if that's not the case. We've got a situation where five years works fine and allows us to have the control over the Health Department. You don't have the same problems as you do with the Police Department and a para-military force and with a Commissioner over him like that, that would require ten years' protection. I would ask that you vote down the ten-year change.

MR. MORGAN: Although Mr. Baxter and I disagree about the question of the Police and Fire Chief, we do agree about the Health Director. The Chairman of the Health Commission, Dr. Ballin, appeared before the Charter Revision Commission and said that in fact the five-year term works, and it works very well. It stood the test of time; we know it works, I don't see any reason to change it at this time, and so I would support leaving it as it is.

MR. LOBOZZA: I would just say again in all fairness to Dr. Gofstein or anybody else who gets the position, I think a ten-year term would be good and it kind of takes the political pressure off there. I think if a five-year term works well, I think a ten-year term would probably work more. He's a very controversial person. I don't always agree with him, but I always respect him, because even with a five-year term, the man stands up and fights for what he thinks is right, and I'd like to support something like this for him.

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MR. LOOMIS: I MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say aye, opposed no. The MOTION is CARRIED. Let the record indicate that Mr. Hoffman and Mrs. McInerney have left the meeting. There are now 31 members present. The question before the Board is on Mr. Zelinski's motion pertaining to Chapter 42, Health Department, to extend the term of the Director of Health from five years to ten years. All those in favor say aye, opposed no. The MOTION is LOST, but we'll take a DIVISION using the machine, up for yes and down for no. The MOTION is LOST, with 24 NO VOTES AND 3 YES VOTES and 4 ABSTENTIONS.

MR. BLOIS: Mr. President, as we had agreed, it's a little past midnight and I MOVE that we adjourn this meeting.

MR. MORGAN: Mr. President, next Tuesday evening as you know, the Fiscal Committee is in the midst of Budget process. Next Tuesday, we have already a meeting with the Police Department, Fire Department, etc, that have been in place for several weeks now, and I do not believe that it would be possible to change those meetings at this short notice.

MR. MILLER: The Chair will at the conclusion of this meeting call a Special Meeting for Tuesday evening. At the rate we're going, maybe we need more than one other evening.

ADJOURNMENT:

MR. MILLER: The Chair calls a SPECIAL MEETING for TUESDAY, MAY 3, 1977, at 8:00 P.M. The Chair declares the meeting ADJOURNED at 12:05 P.M.

Helen M. McEvoy

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

APPROVED:

Frederick E. Miller, Jr.

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

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

cmt etc.