

MINUTES OF ADJOURNED MEETING MONDAY, SEPTEMBER 20, 1982

17th Board of Representatives

Stamford, Connecticut

An Adjourned Meeting, being adjourned from the Regular Monthly Meeting of the 17th Board of Representatives of the City of Stamford, Connecticut, was held on Monday, September 20, 1982, in the Legislative Chambers of the Board, 429 Atlantic Street, Stamford, in order to complete the unfinished business still pending from the previous meeting of September 13, 1982.

The meeting was called to order by President Jeanne-Lois Santy at 8:10 p.m. This meeting was held after the Steering Committee Meeting.

PRESIDENT SANTY: Our September 13th meeting was adjourned at 1:30 a.m. until this evening to complete the Agenda. We will resume the next order of business which is the Parks and Recreation Committee immediately following Roll Call.

ROLL CALL: Clerk Annie M. Summerville called the Roll. 35 Members present. 5 absent: Reps. Stork, A. Conti, Dudley, Rinaldi and Donahue.

PRESIDENT SANTY: The Chair declares a QUORUM.

MRS. McINERNEY: Mr. Stork asked to be excused; he will be in at 11 this evening.

MR. LIVINGSTON: Ms. Rinaldi asked to be excused. She is on vacation in sunny Italy.

PARKS AND RECREATION COMMITTEE

MR. DeLUCA: The Parks and Recreation Committee met on Wednesday evening, September 8, 1982, in the Mayor's Conference Room to discuss the items on tonight's Agenda. Attending were Committee members Gaipa, Owens, Rep. Phil Stork, Recreation Superintendent Bruno Giordano and George Ritchie of the Recreation Department.

Our Committee voted 3 in favor and none opposed to place items 1, 3, 4, and 5 on the Consent Agenda.

- (1) PERMISSION TO HANG A BANNER AT LATHAM PARK FROM OCTOBER 4 THROUGH OCTOBER 22, 1982, TO ADVERTISE "COUNTRY EMPORIUM" BEING HELD BY THE HOLY SPIRIT CHURCH, 385 SCOFIELDTOWN ROAD. Requested by Mrs. Joan Riordan, 173 Ingleside Dr. 06903. Submitted by Gabe DeLuca 8/26/82.

APPROVED ON CONSENT AGENDA

- (2) DEN ROAD PARK - submitted by Department of Public Works Commissioner Bruce Spaulding 8/23/82.

MR. DeLUCA: Our Committee voted 3 in favor, none opposed to reject this item. I have a long-winded report here; the basic reasons for our Committee voting not in favor of this Park is the fact that we feel we have enough open land available to us right now. As an example, 11 acres of land, the Finch property on Long

PARKS AND RECREATION COMMITTEE (Continued)

MR. DeLUCA: (Continuing) Ridge Road, 77 acres of Benenson property which begins on Westover Road beyond Ft. Stamford. We have 28 acres at Cove Island behind the Rink; and also based on various cost estimates, one of which is roughly \$165,000 to correct drainage problems on Den Road and Bangall Road. One of the disturbing effects would be that if we were to take this land and convert it into park land, whereby we would have to correct the drainage problem on Bangall Road, this is presently an unaccepted street and for the City to pay the cost to bring this up to standards in order to make it acceptable to meet the conditions of the park, would be an injustice to all other areas which have to go through the Chapter 64 and be assessed fees to bring the road up to acceptance. Therefore, these are the primary reasons why we rejected. The City should not take over Den Road.

Also, we were only guaranteed a 7½ year lease at the most which we feel, once again, to invest this kind of money would not be in the best interest of the City. That concludes our report. I have a copy of the report which I trust you, Madam President, will distribute to all Board members.

PRESIDENT SANTY: Yes, I will Mr. DeLuca. Thank you.

MRS. GERSHMAN: Thank you. This area happens to be in the 19th District, and I feel, of course, that we really never can have too much open land in Stamford. It's fast disappearing. I would like to Move that this item be Returned to Committee for the following reasons. SECONDED.

PRESIDENT SANTY: May I have a Second to that Motion? Several Seconds. You may speak to the Motion, Mrs. Gershman.

MRS. GERSHMAN: Thank you. When we first discussed this land with the State, they were talking about a 15 minimum, 20 or 25 year lease and I would like to have the opportunity to go back and talk to them again to see if we could not get a longer lease on this particular plot of land. Right now, it is being used as a motorcycle track and dumping place for murdered women from New York which is not exactly its highest and best use.

We think that being accepted as a park would help the neighborhood considerably; it would give open land to that area which is in the Master Plan; there should be park land there, and we would also like to address the finances that are projected for this land and see if we could not lower the cost of utilization significantly so that it would not cost the City the amount that has been projected for playing fields and so forth. Perhaps, the passive recreational area would be much less costly; therefore, I would hope that I would be supported in Returning it to Committee to see what we could do in the next month or two. Thank you.

PRESIDENT SANTY: Thank you, Mrs. Gershman. We are now speaking on Returning this item to Committee.

MRS. MAIHOCK: When Mr. DeLuca listed the open spaces, none of them were listed in the 19th District. We do have one very small park in our area and I believe it would be very advantageous for us to have more open space. I don't think Mr. DeLuca or some of the people who do live downtown realize that many of the properties in North Stamford are so rocky that children cannot play in their backyards as they can in other locations in Stamford.

PARKS AND RECREATION COMMITTEE (Continued)

MRS. MAIHOCK: (Continuing) Regarding the Den Road park issue, I Seconded the Motion because it seems very unrealistic that the State would expect a City to add improvements for a park and then reserve a cancellation clause that after 7½ years, they could take it back. Therefore, we do not believe that this has been researched as thoroughly as it might be and we would appreciate an opportunity to contact the State and perhaps seek a lease of longer duration to provide for more favorable amortization of the development cost of the site and I can assure Mr. DeLuca that if the costs were unreasonable, we would not be likely to request this. Thank you.

MR. WHITE: Thank you, Madam President. Talking in terms of Returning it to Committee, I quite agree with Mrs. Maihock. I don't know if it has been adequately researched. You can always deal with the State. You have the land for 7½ years; you never know what happens. As far as having open space, I don't ever think, and especially in a town like Stamford, you could have too much open space. As far as talking in terms of the cost, the problem lies that some of this park land cost is inflated is because there are certain people around here in our City Government, think that a park has to have ballfields, soccer fields, this and that jammed in it from one end to the other. A park very basically is just that; open space, grass, trees, shrubbery, walks and so on. Many parks or parts of parks should be kept as passive recreation, and passive recreation is far, far less expensive than so-called active recreation. Not that I'm opposed to active recreation, it is interesting to note that it was Mr. Giordano that was in on this meeting and Mr. Giordano is the Commissioner of Recreation; he's involved in the Board of Recreation and the point is that everytime I talk with Mr. Giordano, he thinks of parks in terms of active recreation. I understand that; that is his job, but after all, park land is not simply ballfields. Park land can be very passive and I think that we ought to Return this to Committee with the idea in mind of possibly getting our hands on this land. I think that anytime open space becomes available, it is a dreadful mistake in most instances not to take advantage of it and to precipitously simply reject on the basis of cost, because most of the time I find that whatever the reason for rejecting it, somehow or other this open space for whatever reason ^{no matter} who owns it, passes into hands of developers and then you have somekind of structure put on it and nothing, in fact, eats up money more than land with structure. You have to provide all kinds of services. Open space is the least expensive thing to have in the town. I don't know how many times I have to say this to make this impression, but open space, once you buy it, sits there as open space and costs many times nothing or very little. You jam an apartment house on it and you get all kinds of services the City has to fork out. If structures on land brought the community money, why is New York City the financial abortion that it is? Thank you.

MR. WIDER: Thank you, Madam Chairman. I would certainly like to see something done with this land. I think it has been a disgrace to the City of Stamford already. When it comes to dollars, those people in North Stamford have been neglected in some areas and open space is one of the areas. I would like to see something done with this land since it is available to us. We have to look at the cost again, but the fact is that I would like very much to see the Committee work on it a little further.

PARKS AND RECREATION COMMITTEE (Continued)

MRS. McINERNEY: I would support a move to have this item placed back in Committee based on the fact that I, too, agree that not enough research has been done and communication with the State as far as costs and finances. Open space is an option, however, I do realize that there are many demands placed on the Community to provide more fields for the children who play here but certainly if we had to provide money for any type of open space or park, I would much prefer seeing \$165,000 go for something like Den Road than what was previously suggested 5 years back; \$50,000 for a rock on Saddle Rock Road. That was unbelievable. This, at least, everybody could enjoy.

MRS. SAXE: First of all, I am speaking against sending it back to Committee. The reason for that is the State under no circumstances is going to release that land for a long period of time. The reason they have it is so they can enlarge the entrance and exit of the Parkway when necessary and when needed and the growth of the Town going the way it is, it's not going to be a matter of ten years, it is going to be a matter of a shorter period of time. That's where the 7½ years came from. The Staff did research it and the Planning Board did research it and we did receive a packet from them.

Also, the other piece of property over there which was put up for sale by the State, was purchased by one of the large landowners in the City of Stamford and if we are putting in a park for the reasons Mr. White says we're putting it in, then I would say, please realize that that property has been bought by one of the large property owners in the City and he has accumulated a nice parcel of land and he has done it very wisely and I think you should look into that if you're thinking about City services and the park.

I also would like to say this. We have a school up there in that district and the school has much land around it. Have we researched the use of that school and I think that's what should be looked into. If we have room on that school system, we should be working together with the Board of Education to put in park facilities there such as the ballfield which they want there on the Den Road site, and that's where it should be. You know over the period of time that we have been involved in this City, the school looks like it is going to be closed in that area. If we go ahead and make that a recreational area up there, it will save the structure of the school and it won't give us a white elephant in the long run and we won't be capitalizing something that is going to be a short term capitalization place, so I do not think it should be returned. I think we should compliment Public Works because they did do a study on it and we should also compliment the Planning Board; they did a study on it and we have all been given the papers on it. Thank you.

MR. DeLUCA: Let me begin by stating that I'm sure the Parks and Recreation Committee has no qualms about putting this back into Committee. I would also have to agree with Ann Saxe that talk has been going on for the last several years about the closing of Riverbank School which would make a terrific complex for a park area up there; there is more than enough available land.

PARKS AND RECREATION COMMITTEE (Continued)

MR. DeLUCA: As far as the research, I would also have to agree with Ann Saxe that there was definitely enough research done. If Betty Gershman and Audrey Maihock can come up with more data, we would be happy to listen to it. I would also urge that Mrs. Maihock would be in a position to assure Mr. DeLuca and his Committee that Bangall Road would not be brought up to City standards at the expense of the City because that would be part of the \$165,000 costs which people are passing off so lightly. As I stated before, I would definitely be against Bangall Road brought up to City standards at the expense of the taxpayers. People in my district have to pay for road improvements as well as in other districts. So when Rep. Maihock comes before our Committee which we will be meeting on Tuesday evening, September 28, hopefully, she can assure our Committee that this definitely is not happening.

MR. WIEDERLIGHT: Move the question. SECONDED.

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question. All in favor of Moving the question, say aye. Opposed? We are going to move right to a vote. The vote is on a Motion by Mrs. Gershman to return item Den Road Park Back to Committee. Before you vote, the machine is not in working order. The printer didn't work two weeks ago. It was trying to be fixed; that's out-of-order right now. The whole machine is not working. Mr. Wiederlight, may I ask you to tally and Mr. Franchina since Mr. Stork is not here. You are the assistant Republican Teller. We are going to proceed to a vote.

MS. SUMMERVILLE: There was a note left saying the machine was in very good working order. Who signed that note?

PRESIDENT SANTY: I was told this afternoon it is not in working order. I'm just going by what was told to me. Ms. Summerville, we haven't seen a note. Let's proceed to a vote. We are voting on the Motion to Recommit. All in favor of Recommitting this Back to Committee, please raise your hand if you are in favor to go Back to Committee. May I have your vote? 25 yes. I am going to have to have the no votes so we can have this for public record. All those opposed to the Motion, please raise your hand. The no votes are Mrs. Perillo, Mr. Perillo, Mrs. Saxe, Mr. Roos, Mr. Flounders. Any abstentions? Mr. Blum abstains, Mr. Owens abstains. May I have the people that are not voting? Please raise their hands. Ms. Summerville is not voting. The Motion has PASSED 25 yes, 5 no, and 2 abstained. It's Back into Committee.

May I have a Motion now, Mr. DeLuca, to Move the Consent Agenda?

MR. DeLUCA: I would like to Move items 1, 3, 4, and 5 on the Consent Agenda. SECONDED.

PRESIDENT SANTY: Is there a Second? All in favor of Moving the Consent Agenda, please say aye. Opposed? Thank you, Mr. DeLuca. That concludes your report?

MR. DeLUCA: Yes, that concludes our report.

PARKS AND RECREATION COMMITTEE (Continued)

- (3) UNITED WAY OF STAMFORD 8/20/82 request for rain date of October 4th if date of October 1st cannot be implemented (already approved by this Board at 7/12/82 meeting).

APPROVED ON CONSENT AGENDA

- (4) EARLY LEARNING CENTER, INC., 12 Gary Road request to hang banner on Summer St. at Ridgeway Shopping Plaza announcing annual school fair from Oct. 8th to Oct. 24th. Fair to be held Oct. 23 and 24. Gerry Katz, Co-Chairman Publicity.

APPROVED ON CONSENT AGENDA

- (5) JEWISH COMMUNITY CENTER request to hold 2 runs on Sunday, October 24th, one-mile and four-mile, as per letter from M. L. Bloomenthal of Lepofsky, Lepofsky and Lang.

APPROVED ON CONSENT AGENDA

HEALTH AND PROTECTION COMMITTEE

MR. DZIEZYC: The Health and Protection Committee met on Friday, September 10th, with the following members present: Michael Wiederlight, Co-Chairman, Joseph Tarzia and myself. Also attending were the following Representatives: Audrey Maihock, Betty Gershman, Ann Saxe and Lathon Wider.

- (1) FOR FINAL ADOPTION - PROPOSED ORDINANCE, AMENDED, FOR BURGLAR AND FIRE ALARM CONNECTIONS TO A CENTRAL CITY TERMINAL - from Barry Boodman 5/4/82; Rep. Wiederlight's memo 5/10. Held in Steering 5/24 and in Committee 8/2/82.

HELD IN COMMITTEE

MR. DZIEZYC: At our Meeting, the following guests appeared to discuss the proposed burglar and fire alarm systems connected to the Central City terminal: Fire Chief Joseph Vitti, Hawley Oefinger, Supt. of Communications, Belltown Fire Chief Joseph Coppola, Jr., Glenbrook Department's representative, Pasquale Battinelli, Long Ridge Fire Marshal John Keenan, Turn of River Fire Marshal Steve Heilner, and Springdale Fire Department Asst. Chief James Colohan .

After listening to the above speakers, the Committee voted 3 to 0 to separate the proposed ordinance into two parts. One for the fire alarms and one for the burglar alarms and Hold this item for further information and work.

- (2) FOR PUBLICATION - PROPOSED ORDINANCE SUPPLEMENTAL: BURGLAR AND FIRE ALARM CONNECTIONS TO A CENTRAL CITY TERMINAL - Amending Sec. 3.5 concerning the FEE. Submitted 8/24/82 by Reps. Gershman, Maihock, Bonner and McInerney.

HELD IN COMMITTEE

MR. DZIEZYC: Items, 3, 4 and 5 are also being Held pending Corporation Counsel's review.

- (3) REDUCING THE NUMBER OF FALSE FIRE ALARMS - Submitted 7/12/82 by Rep. Paul DziezyC. Held in Committee 8/2/82.

HELD IN COMMITTEE

HEALTH AND PROTECTION COMMITTEE (continued)

- (4) MATERIAL SOLD AT "THE PLEASURE NOOK" - By Rep. Paul Dziezyc at Steering 6/28/82; Held in Committee 8/2/82.

HELD IN COMMITTEE

- (5) PROPOSED ORDINANCE PROHIBITING USE OF EARPHONES AND HEADPHONES BY JOGGERS, BICYCLISTS AND OPERATORS OF MOTORIZED OR SELF-PROPELLED VEHICLES AND PEDESTRIANS ON MUNICIPAL STREETS AND STATE ROADS IN STAMFORD. Submitted by Rep. Stork 7/29/82.

HELD IN COMMITTEE

MR. DZIEZYC: Numbers 1, 3, 4, and 5 are being Held.

PRESIDENT SANTY: What about number...

MR. DZIEZYC: Numbers 1 and 2, we combined this.

PRESIDENT SANTY: You incorporated this as you combined 1 and 2?

MR. DZIEZYC: Yes.

PRESIDENT SANTY: Thank you for your report, Mr. Dziezyc.

LEGISLATIVE AND RULES COMMITTEE

MR. ZELINSKI: Thank you, Madam President. The Legislative and Rules Committee met on the evening of Wednesday, September 8, 1982, 7:30 p.m. in our Main Meeting room here. Present at the Meeting were Co-Chairman Zelinski, Co-Chairman Conti, and Reps. Bonner, Maihock, Donahue, Saxe, and Owens. Rep. Dudley was excused. Also present were Pastor Moore, Beverly Swisher and Atty. Elizabeth Shapero.

Item #1, our Committee voted to Hold and that was unanimous, 7 in favor.

- (1) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING A TAX CREDIT FOR REFUSE COLLECTION TO OWNERS OF RESIDENTIAL UNITS IN MULTIPLE UNIT RESIDENTIAL COMPLEXES. Held in Steering 1/18, 5/24/ 7/20. Held in Committee 3/1, 4/5, 5/3, and 7/12/82.

HELD IN COMMITTEE

- (2) FOR PUBLICATION - AMENDING ORDINANCE #440 TAX RELIEF FOR THE ELDERLY - Revision per State Statute. Letter 5/14/82. Also May 4th memo from Rep. DeLuca on Ord. 449 which expired 5/15/82 per Deputy Tax Assessor Faski's comment at Special Meeting on proposed tax phase-in. Held in Committee 6/7, 7/12, and 8/2/82. See Wm. Hennessey's response 7/26/82.

HELD IN COMMITTEE - Committee voted to hold 7 in favor, unanimous.

- (3) FOR FINAL ADOPTION - PROPOSED AMENDMENT TO ORD. #429 OVER-NIGHT PARKING OF TRUCKS ON RESIDENTIAL STREETS - submitted by Rep. Hawe 2/8/82. Held in Committee 3/1, 4/5, 5/2 and 7/12/82. Approved for publication 8/2/82, as amended.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MR. ZELINSKI: That was passed 7 in favor and I so Move. SECONDED.

PRESIDENT SANTY: I see two speakers, Mr. Wiederlight, you are first.

MR. WIEDERLIGHT: If I might go back to item #1 under Legislative and Rules, I wonder if the Co-Chairman of Legislative and Rules might elucidate for a second on why this item is being Held for so many months in Committee with no action, or not either being taken off the Agenda; what is really going on with this?

PRESIDENT SANTY: You're referring to item 1, Mr. Wiederlight?

MR. WIEDERLIGHT: Correct.

PRESIDENT SANTY: Mr. Zelinski, would you like to respond?

MR. ZELINSKI: Yes, thank you. The Committee felt that there were other actions being taken in the City whereby we wanted to wait until those were all completed before enacting any legislation that would be in contradiction to anything that might be passed now at this present time.

MR. WIEDERLIGHT: Why doesn't the Co-Chairmen take this off the Agenda and keep it in Committee?

PRESIDENT SANTY: Mr. Zelinski, would you like to answer that question?

MR. ZELINSKI: Yes, it was just voiced at the Steering Committee that was the Body who decides what is on or off the Agenda, and they decided to put this on the Agenda. Our Committee did vote to hold it until further action and unless Steering puts it on, the two Co-Chairpersons will not vote to have it on the Agenda for next month.

MR. BLUM: This item has been before this Committee since January 18, 1982, and here we are September 20, 1982. It seems to me this item is a very important item in regards to refuse collection. In fact this particular item, tax credit, I believe was moved on to this Agenda from the 1981...

PRESIDENT SANTY: Mr. Blum, are you speaking to #1?

MR. BLUM: Yes, I am.

PRESIDENT SANTY: #1 is Held in Committee. Are you asking a question of the Co-Chairman?

MR. BLUM: I would like to know why this....

MR. BOCCUZZI: The Committee Held #1 in Committee. In order to get that item discussed on the Floor of this Board, somebody has to make a Motion to take it out of Committee, present it to the Body with a 21 vote or a majority; whatever it takes, then we could discuss it. This is one reason why we are here until 3 o'clock in the morning.

LEGISLATIVE AND RULES COMMITTEE (Continued)

PRESIDENT SANTY: That's exactly right, Mr. Blum. I thought you had a question for Mr. Zelinski but I think he answered it through Mr. Wiederlight why it's being Held in Committee. Do you want to make a Motion to bring this out of Committee?

MR. BLUM: I want to make a Motion that we bring it out at least for publication, yes.

PRESIDENT SANTY: Is there a Second to that Motion? I'm sorry, Mr. Blum, there is no Second. #2 is being Held.

MR. BLAIS: Thank you, Madam Chairman. I just want to ask the Committee what the status of the Court is in this? I understand that the City was under Court order to provide somekind of remuneration or service to owners of condominiums for the garbage collector, many of whom are paying for garbage collection and not getting it because the Administration refuses to, but the Courts have ordered us to do something, and it's been over a year later. What does the Administration plan to do?

PRESIDENT SANTY: I don't know if Mr. Zelinski can answer that question, but it is the same item that is being Held and it's a Committee discussion. Now, we are going on to item #3. Mr. Zelinski, you Moved that the Committee voted 7 and 0 for final adoption of item 3 on the Agenda?

MR. ZELINSKI: Yes, I did.

PRESIDENT SANTY: Is there a Second to item 3? Seconded. Discussion?

MRS. HAWE: Thank you. When this was published, I don't believe that a change was made. The Committee had voted to in Ordinance #429, in addition to adding the additional clause, also to change the hours where it says 10:00 p.m., change that to 9:00, and when it was published, I think 10:00 p.m. appeared in the paper rather than the change to 9:00 p.m. Maybe Mr. Zelinski can answer?

PRESIDENT SANTY: Mr. Zelinski, can you answer that question?

MR. ZELINSKI: I'm sorry, I was getting the ordinance together. Could Rep. Hawe please repeat the question and I'll try to answer it?

MRS. HAWE: The Committee voted, Mr. Zelinski, to change the time that parking is prohibited where it had been from 10:00 p.m. to 6:00 a.m. to change it to 9:00 p.m. to 6:00 a.m. and I just was wondering whether that was included when it was published in the paper? I believe in the paper, it was published as 10, and it was not changed to 9 as the Committee had voted. Perhaps, you could confirm that.

PRESIDENT SANTY: We'd like to know what the Committee had voted on time.

MRS. HAWE: No, how it was in the paper. We know how the Committee voted.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MR. ZELINSKI: I have a copy of the published Advocate of 8/18/82, under Section 20-27c reads, "No person shall park in the street within 500 feet of a residential dwelling between the hours of 10:00 p.m. and 6:00 a.m. any of the following."

MRS. HAWE: The Committee had voted to change that to 9. The vote was to put in a new clause and also to change that 10 to 9. What kind of a Motion do we have to make now?

PRESIDENT SANTY: You'll have to amend that. It's not changing the context for one hour.

MRS. McINERNEY: I don't think we have to amend it. I think we'd have to republish it with the proper time allotment.

PRESIDENT SANTY: I would ask for a Parliamentary ruling on that. It's changing the hour. It was published 10 to 6 and the Committee voted unanimously to change it from 9 to 6. Do you think it would have to be republished?

MR. HOGAN: I would tend to agree that it would have to be republished, but tonight we could waive publication.

PRESIDENT SANTY: I will accept a Motion. Mr. Zelinski, the ordinance that the Committee received, the Reps received, said 10 to 6 or did it say 9 to 6?

MR. ZELINSKI: No, that was a meeting where I was not present but, I believe, that our Legislative and Rules Committee did recommend two meetings ago, for publication exactly what Rep. Hawe said which was the amendment which changed that to 9:00 p.m., and being that's a typographical error... as we usually do, we vote for final adoption and the correction would be in there; the correct number which would be 9:00 p.m.

PRESIDENT SANTY: Why don't you make a Motion to waive publication to change that because it was published at 10? Let's make a Motion for that.

MR. ZELINSKI: I so Move. SECONDED.

PRESIDENT SANTY: A Motion has been made and Seconded to waive publication changing the 10:00 p.m. limit to 9:00 p.m. as voted by the Committee and as a typographical error. Any discussion? All in favor of this waiving publication, please say aye. Opposed? Now do you want to Move for final adoption?

MR. ZELINSKI: So Move, Madam President. SECONDED.

PRESIDENT SANTY: Any discussion? All in favor of final adoption proposed amendment to Ordinance 429, Over-night Parking of Trucks on residential steets, please say aye. Opposed? Any opposed? PASSED UNANIMOUSLY.

MR. ZELINSKI: I would like to thank Rep. Hawe for picking that up. Thank you very much.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MR. ZELINSKI: Our Committee voted unanimously to Hold Item #4.

- (4) FOR PUBLICATION - PROPOSED ORDINANCE REGARDING EXCHANGE OF EASEMENTS BETWEEN CITY AND ABE WEXLER ON PROPERTY LOCATED ON HILLANDALE AVENUE AND GROVE STREET. (The taking of 297 sq. ft. and the giving of 311 sq. ft.) Approved by Planning Board 6/30/82. Per Mayor's request 7/1/82. Held in Committee 8/2/82.

HELD IN COMMITTEE

- (5) REQUEST FOR REFUND OF BUILDING PERMIT FEE PAID BY NON-PROFIT ORGANIZATION - from Bethany Assembly of God, 2 Scofieldtown Road. Several other letters received from Pastor Ralph Mugford.

MR. ZELINSKI: Our Committee voted 6 in favor and 1 against and I so Move.
SECONDED.

PRESIDENT SANTY: Is there a Second to that Motion? Seconded. Any discussion?

MRS. MCINERNEY: Yes, through you, Madam President to Mr. Zelinski. Since I wasn't at the meeting and if he remembers correctly, I asked the month before to be excused. Did we, in fact, get an answer from my original letter and then Mrs. Santy's reiteration on August 6th, to the Corporation Counsel's office requesting whether or not we were obligated by State mandate to grant waivers of the building permit fee to corporations and non-profit tax-exempt or partially tax-abated properties.

MR. ZELINSKI: Yes, if I can answer that, Madam President?

PRESIDENT SANTY: Yes, Mr. Zelinski:

MR. ZELINSKI: We received a letter dated September 3, 1982, from Atty. Bill Hennessey regarding waiver of building permit fees. "Enclosed is my correspondence to you of January 27, 1982. I believe it is self-explanatory and needs no further elaboration to address the question which you raised relative to the fees charged to a church," and that letter dated January 27th, reads, "In response to your inquiry as to whether the Board of Representatives may waive the building permit fee for the Headstart Program, my answer is yes. This fee may be waived if Headstart is a non-profit organization, Supplemental Ordinance 80.7 is applicable as a reason part subject to the approval of the Board of Reps of the City of Stamford, no fee shall be required for the issuance of any permit for the construction, alteration, repair, removal or demolition of any building or structure to be used in connection with the function of any non-profit institution."

PRESIDENT SANTY: Thank you, Mr. Zelinski. Mrs. McInerney, do you have any further question?

MRS. MCINERNEY: Yes, perhaps, there is some confusion with the understanding of the question as originally put to the Corporation Counsel. The original question was whether we were State-mandated or legally bound by State Statute to waive a building permit fee to non-profit, tax exempt or partially tax abated buildings? Mr. Hennessey's answer is that in accordance with Supplemental Ordinance 80.7, The Board of Representatives could pass for non-profit groups a waiver of a building permit fee. He hasn't addressed the basic issue were we State mandated

LEGISLATIVE AND RULES COMMITTEE (Continued)

MRS. MCINERNEY: (Continuing) to do so? And, if you look in your Ordinance book, perhaps you can come up with Ordinance 80.7 because the only written form that I have found is in Mr. Hennessey's letter of January 27, and I still don't think we should...I personally will not vote on this item in favor of it until I have an answer from Mr. Hennessey as to whether or not someplace it is State mandated that we do this; not at the whim of the Board.

PRESIDENT SANTY: Mrs. McInerney, you're speaking against the Motion?

MR. ZELINSKI: To see if I could clarify it for Rep. McInerney, she is correct. Atty. Hennessey from the Corporation Counsel's office where he quotes Ordinance Supplemental, it's a supplemental ordinance so, consequently, it would not be in our books. It would be a separate page as we pass supplemental ordinances now. But what he says is that the Board of Representatives can O.K., it doesn't necessarily say that we must, but as long as I have been on the Board of Representatives, any non-profit institution that had any construction or alterations on their property, be they a church, Headstart, Salvation Army, Community organization, this Board has waived it and I really can't see why this church should be singled out not to have them have their permit, building fee which they've paid over a year ago, refunded?

PRESIDENT SANTY: Any further discussion?

MRS. SAXE: Thank you, Mrs. President. When we discussed this particular item in Committee, many issues were raised. One of the issues raised was, Mrs. Gershman at some point, I believe in March, asked for a list of all the tax abated properties in the City. I don't believe any of us have gotten it yet which is a staff problem. The problem is at what point are we going to start to economically put the City back on its feet? And that is the problem that is not being answered and I think this is where the problem comes from; it isn't that particular item that is going on, it is the item of what's going to happen continually and I don't think we have to abate every non-profit organization that comes along. Therefore, I'm not in favor of doing this.

MR. ZELINSKI: Madam President, excuse me, I could answer her first question pertaining to...

PRESIDENT SANTY: Do you have a question, Mrs. Saxe? Is there a question to Mr. Zelinski? No question, Mr. Zelinski.

MR. ZELINSKI: No, no, yes she did. She asked a question as to when the Committee or somebody was going to obtain the property in Stamford that was being abated. I wanted to answer that. We all received the new Grand List. In there on the second page, it lists the amount of dollar value of the land being non-taxed for charitable and non-profit institutions in the City of Stamford.

MR. WIEDERLIGHT: Thank you, Madam President.

PRESIDENT SANTY: Excuse me, Mr. Wiederlight. I would ask all the Representatives to please take their seat, and to limit the conversation with your neighbor next to you. No one should be on this Floor. I would ask the Chairman of the House Committee to please put the rope across and please, Mr. Rybnick, hereafter, put that rope across. Once this Meeting is convened, no one is to be on this Floor.

MR. DeLUCA: The Health Commission is also in our Republican Caucus Room lobbying.

LEGISLATIVE AND RULES COMMITTEE (Continued)

PRESIDENT SANTY: Thank **you** for bring this to our attention. Mr. Rybnick, hereafter see that once this Meeting is convened that no one is to come until we are adjourned. I'm sorry, Mr. Wiederlight. Continue.

MR. WIEDERLIGHT: Thank you, Madam President. Mrs. Saxe raises a good point, but to elaborate on that, if we are going to deny the refund of this building permit to this non-profit organization, in essence, one could say it could be discriminatory to this organization inasmuch as if we are going to think about who we should allow or refund and who we should not, it is incumbent upon this Board to come up with a policy that will go through the term of this Board whether we will allow building refunds or not. Simple as that. To say this is where we start is not fair to this organization because we really, in essence, have not formed a policy. I think really we should vote for this building permit refund and then an item should be brought before one of our Committees to form a resolution or a Board of Representatives' policy to decide what will be done in the future, but to start with this organization and say this is where we start, we have not made a decision to start any place is discriminatory and unfair and I, therefore, feel that we should support the Legislative and Rules Committee and go from this point on to look for a policy. Thank you.

PRESIDENT SANTY: Any further discussion?

MRS. MCINERNEY: I'm sorry that no one seems to understand the thrust of the original question that I put to Corporation Counsel in May; that was May 24th. I wanted to know whether we were legally bound to grant waivers of building permits? Now, we waited and waited for a response. It is obvious that someone in the Corporation Counsel's office is confused as to whether or not a local ordinance or State mandate is involved here. We did not get the answer. We had tried to set the gear in motion so to speak, back in May to ascertain what we were obligated to do so we could set up a policy within L&R, and I would note that the first request from Bethany Assembly came on July 1, '82; that in my way of thinking is almost two months after the original request to Corporation Counsel. I would like to Move that this item be Held. No one is being discriminatory to Bethany Assembly, it's that we were trying to ascertain information so we could set up a policy of this Board and the City and we're not being allowed to do that. It is a simple as that.

PRESIDENT SANTY: Mrs. McInerney, you're making a Motion?

MRS. MCINERNEY: I made a Motion to Return it to Committee. **SECONDED.**

PRESIDENT SANTY: Is there a Second? **Seconded.** We are now speaking on Returning this item to Committee.

MR. WIEDERLIGHT: I really don't feel that this item should be Returned to Committee. I feel that this item should be approved as originally presented by L&R and then if Mrs. McInerney feels as strongly about whether or not we should grant our refunds to different organizations that are non-profit, she should make that as an item before the Steering Committee and put into this Board. Thank you.

MR. WIDER: Thank you, Madam Chairman. I served on most of the Committees of this Board since I have been on the last five years and if we haven't gone through at least five different types of abatements and permits for various churches in the City of Stamford, we haven't gone through one. I am a little concerned when we discriminate against a church. We can be open for some very critical statements to be made. I would ask the Representatives to let's work on this and get a Charter change as need be to spell out who can and who can't. Thank you.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MRS. HAWE: Move the question. SECONDED.

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question which is a Motion to Return this to Committee. All in favor of Moving the question, please say aye. Opposed? May I have the no votes? It takes two-thirds to Move the question. No votes, please raise your hands. Would our Tellers please count; Teller, Mr. Wiederlight. May I ask the Republican leader to please ask our Teller, Republican Teller, to come to the Floor? All in favor of Moving the question, please raise your hands. We need 24 votes. There are 35 members present. The question is not Moved. We will continue with the debate.

MR. FLOUNDERS: Thank you, Madam Chairman. I've a question for Rep. Zelinski. Is it a fact, is there a precedent for the building permit fee to be refunded to non-profit organizations? Rep. McInerney indicated that this was a question which is still in Corporation Counsel's office to which they have not responded. Is there or is there not precedent for the refund of the building permit fee?

PRESIDENT SANTY: Mr. Zelinski may answer that question.

MR. ZELINSKI: Thank you, Rep. Flounders. I think that's an excellent question. Yes, there indeed is. Back at the beginning of the year, we had a request from the Headstart Program to waive their building permit fee. They are a non-profit organization. We did approve theirs. On March 19, of this year, the Stamford Hospital had a request to waive their building permit fee for an addition to Stamford Hospital. We waived theirs with no exception, and if you look back on the records for the last three years, any church or non-profit organization that has come before us for a request, has been granted that request.

MR. FLOUNDERS: Madam President.

PRESIDENT SANTY: Thank you, Mr. Flounders.

MR. FLOUNDERS: May I ask you a question?

PRESIDENT SANTY: Yes, continue.

MR. FLOUNDERS: Would it be proper for me to add an amendment to this Motion?

PRESIDENT SANTY: The Motion is to Return it to Committee. Yes, you can add an amendment to that. What would be the amendment? The Motion is to Returning it to Committee now. We have not voted on it.

MR. FLOUNDERS: (inaudible - not speaking into microphone possibly)

PRESIDENT SANTY: That's the Motion.

MR. FRANCHINA: (inaudible - not speaking into microphone possibly)

PRESIDENT SANTY: Two-thirds of the Membership which was 35. We needed 24 votes. There were only 19 positive; we needed 24. We are now speaking to the Motion.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MRS. CONTI: I want to speak in favor of Returning this to Committee. I believe Mrs. McInerney's point is a very valid one and it has not been answered. There's a vast difference as to whether we are required by State Statutes to abate something or to refund something or whether we do it by whim of the Board, and I would like to see an answer to that question. Thank you.

PRESIDENT SANTY: Mr. Conti is now present. We now have 36 members present.

MR. BONNER: Thank you, Madam President. There is a point of whether or not the State mandates this. However, I don't believe it should go Back to Committee, I think we should vote on it and I think we should vote for it because this is a City call more than a State call right now. We have done this before and I'm opposed to going Back to Committee. I think we should vote on it. Thank you.

PRESIDENT SANTY: The Motion is now to Return it to Committee. Mr. DeLuca, first-time speaker and then second-time speakers. Mr. DeLuca has not spoken, Mr. Zelinski.

MR. ZELINSKI: I have not spoken to Return to Committee, Madam President.

PRESIDENT SANTY: Mr. Zelinski.

MR. ZELINSKI: Thank you very much. I did speak when I gave the Motion originally but I did not speak on Returning this to Committee. I would be greatly disappointed to have this Returned to Committee. I think we would be setting a very bad precedent here this evening if we decide arbitrarily for some unknown reason, that I really don't know why, this is a bona fide church in the City of Stamford. It has been for some time, and for us to arbitrarily decide this evening for some technicality, which again I clearly believe that I explained through the letter from the Corporation Counsel's office that says, "Subject to the approval of the Board of Representatives, any fee shall be waived." That being the case we have always done it because there is an Ordinance, that is 80.7, which is applicable to refunding building permits for any churches or non-profit organization. I think it would be very bad tonight to decide to discriminate against this church for some unknown reason, not to give them the money that they are entitled to be refunded.

If some research wants to be done after, fine but right now... The former 16th Board of Representatives did approve to grant them the waiver. Unfortunately, they did not file the necessary form with the Assessor's Office; some organizations also have not. Consequently, they are required to come before us again. If there was a problem, it would have been brought up last July. There wasn't any. There has been no change; I see no reason and I certainly hope we approve this. Thank you.

MRS. SAXE: Thank you, Madam President. Through you to Mr. Zelinski, will you kindly tell me the difference between a waiver and an abatement?

MR. ZELINSKI: Yes, a waiver according to the legal interpretation, we waive a fee that has already been paid or not been paid. An abatement comes in where we are abating taxes before they pay it; that's the difference.

LEGISLATIVE AND RULES COMMITTEE (Continued)

MRS. SAXE: What are we doing tonight?

MR. ZELINSKI: As I have been saying during the Committee report, we are waiving the building permit fee.

MRS. SAXE: We're returning it. That's not waivering.

MR. ZELINSKI: We are waiving it so that the money can be returned. There are two ways to do it legally. 1. Either they pay the fee and it's refunded or else it's waived before they pay it. They had already paid it last year.

MRS. SAXE: Why are we doing it again when you just told me that we gave them permission last year?

MR. ZELINSKI: Unfortunately, Rep. Saxe, as I also mentioned, the particular church involved here did not apply to the Tax Assessor's office to have a form that is approved by the Tax Assessor's office once the approval has been given by the Board of Reps, each year thereafter providing they met the same requirements of a non-profit organization, then they would be entitled to the waiver. Unfortunately, they did not file so they have to come before us again and that's why they're requesting this waiver.

PRESIDENT SANTY: We are now speaking to a Motion to Return to Committee. That is the Motion.

MRS. SAXE: Thank you.

MRS. PERILLO: Move the question.

PRESIDENT SANTY: A Motion is made. Is there a Second to Move the question? Seconded. All in favor of Moving the question, please say aye. Opposed? We're going to Move the question. The question is on Returning this item #5, a request for a refund of building permit fee paid by non-profit organization from Bethany Assembly of God. The machine does not work. All in favor of Returning this to Committee, please raise your hand. Raise your hands high to Return to Committee. We are voting on Returning this to Committee, If you are in favor, please raise your hand. All opposed to Returning this to Committee, raise your hand. The Motion is DEFEATED. Are there any abstentions? No abstentions. The Motion is DEFEATED 25 no, and 5 yes to Return to Committee. Mr. Zelinski, you want to Move?

MR. ZELINSKI: I would like to Move the question that we refund the building permit fee.

PRESIDENT SANTY: Is there a Second to that Motion? Seconded. Is there any discussion?

MR. DeLUCA: Is it possible that we can vote for approval of this and put an amendment on to it stating that we would like to request a listing of all tax abatements and building permit waivers that were granted to all non-profit organizations?

PRESIDENT SANTY: I don't think that has to be amended to this Motion. This is granting a specific waiver. That can be an item after that. We're now speaking to Mr. Zelinski's Motion to request a refund for the building permit for a non-profit organization, Bethany Assembly of God. It has been Moved and Seconded.

LEGISLATIVE AND RULES COMMITTEE (Continued)

PRESIDENT SANTY: The question has been Moved. We'll Move right to a vote. Our Tellers, Mr. Wiederlight and Mr. Franchina. All in favor of item #5, please raise your hand. Please put your hands down. All opposed, please raise your hand. May I have the names of the two opposed for the record; Mrs. Saxe and Mrs. McInerney vote no. Any abstentions? Mrs. Conti an abstention and Mrs. Howe an abstention. All the rest are affirmative votes. 31 in favor, 2 opposed and 2 abstentions. Thank you.

MRS. MCINERNEY: Is there a possibility that we could direct that question again to Corporation Counsel or perhaps place it on Steering since he hasn't addressed the issue of State mandate?

PRESIDENT SANTY: You can address that at Steering and put it on the Steering Agenda.

MR. DeLUCA: Is it possible that maybe at this time, we can Move for Suspension of the Rules that whereby I can make a Motion requesting that you, Madam President, write a letter to the Corporation Counsel requesting a listing of all non-profit organizations.

PRESIDENT SANTY: You don't have to make that into a Motion. Mr. DeLuca, I will do that. I've done this already but I will do it again. Would you write me a note and leave it up here and I will certainly direct that. It is important for the whole Board.

- (6) PROPOSED AMENDMENT TO NOISE ORDINANCE #483 APPROVED FOR FINAL ADOPTION 8/2/82 MEETING (H&P COMMITTEE) to show that the old ordinance was eliminated entirely and the new one replaces it. Technical change requested by Law Dept. to comply with Charter.

MR. ZELINSKI: Our Committee voted 4 in favor with 1 abstention and I so Move.

PRESIDENT SANTY: Is there a Second to that? Seconded. We are now voting on #6, the proposed amendment to Noise Ordinance. Any discussion? No discussion, we will move right to a vote. We are voting on #6, proposed amendment to the Noise Ordinance #483 approved for final adoption. All in favor, please say aye. Opposed? Any opposed to item #6? PASSED UNANIMOUSLY.

- (7) FOR FINAL ADOPTION - PROPOSED ORDINANCE GRANTING TAX ABATEMENT FOR 90 ELDERLY UNITS "STAMFORD GREEN" submitted by Mayor and Stamford Community Development Agency. (Request for publication is on Agenda of Special Meeting of August 30, 1982)

MR. ZELINSKI: This was already done. (Handled at 9/13/82 meeting - approved 32 yes, 7 no, 1 not-voting)

- (7A) FOR FINAL ADOPTION - PROPOSED ORDINANCE GRANTING TAX ABATEMENT FOR 105 ELDERLY UNITS "AUGUSTUS MANOR" submitted by Mayor and Stamford Community Development Agency. (Request for publication is on Agenda of Special Meeting of August 30, 1982)

(Handled at 9/13/82 meeting - approved 31 yes, 1 no, 8 not-voting)

LEGISLATIVE AND RULES COMMITTEE (Continued)

- (8) PROPOSED ORDINANCE FOR PUBLICATION GRANTING TAX ABATEMENT FOR NORTH STAMFORD SEVENTH DAY ADVENTIST CHURCH, 2130 High Ridge Road.
Treasurer Edna E. Indergard 8/3/82.

MR. ZELINSKI: Our Committee voted 6 in favor, 1 against and I so Move. SECONDED.

PRESIDENT SANTY: You're Moving for publication of this?

MR. ZELINSKI: Yes, we are.

PRESIDENT SANTY: Any discussion? All in favor of proposed ordinance for publication granting tax abatement for North Stamford Seventh Day Adventist Church, please say aye.

MR. ZELINSKI: Excuse me, Madam President. It's tax exemption. It says abatement but the correct word is exemption. The Committee did correct that.

PRESIDENT SANTY: Tax exemption. Thank you, Mr. Zelinski. All in favor, please say aye. Opposed? Any opposed? PASSED UNANIMOUSLY.

- (9) FOR PUBLICATION - PROPOSED ORDINANCE SUPPLEMENTAL CONCERNING THE CONVEYANCE OF A PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF SUMMER STREET AND SECOND STREET TO THE CITY OF STAMFORD BY CONNECTICUT MUTUAL LIFE INSURANCE CO.
(for no consideration; and pursuant to a State Traffic Commission Certificate No. 351 issued to the Benenson Capital Company.) Mayor's letter 7/19/82.

MR. ZELINSKI: Our Committee voted unanimously 7 in favor and I so Move.

PRESIDENT SANTY: Is there a Second? Several Seconds. Any discussion? No discussion, we will move right to a vote. All in favor of #9 as stated by Mr. Zelinski for publication, please say aye. Any opposed? No opposition. PASSED UNANIMOUSLY.

MR. ZELINSKI: That ends my report, Madam President.

PERSONNEL COMMITTEE

PRESIDENT SANTY: In Chairman Phil Stork's absence, Mr. Hogan will give the report.

MR. HOGAN: This is a report from Mr. Stork that he asked me to, as you say, give in his stead. The Personnel Committee met on Wednesday, September 8, in the Republican Caucus Room. The members of the Committee in attendance were Reps. Dziezyc, Gaipa, Gershman, Dixon, Hogan and myself. Jim Dudley telephoned to advise that he couldn't attend and was, therefore, excused. Other City Representatives in attendance were Mr. DeLuca and Mr. White.

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

PERSONNEL COMMITTEE (Continued)

MR. HOGAN: Ann McDonald and Tom McArdle, who is Benefits Manager, were present to speak on behalf of the Board of Education. The position of the Board of Education is that if this contract is reopened, the teachers will then demand something exorbitant in return. Our Committee feels that while this possibility exists, the Board of Education will never know unless they try. We have Ann McDonald's word that if our Board desires the Board of Education to proceed in this matter, that she will bring up the subject at the first meeting after receiving our request.

It was the unanimous decision of the Personnel Committee 6 - 0 to prepare a Sense-of-the-Board Resolution formally requesting the Board of Education to reopen the Teachers' contract with the Stamford Teachers' Association for the sole purpose of eliminating the requirement that the hospitalization, the major medical insurance be provided only by Connecticut Blue Cross and Connecticut General Insurance Company, respectively. Instead, the same benefits now in effect will be provided by carriers selected by competitive bidding. You have all received the resolution prepared by Rep. Gaipa, therefore, I Move you for approval.

PRESIDENT SANTY: You're moving for approval the resolution as we received authored by Rep. Gaipa?

MR. HOGAN: That's right, Madam Chairman.

PRESIDENT SANTY: Is there a Second to that? Seconded. Any discussion?

MR. WIEDERLIGHT: Thank you, Madam President. As a staunch advocate of the competitive bidding process, I think it's wonderful. However, I ask this question of Mr. Hogan or Mr. Gaipa who authored this request, being involved in the insurance field, I know for a fact that the rates have been going up drastically in health and life insurance of which we're talking. Has any research been done by either the Committee or Mr. Gaipa to see just what might be out there in the marketplace before we open this matter up because as the Board of Education said, it opens up the entire Contract? If, in fact, we open up this Contract and we see that in reality the Board of Education is providing the best benefits for the lowest dollar, and now we have the other side of the coin to deal with, i.e. the teachers want to renegotiate other items. I really think that a lot of research has to be done in this matter before we open up Pandora's Box, and I now ask that question either to Mr. Gaipa who posed this to the Committee and/or to the Personnel Committee itself.

PRESIDENT SANTY: Thank you, Mr. Wiederlight. Mr. Gaipa, would you like to answer that question? Mr. Gaipa, you may answer that question.

MR. GAIPA: Mr. Wiederlight is an expert in insurance matters and I guess he does not accept the basis, our priority basis, that competitive bidding makes for lower costs to the buyer whether you're buying insurance or pots and pans. However, in regard to the specific question about investigation, I did receive after I proposed this resolution, a letter from Robert Davies, President of the Stamford Education Association and I would like to read his letter in total. "I read with interest and dismay the Advocate article of September 10, 1982 on Teachers' Insurance. I feel you should be aware that the Association, that's the NEA or SEA in this case, has been addressing the insurance issue. For four years, we have complained that the Board of Education was over-paying for insurance. The Board did not take any initiative to correct the situation. This prompted the Association to investigate new carriers. Through the assistance of professional insurance consultants we proposed a new plan to the Board which would have saved them over \$160,000 the first year.

PERSONNEL COMMITTEE (Continued)

MR. GAIPA: (Continuing) The Board did not reject the proposal but chose to then investigate on their own. Unfortunately, with the passage of time we may not be able to effect the same savings. I remain hopeful that through continued negotiations we will be able to resolve the issue."

Then he has another paragraph in there, a comment that's not relevant to this matter and I won't read it.

MR. TARZIA: Thank you, Madam Chairman. Just as a matter of information for the Representatives here, according to the contract, I believe it's article 13, any item can be open^d for negotiations if it is mutually agreed to, so it does not open up the whole contract anyway; it's just that particular item. Furthermore, as it stands right now for your information, the Board of Education is responsible in total for the insurance premiums. I did also speak with Mr. Davies the other day after I saw the letter of correspondence between Rep. Gaipa and Mr. Davies who is the President of the Stamford Education Association, and apparently that information which Mr. Gaipa just read is correct; at least the way it was told to me. Thank you.

MR. BLUM: The question is does Mr. Davies also want contract opened? He's the other half of a contract. Does the Board of Education want this contract opened? And as was said, once you open up that contract doesn't mean that your're going to deal only with insurance problems. You're going to deal with other things that the union might want besides insurance. We're treading on very dangerous paths when we feel that we can say to the Board of Education, "We want you to open up the contract for one specific item before the contract has fully been born its term," and I think for one, that's a bad time to open up a contract in the middle of a contract.

MRS. SAXE: Thank you, Madam President. May I ask you a question: How much stroke do we have with the Board of Education to ask them to do anything? I understand they're autonomous.

PRESIDENT SANTY: Mrs. Saxe, it's a resolution and they can do whatever they want with a resolution; it's just a Sense-of-the-Board Resolution, it's not binding, it's not demanding anything; you know that from past experience. We're voting now on a resolution as approved by the Personnel Committee. It's just a resolution.

MRS. SAXE: They're still autonomous no matter what they do?

PRESIDENT SANTY: That's right. We have no control over them.

MR. BLAIS: Thank you, Madam Chairman. As been pointed out, it is in the contract that you can open up any item that is mutually agreed. However, we should remember that we're in a negotiating situation. To enable the City to open up contract talks for insurance, what are we going to give away because the unions are not going to open up anything without getting something. Quite frankly, with the negotiators in this Administration that I've seen, I'd be afraid to open up any contract with any labor union.

PERSONNEL COMMITTEE (Continued)

MR. DeLUCA: I'm going to state some of the comments made by Mr. Blum that he would not recommend or see us open up a contract in mid-stream. If memory serves me correctly, about two years ago, we're having a big flap about the \$500 bonus that the teachers reopen their contract in mid-stream for pay raises which eventually came before our Board for approval; so I don't see why an item such as this here should not be reopened at this time since it would be in the best interest of the City.

MRS. GERSHMAN: I think the key word in this thing is mutually agreeable because the Board and the union both have to agree to open up not only this item, but any other item and so I think that we really could ask them to please consider opening it up without hindering the rest of the contract.

MR. FRANCHINA: Move the question. SECONDED.

PRESIDENT SANTY: A Motion has been made. Is there a Second? Seconded. All in favor of Moving the question, please say aye. Opposed? We're going to Move the question. Mr. Wiederlight and Mr. Franchina? We are voting on the resolution as adopted unanimously by Personnel to send to the Board of Education authored by Mr. Gaipa. All in favor of this resolution, please raise your hand. All those opposed, please raise your hand. Opposed to the resolution. Mr. Blais is opposed, Mr. Blum is opposed and Ms. Summerville is opposed. Any abstentions? Abstentions are Mr. White, Mr. Zelinski, Mr. Owens, Mr. Tarzia and Mr. Wiederlight and Mrs. Signore. May I have the abstentions once more for the record? Abstentions: Mr. Owens, Mr. White, Mr. Zelinski, Wiederlight, Signore, and Tarzia are all the abstentions. The no votes were Mr. Blum, Mr. Blais and Ms. Summerville. The resolution is adopted.

- (2) CLARIFICATION INTO THE CREATION OF THE POSITON OF PROJECT MANAGER FOR LUIS MAPPING SYSTEM - submitted by Rep. John J. Hogan, Jr. 8/23.

HELD IN COMMITTEE

MR. HOGAN: In attendance to speak on this matter were Bruce Spaulding, Jon Smith, Sim Bernstein, Jeanette Phillips and Ben Fraser. After listening to lengthy debate by the Personnel Department and the Public Works personnel as to their positions in this matter, it was unanimously decided to invite the E. W. and G. Committee to the next regular meeting of the Personnel Committee on September 29, at 8:00 p.m. in the Republican Caucus Room for the purpose of creating an ordinance that will contain guidelines for "Procurement of Services" in the City of Stamford.

The intent of this ordinance is to prevent circumventing the Personnel Department in the future by department heads such as Bruce Spaulding when they seek to hire consultants, project managers or any individual hired to perform work for the City of Stamford. We realize that this will not affect the hiring by Bruce Spaulding of Mr. Shydlo as Project Manager for the Luis Mapping System, but we are taking this action looking to the future.

PRESIDENT SANTY: This item is being Held in your Committee?

MR. HOGAN: Right, Madam Chairman.

PERSONNEL COMMITTEE (Continued)

- (3) BOARD OF REPRESENTATIVES' APPROVAL TO PERMIT PATRICK J. SCARELLA TO PAY INTO PENSION FUND PER SECTION 754 OF THE CHARTER - his letter 8/17/82.

MR. HOGAN: We were advised by Mary Ann Kilgrow through Jeanette Phillips that the cost to the City in this instance would be \$18,200. Just as the Personnel Committee voted on a similar request for the Human Rights Director, did we vote on this request; none in favor and 6 opposed to deny the request due to the potential cost to the City if all 150 eligible individuals should apply.

PRESIDENT SANTY: Would you make a Motion in the affirmative?

MR. HOGAN: I Move that this be approved.

PRESIDENT SANTY: Move that this be approved bearing in mind that the Committee voted 6 to 0 to oppose it. Is there a Second to that Motion? Seconded.

MS. SUMMERVILLE: Point of Information, please.

PRESIDENT SANTY: Yes?

MS. SUMMERVILLE: Because our machine is not working, if you look at the Minutes when people are not voting and there isn't anything said on the tape, it is not consistent with the numbers present. It is important for the Record tonight that persons that are not participating in the voting but are present as a Member of the Board, that their names be called for informational purpose only because we have nothing else to prove, and I have to answer for the votes and I would appreciate the courtsey.

PRESIDENT SANTY: I would ask all Members to take their seats during the vote. I will put the buzzer on so that if there is a no vote, abstention or no, we can at least record as such or non-voting. Thank you, Ms. Summerville. Now to speak to the main Motion.

MR. BLAIS: Madam Chairman, I have a question on item 2.

PRESIDENT SANTY: Item 2 was Held in Committee.

MR. BLAIS: I still have a question on it.

PRESIDENT SANTY: We are now on item 3. We're going to complete with item 3, alright? We're speaking to that Motion.

MR. DeLUCA: I'd like to make a Motion to Return this item to Committee.
SECONDED.

PRESIDENT SANTY: A Motion has been made and Seconded to Return this to Committee. We're now addressing that Motion.

MR. DeLUCA: I'd like to address this on several factors. 1. Rep. Hogan mentioned that there was a similarity between this request and that of Mr. Glover of the Human Rights Commission. I have to disagree because there really isn't any similarity at all. Mr. Glover of the Human Rights Commission was a non-classified person. Mr. Patrick Scarella is a member of the classified service and has been for approximately 16 years and he has put in many hours without compensation,

PERSONNEL COMMITTEE (Continued)

MR. DeLUCA: (Continuing) granted this is part of his job, but if the City were to pay him for the many hours that he put in during snowstorms and other activities, it would cost the City in excess of \$100,000 or more. All he is requesting at this time is to buy back three years' service and I don't believe the Committee had all the facts to go by. Therefore, I request that this be Returned to Committee to have Mr. Scarella appear before their Committee and have the Personnel Commission or whatever departments are necessary to be there so that we can really get the facts before we can reject this item.

PRESIDENT SANTY: Thank you, Mr. DeLuca. We are now addressing Returning this to Committee.

MR. BOCCUZZI: I have to agree with Mr. DeLuca. Through you, I would like to ask the Acting Chairman of Personnel if anyone was down to speak, either Mr. Scarella or anyone, as to this appropriation or request?

PRESIDENT SANTY: We are now speaking to Returning this to Committee.

MR. BOCCUZZI: I want to know if anybody was there to start with?

MR. HOGAN: Madam Chairman, in answer to Mr. Boccuzzi's question, no one appeared in favor of, or no one appeared to oppose.

MR. BOCCUZZI: Question #2, was anyone asked to appear?

MR. HOGAN: To my knowledge, Mr. Boccuzzi, no one was asked to appear.

PRESIDENT SANTY: Mr. Hogan is giving the Report for the Chairman and it's not his responsibility.

MR. BOCCUZZI: Therefore, I have to agree with Mr. DeLuca. I think someone should be there to represent either for or against. If the City doesn't want to do it, then somebody should be here from the City saying why they don't want to, or Mr. Scarella should be allowed to appear before the Committee to plead his case. As I understand it, Mr. Scarella is trying to buy back the three years when he was serving as Public Works Commissioner. Those are the three years he is trying to buy back. Therefore, it is not the same as the Human Rights Commission. I think that all the facts are not quite on the table yet, and I would agree with Mr. DeLuca that this item should go back into Committee.

MR. WIDER: Thank you, Madam Chairman. I only heard the figures from the City. I didn't hear any figures as to how much Mr. Scarella would have to pay. I am asking the Chairman to give us those figures. I could think of a very few men in the same line of duty as Pat Scarella who have given as many extra hours that he didn't get paid for as he has. Since he is asking to buy back, he isn't asking the City to give him, he is asking to buy back. I think he is entitled to this and I'm certainly in favor of going back to Committee and having someone to come and speak for it.

MR. BLUM: I agree with Mr. DeLuca. But, not only that, there is something else that's changed. In this Gallant - Mednick Report, it talks about buying, and, I believe, our Charter allows those who want to buy back after 25 years, so it is not a strange item to ask a former Commissioner who wants to buy the three years that he was an unclassified employee, to buy back those three years. I think we

PERSONNEL COMMITTEE (Continued)

MR. BLUM: (Continuing) should put it back in Committee and find out from Mr. Scarella just exactly how much he is willing to pay. Thank you.

PRESIDENT SANTY: Thank you, Mr. Blum. There are many speakers. You have a question for the Chairman?

MR. WIDER: I would like to know what Mr. Scarella would have to pay for his time?

PRESIDENT SANTY: Mr. Hogan, can you answer that question?

MR. HOGAN: Not at this time. No, I cannot, Madam Chairman.

PRESIDENT SANTY: The question cannot be answered, Mr. Wider. That was your point in Returning it to Committee.

MRS. McINERNEY: I wanted a clarification also as to what the buy-back time would be for Mr. Scarella, but since we don't have that answer, did Mr. Hogan say there was a City cost factor involved with this as well?

MR. HOGAN: The City cost factor as quoted to us, Mrs. McInerney, was \$18,200.

MRS. McINERNEY: That would be for a three-year period and your reason for denying it, you indicated that if you establish precedent, there were other positions that could come under the same type of thing? Could you please explain what they might be?

MR. HOGAN: That was the reason for denying it, but I might add, that there were circumstances that we were not made aware of relating, as were brought out here tonight by Mr. DeLuca, Mr. Boccuzzi, that were not taken into consideration during deliberations of the Committee simply, as I say, we were not aware of them. We were aware of the fact that if this was similar to the Human Rights Director's request, then it would possibly affect 150 employees.

PRESIDENT SANTY: We are now speaking to Returning this to Committee.

MRS. McINERNEY: Based on Mr. Hogan's answers, I would support a move to place this item back into Committee and suggest that when they question both Mr. Scarella and the City to ascertain whether or not Mr. Scarella is going to absorb the entire cost to the buy-back.

MRS. GERSHMAN: Thank you. As part of the Personnel Committee, I would be very happy to reconsider this. I would like to point out that I think that one of the other reasons was not simply other people who might come into the system, but the fact that during the three years in question, Mr. Scarella was the Commissioner of Public Works and therefore, he was an unclassified employee and there was a question of whether he really had the right to be in the pension plan. Thank you.

PERSONNEL COMMITTEE (Continued)

MRS. MAIHOCK: I think this should be Returned to Committee because there seems to be a lot of questions which are not properly answered. I also believe that we should have a uniform policy on something as significant as this that would be fair to everyone.

MR. ZELINSKI: Thank you, Madam President. I would be in agreement with sending this back to Committee as Rep. DeLuca and Rep. Boccuzzi have already mentioned. Actually, I am a little disappointed. I feel that it would be a disservice to Mr. Scarella or anybody else who has a request like this before a Sub-committee and at least have the Committee as a common courtesy invite Mr. Scarella and someone from the City who would either be for or against it, to get both sides of the picture. Otherwise, I don't see how we can vote intelligently on this and I think it would be a disservice if we did not send this back to Committee and voted tonight without Mr. Scarella and anybody else wishing to come to the Committee to offer information that would enhance our ability to vote intelligently on it. Thank you.

MRS. PERILLO: Move the question, please.

PRESIDENT SANTY: A Motion has been made and several Seconds to Move the question. All in favor of Moving the question, please say aye. Opposed? The question is on returning item #3 under Personnel back to Committee. I would ask all Representatives to please take their seats. It is important that we have an accurate account for the Minutes. I would ask the two Tellers, all in favor of Returning this to Committee, please raise your hand. All opposed to Returning this to Committee, please raise your hand. Mrs. Saxe is opposed to Returning this to Committee. Any abstentions? Ms. Summerville is not voting. It has PASSED 34 yes, 1 not voting and 1 no vote.

- (4) PROPOSED RESOLUTION GRANTING MEDICAL BENEFITS TO YOUTH PLANNING AND COORDINATING AGENCY EMPLOYEES (3) - to be included in group life, dental, health, hospitalization, and major medical policies available to other City employees. Letter from Philip Stork 8/11/82.

MR. HOGAN: Sandra Gilbane, the Grants Director, was present to speak on this Resolution and informed us that the Resolution covers the last three remaining individuals and that there will be no others. The Committee voted unanimously to approve this Resolution and I so Move.

PRESIDENT SANTY: Is there a Second to that Motion? Seconded. Any discussion on the proposed Resolution granting medical benefits to Youth Planning and Coordinating Agency employees which numbers three?

MRS. SAXE: Thank you. May I ask the Committee who these people are and if they are not City employees, what are we putting on our benefits for?

MR. HOGAN: We have a number of other employees of the City who are in the same employment category as these people and they come under the umbrella of the City benefits as far as the medical benefits go. These are the only three that are not covered at the present time.

MRS. SAXE: What's your reason for that? What's your overall reasoning for that, Mr. Hogan?

PERSONNEL COMMITTEE (Continued)

MR. HOGAN: We are making it uniform, Mrs. Saxe. We feel it is unfair to these three people who are in the same category as a number of other people to deny them the benefits when everyone else in the group is getting them.

MRS. SAXE: Could you tell me how many people in City Hall are now under that umbrella policy?

MR. HOGAN: No, I don't have that answer for you. I'm sorry.

MRS. SAXE: I would suggest that we Return this to Committee until we have that answer.

PRESIDENT SANTY: Mrs. Saxe has made a Motion to Return item #4 to Committee and there're several Seconds. We are now addressing Returning this to Committee.

MR. ESPOSITO: I would like to address Returning to Committee by opposing that Motion. I wanted to answer some of Mrs. Saxe's questions. The Stamford Youth, SYPCA as it's called, was under the aegis of CTE up until July 1, I believe the date was. The three employees have been paid through grant money with a City match of \$20,000 that we appropriated at budget time. Because they were under CTE, the benefits were paid through CTE. The City of Stamford on July 1, made a move to take over SYPCA for whatever reasons, I don't know, but they took over SYPCA. SYPCA is now part of the City. It still receives the same funding levels from the State grant and the City matching grant but now rather than being under the umbrella of the CTE, it is under the umbrella of the City. As a result, the three employees are not getting their medical benefits so that this is why they are being asked to be put on to the City policy. Before that, they were under the CTE policy.

MRS. SAXE: May I ask through them please, what happened to CTE's policy?

MR. ESPOSITO: CTE's policy covers CTE employees. Since these people are no longer working for CTE, they are working for the City, their benefits have to be picked up by the City.

MR. BONNER: Thank you, Madam Chairman. I would like to follow up on Mrs. Saxe's question. Why are they now employed by the City if they are to be picked up and the other questions are these; by sending this back to Committee, I think we should find out how much money the City is spending, how many dollars the City is spending on those people who have been funded in these categories? We should know that. Also, it was stated that in the future, there would be no others besides these three. I would like to know by what authority that we can say that and stick with it? I'd like to see those questions answered in Committee, therefore, I would agree to this going back to Committee. Thank you.

PRESIDENT SANTY: Thank you, Mr. Bonner. We are speaking to Returning item #4 back to Committee.

PERSONNEL COMMITTEE (Continued)

MRS. MAIHOCK: I agree and I am as anxious as Mrs. Saxe and Mr. Bonner to find out the total number of outside agencies which are getting such benefits. This is an example of what has been originally submitted as a grant, later continuing to become part of the City budget, and these things sort of creep-up on us but before we know it, we have a large number of extra expenses for this City that originally were not intended to be so. Thank you.

MRS. GERSHMAN: Thank you. I must oppose Returning it to Committee because I think perhaps a lot of the questions that have been asked here tonight, can be answered. For one thing, the funds for these three people will be reimbursed from the Stamford Planning and Coordinating Agency's budget 1982/82 budget. For another to answer perhaps Mr. Bonner's question, we reiterated quite forcefully the question several times, there are no more people who are going to come on and Ms. Gilbane assured us that this was absolutely the last three people who are not on the plan. I would like to say that I think that Mrs. Maihock has a very good suggestion perhaps as an item for Steering, to find out more about what other agencies do come under the plan who are not direct Stamford employees.

MRS. MCINERNEY: I would support having this item Returned to Committee and possibly when there is questioning going on, to have the Committee question Sandra Gilbane as to what the anticipated life of the funding from the State will be and what does the City intend to do with this program when State funding runs out as well?

PRESIDENT SANTY: Is that a question?

MRS. MCINERNEY: Yes, a question for the Committee if it's Returned.

MS. SUMMERVILLE: Through you, Madam Chairman, to Rep. Esposito, if I may ask a question? Am I correct in assuming, I think it was two years ago, this type of thing came before us with the Grants Officer, Mrs. Brewster, and I remember conversation outside of the Democratic Caucus door, stating that this would never come before us again. Were these two people on Staff at that time or is this something that has developed since that appropriation since we did it before, two years ago when Mrs. Brewster was the Grants Officer? I, personally, remember asking could she assure us that it wouldn't come back. Now there is another Grants Officer telling us that they can assure us that it won't happen again. Do you remember that, Rep. Esposito?

PRESIDENT SANTY: Mr. Esposito, you can answer the question? You are also listed to speak.

MR. ESPOSITO: Yes, but maybe in answering the question, you can cross me off because that's the point I wanted to make. I'm not sure in the comments that were made by the people on the Committee, what exactly is meant by Sandra Gilbane's statement that this is the last group of people. Last group of what people? There are a lot of people out there who are working for various agencies as connected with the City or marginally connected with the City that could be placed on this. For example, the Rape Crisis Center came in last year for this very same thing and they decided to withdraw their request. There is nothing stopping them from coming in next month and requesting it all over again.

PERSONNEL COMMITTEE (Continued)

MR. ESPOSITO: (Continuing) There may be other agencies. If Community Return were to have been given to Stamford and Stamford City government were to take it over, those employees could be placed in the same kind of position; as the Fair Rent Commission employees have been, as various other agencies, the SHAPE employees have been. I'm really not clear what is meant when we say that this is the last group of employees. There are other possibilities. This is the last group with SYPCA. There are only three employees with SYPCA and this is the last group there. There's an endless array of other possibilities.

PRESIDENT SANTY: Continue, Ms. Summerville.

MS. SUMMERVILLE: I, too, would be in favor of sending this back to Committee because I think, just like you, Madam President, like things in writing, I think it is incumbent upon the Committee to ask Ms. Gilbane to put her statement in writing so that next year I won't have to ask Mr. Esposito to recall the conversation. Thank you.

PRESIDENT SANTY: Thank you, Ms. Summerville. Several comments have been made from Representatives that this should be placed on the Steering Agenda. If you want anything placed on the Steering Agenda, it has to be in writing and give it to our office staff, but it has to be in writing. Any ideas that you have that you would like submitted to Steering, please put them in writing.

MR. ZELINSKI: Thank you, Madam President. I, too, would be in favor of putting this back to Committee. I think there have been several questions raised. I, personally, if this does go back to Committee, would like to know the exact cost breakdown of what all these benefits would...

PRESIDENT SANTY: Mr. Zelinski, are you speaking in favor of Returning it to Committee? That's what the Motion is.

MR. ZELINSKI: If you were listening to me, Madam President, that was my first statement.

PRESIDENT SANTY: Continue.

MR. ZELINSKI: Thank you. I would like to have the Committee, if it does go back, to get a cost breakdown so this way we know exactly what the cost is for the taxpayers of Stamford. I know that a lot of the unclassified employees when they were first hired for these various City agencies that we have, they were given more money so they can go out and purchase their own fringe benefits, and I think we have to be very careful that we're not duplicating both higher income plus including them in the fringe benefits of the City, and I would hope that this does go back to Committee. Thank you.

PRESIDENT SANTY: I would also invite all the Representatives, if this does go back to Committee and there is a Meeting, you have many questions, that if it's convenient, that you do attend the Committee meeting and may be these questions can be answered. I see Mr. Hogan is writing furiously over here. It's impossible to ask him to answer all these questions at this time.

PERSONNEL COMMITTEE (Continued)

MR. FLOUNDERS: Move the question, Madam. SECONDED.

PRESIDENT SANTY: All in favor of Moving the question, please say aye. Opposed? We're going to Move the question that's returning #4 back to Committee. Two Tellers, Mr. Franchina and Mr. Wiederlight. All in favor of Returning this to Committee, please raise your hand. All opposed to Returning this to Committee, please raise your hand. Anyone opposed? None opposed. Any abstentions? Mr. Owens is an abstention. Anyone not voting? Mr. Esposito is not voting, Mr. Owens is an abstention. Mr. Wiederlight, may I have the final tally? The Motion to Return to Committee has PASSED 33 in favor, none in the negative, 1 abstention and 1 not-voting.

MR. HOGAN: That concludes the Report of the Personnel Committee, Madam Chairman. I would like to add that in the last Meeting notice that went out, there was a meeting scheduled for last week and one tentatively scheduled for this Wednesday. This meeting has been cancelled for this Wednesday and it is going to be the 29th.

PRESIDENT SANTY: Thank you, Mr. Hogan.

MR. HOGAN: Thank you, Madam Chairman.

PLANNING AND ZONING COMMITTEE

PRESIDENT SANTY: In the absence of Chairman Don Donahue and Vice Chairman Phil Stork, Mrs. Guroian will give the Committee report.

- (1) ACCEPTANCE OF LeROY PLACE AS A CITY STREET - Reps. Donahue and Blais 8/17/82.

HELD IN COMMITTEE

TRANSPORTATION COMMITTEE - Chairwoman Sandra Goldstein - NO REPORT

PUBLIC HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

NO REPORT

URBAN RENEWAL COMMITTEE - Co-Chairpersons John Roos & A. M. Summerville - NO REPORT

EDUCATION, WELFARE & GOVERNMENT COMMITTEE

MR. GAIPA: Thank you, Madam Chairman. I have here the report that Rep. Co-Chairman Rinaldi left with me that she was supposed to have given last Monday night and she had a difficult choice of coming back tonight or going to Italy and obviously she's not here. It's a good report and I'd like to read it.

- (1) REQUEST FROM REP. McINERNEY AND REP. DeLUCA AS TO WHY ROADS BROUGHT UP TO CITY ACCEPTANCE have never been invoiced for a period of the past ten (10) years. Report made 6/7/82. Held in Committee 7/12 and 8/2/82.

MR. GAIPA: This was discussed with both Commissioner Marra and Mr. Buchanan, Controller, and they advised us that the up-dated list with correct names and addresses of property owners have been obtained from the Assessor's office, were handed over to the Controller's office for processing and according to Mr. Buchanan, the invoices will be printed on September 28, and will be in the mail the next day and dated September 30.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. GAIPA: (Continuing) In order to prevent this from happening again, all of the invoices of similar kind that are delinquent and whatnot, will be added to the City's balance sheet so that it will be carried as a loss until they are paid in full.

MR. WIEDERLIGHT: Madam President, may I ask a question at this point?

PRESIDENT SANTY: Certainly, Mr. Wiederlight.

MR. WIEDERLIGHT: Mr. Gaipa, that answers what we're doing now, but the question is why have they not been invoiced for a period of 10 years?

MR. GAIPA: They were not able to answer that question for us.

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

MR. WIEDERLIGHT: That answers my question but it certainly doesn't answer the question that Rep. McInerney raised.

MRS. MCINERNEY: It doesn't answer the question that I raised and it also doesn't address the legal implications for the properties that have changed hands. If someone moved into a house and never requested road improvement, how can those people now be legally billed?

MRS. CONTI: I can answer Mrs. McInerney's question. Fortunately, the lis pendens were filed when the roads were repaired which means that any property that changed hands, when the title was searched, that lis pendens indicated that there was an assessment that was due on that property; so we can bill those people where the property has changed hands.

MR. WIEDERLIGHT: Again, to Mr. Gaipa, only because he is giving the Report; I'm certainly not picking on you, Mr. Gaipa. Whose responsibility to bill it? Is it the Finance Commissioner's responsibility?

PRESIDENT SANTY: Mr. Blais, would you answer that question?

MR. BLAIS: Mr. Wiederlight, I think that this is part of the crux of the problem. Apparently, there was no fixed responsibility for the billing and no follow-up procedure to insure that the bill had been made. One of the things that the City's Finance Department has done is implement procedures to assure billing and we've requested Commissioner Marra to put a follow-up note in the audit work papers to insure that the auditors make sure every year that these items are billed.

MR. WIEDERLIGHT: Thank you. This is the second item that I can remember that this Board has come up against where we have given out services where there is money due and have not collected. We have burglary alarm and fire alarm hook-up fees that have not been collected for the last five years and the responsibility seems to be going around and around, now we have this item. Yet, we are looking and searching for ways to collect money to close the budget gap, and the ways are really there and we are not even utilizing them. I am at a loss for words any further, Madam President.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

PRESIDENT SANTY: Thank you, Mr. Wiederlight. Any further discussion?

MRS. MCINERNEY: I agree with Mr. Wiederlight. I can't believe the remissness within the City not to bill burglary alarms, not to bill City road improvements and to be fined for unemployment comps and things that go to the Federal Government. I can't believe what is happening here. Certainly, there has to be some fixed responsibility and one person somewhere in the chain of command that isn't doing what they are supposed to be doing other than filing something in shoeboxes like Mr. Boccuzzi usually says, and we should get to the root of whatever is causing this problem.

MR. WIEDERLIGHT: I'd like to make a Motion to keep this item in Committee.

PRESIDENT SANTY: You are Returning this to Committee. There is a Second.

MR. WIEDERLIGHT: I thank Mr. Gaipa and his Committee for their Report; however, I feel that a more extensive report is due this Board and the taxpayers of this City to find out where does the buck stop? It is as simple as that and as I said, we're looking for ways to close the budget gap and we're collecting money in the front door and it's going out the back door. I think a definitive report should be issued to this Board of Representatives within the 30 days; why this money hasn't been collected and what is going to be done to rectify the situation and it doesn't mean hire more people to rectify the situation but more utilization of the people that are on the payroll now.

PRESIDENT SANTY: Thank you. We are now addressing the Motion to Return to Committee.

MR. BLAIS: Thank you, Madam Chairman. Actually, the systems and procedures are in place to assure that these monies are properly billed if the City properly instructs its external auditors. This is a job for the external auditors. This should be pointed out by the Commissioner of Finance, and quite frankly, one of the reasons I believe that it has been occurring in many instances is the lack of manpower in various financial departments of the City. Thank you.

MRS. PERILLO: Move the question, please.

PRESIDENT SANTY: A Motion is made, several Seconds to Move the question. All in favor of Moving the question which is Returning this item to Committee, please say aye. Opposed? We will vote on the main Motion to Return this to Committee. All in favor of returning item #1 to Committee, please say aye. We'll use a voice vote for this. Opposed? May I have the no votes raise their hand. No votes to Return item #1 to Committee; Mr. Blais, Mr. Perillo, Mr. Gaipa, Mrs. Gershman, Ms. DeGaetani. 5 votes. Any abstentions on Returning this to Committee? And the ones not-voting would be Mrs. Hawe and Mrs. Saxe not-voting and Mr. Livingston. You changed seats? I'm sorry, Mr. Livingston, just let me know when you change seats. Mr. Livingston was a yes vote. The item is Returned to Committee.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

- (2) LETTER OF 5/17/82 FROM REPS. B. CONTI, G. GUROLIAN, J. FRANCHINA, AND J. HOGAN REQUESTING A SPECIAL STUDY COMMITTEE TO LOOK INTO THE ASSESSMENTS MADE BY THE UNITED APPRAISALS. Held 6/7, 7/12 and 8/2/82.

MR. GAIPA: For the past three months, our Committee met with Mr. Faski and all of the data that he presented to us to examine all the problems and inaccuracies which may have occurred in the assessment. Mr. Faski was very cooperative and most helpful in our Committee work. He even allowed us to use the actual handwritten materials and worksheets that are used in the Assessment Office. Except for mathematical errors that were corrected by the Assessor's Office, all of the changes were corrected, and based on our findings, it was the vote of the Committee to submit its final report on this matter that there was not a justifiable difference, enough of a difference between the United Appraisals assessment and any other actual assessments.

PRESIDENT SANTY: Does that conclude your report on item #2, Mr. Gaipa?

MR. GAIPA: That's right.

PRESIDENT SANTY: Any questions to Mr. Gaipa regarding his report?

MR. BLAIS: We had Mr. Faski appear before our Committee several times and everytime that we asked him about errors found in the official appraisal and everything else, we investigated most of these errors that he pointed out, but you got to take into consideration that the total value of the errors found, and they're found every year in every assessment according to Mr. Faski, and also my own experience in having looked at the assessment base in many communities in the Northeast, I'm quite well acquainted with this happening throughout every assessor's office in every town and city that I have ever seen. Getting back to the point, we looked at the errors that were found, and they would be considered immaterial in relation to the whole of the assessments.

MR. FLOUNDERS: Thank you, Madam President. Through you, to Rep. Gaipa. I'm not quite clear, I heard the report; what is the disposition of this item? What is happening now, what is the recommendation, that it be dropped?

MR. GAIPA: The Committee voted to drop the item.

MR. FLOUNDERS: One other question, if I may? You made the statement that comparisons were made between the assessments made by United Appraisal and with other assessments. What was the nature of the other assessments that were used for comparison?

PRESIDENT SANTY: Mr. Gaipa, can you answer that question?

MR. GAIPA: Yes, this had to do with the field assessments made by the United Appraisal field appraisals and how they were reported back on the actual appraisals as carried on the City's records.

PRESIDENT SANTY: Any further questions, Mr. Flounders?

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. FLOUNDERS: I suppose not, but I'm still not clear. The other appraisals carried on the City's records, what was the source of the appraisal if not United Appraisal?

MR. GAIPA: If you are doing 30,000 properties, it's possible for typographic errors or mathematical errors or things like that to come in and distort what the final assessment is on each property. Their error rate ran less than 5%.

MR. FLOUNDERS: You're speaking of mathematical errors?

MR. GAIPA: Mathematical errors or errors, for example, a house that had a family room but it didn't have a family room. That kind of thing. The errors that were corrected by the Board of Tax Review and so forth.

MR. FLOUNDERS: I thought, Madam President, that the original objective of this investigation was to determine whether the basic values, area land values and property values were used by United Appraisal were reflective of accepted values in this part of the State. I have only heard about checking the accuracy of the reports as made by United Appraisal. I don't know exactly what it was we thought we were going to find out.

PRESIDENT SANTY: I would ask Mrs. Conti to address that. What her specific request was? This is a fair question, Mr. Flounders.

MRS. CONTI: As one of the ones who submitted the original request, I'm really not satisfied. There are other areas, first of all, we weren't able to get an answer to exactly what the criteria or the formula was that was used in arriving at market value. All Mr. Faski told us was it was based on market value, but I continued to ask market value based on what kind of criteria? I mean we weren't able to get to the bottom of that. We didn't get into it with any real estate people who might tell us whether they felt the assessments were accurate with regard to the property that changed hands since then. The original request was for a special committee and I would really like to reiterate that request that this be done by a special committee. Thank you.

MR. TARZIA: I have a question, through you, to Mr. Gaipa. Several questions. Mr. Gaipa, do you have any figures as to the number of people that appealed their cases, and of these, how many did get approval by the Board of Tax Review?

PRESIDENT SANTY: Mr. Gaipa, can you answer those questions?

MR. GAIPA: I believe I can. Mr. Blais has some information also. Why don't I just yield to him now.

MR. BLAIS: There have been several questions addressed. Mr. Flounders, the way that the relative property values, market values were determined for tax assessment purposes is United Appraisal looked at sales of property over a period of time. I'm not exactly sure right now what period of time it was; at the time, it seemed an appropriate period of time. They used very scientific methodology for determining current market value or approximate market value, but in addition to that, the Committee was assured relative accuracy and I say relative accuracy because there is a certain standard deviation of incompetence level error in this appraisal but the whole procedure is reviewed by the States, by a State office.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. BLAIS: (Continuing) Not only that, what the type of errors that we looked at in detail, the dollar value of those errors were mechanical errors because there's a lot of properties being assessed in a relatively short period of time and you do have mechanical errors. Mr. Faski's department is constantly perusing the cards, checking calculations just to make sure that there's not a decimal point slip here, a decimal point slip there. We did look at the number of cases reviewed by the Tax Board; were somewhat limited to question anything done by the Tax Review Committee by State Statute. We did do what we felt was an exhausted study of the whole situation and by and large as far as the Committee could see, we believe that the assessment was fair and equitable for everybody. I would like at this time to yield the Floor to Mr. Gaipa.

MR. GAIPA: I have gone through some of my own notes of our meetings with Mr. Faski. In answer to Mr. Tarzia's question, 75% of the appeals were not approved. In other words, 75% of all the appeals that were made to the Board of Tax Review, the United Appraisal was sustained. Those that were not were mostly due to a lack of information on the part of United Appraisal due to deed restrictions that has an effect on market value, on zoning that had an effect on market value and sometimes the information on the cards was not always recorded correctly. Those are the mechanical errors. Mr. Faski has said a number of times that his guess was based on his 25 years in the Assessor's Office, that about 8% of the assessment could be plus or minus 5% one way or the other.

I have associates in the real estate business who started keeping track of sales versus appraisals by United Appraisal and they gave up on it because month after month, the sales were coming so close to what United Appraisal was that it got to be a waste of time to do it anymore, and nobody was paying attention to it anymore.

PRESIDENT SANTY: Mr. Gaipa, before you go any further, are you finished with your comments? We have nine speakers and there's no Motion on the Floor. We're just speaking to the report. We're asking questions of the report. I think it's very informative. I just want to let you know what is going on here.

MR. TARZIA: The reason I'm on this item is because I did spend many hours going through those cards. I'm quite familiar with some of the properties. I made, I wouldn't say an exhaustive study by any means, but I did go through a lot of cards. First of all, I'm appalled at the fact that the Assessor's Office feels that the United Appraisal did such a good job. If they did, why did so many people appeal their cases and got pretty good reductions? I'd like to have an answer to that question and that Committee maybe should look into that and see why those reductions were made if they feel that was the case then,

MRS. MCINERNEY: Excuse me, Mr. Tarzia, is that a Motion to Return to Committee?

MR. TARZIA: No, it's not. I'm just asking several questions and making comments on them. The last of the statements I want to make, not a question, it's a statement that I think that United Appraisal did a pretty sloppy job. Perhaps, the City in the future, should not get the lowest bidder; should try to get one who is going to do a good job because the citizens of this City pay taxes for ten years and, therefore, deserve nothing but the best.

MRS. GOLDSTEIN: Madam Chairman, Point of Order: If there's no Motion on the Floor, what are we discussing? You can't discuss any item unless there is a Motion on the Floor.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MRS. MCINERNEY: You are correct, Mrs. Goldstein. Excuse me, Mrs. Guroian, as a Point of Order, Mrs. Maihock has stood to be recognized.

MRS. MAIHOCK: I will make a Motion that we do establish a Special Study Committee to look into this matter for the reason that, if I may state my reason, there are questions yet simmering regarding the reassessment procedure. Some people feel it was not a fair reassessment. We owe a thorough study of this matter to our taxpayers. I think it would be very beneficial to have such a Special Study Committee and it would not be responsible for the Committee to drop it until every effort is made to research the uncertainties that still exist and that is my Motion that we do appoint a Special Study Committee to look into this problem. Thank you. SECONDED.

MRS. MCINERNEY: Mrs. Conti Seconded the Motion. We are now addressing the question of establishing a Special Study Committee to look into the assessment problem.

MR. BLAIS: Madam Chairman, as a member of E, W, & G, as a member that spent many nights researching the assessment situation and looking at all possible angles, I would like to know what questions that Mrs. Maihock feels were not addressed by our Committee and where we were deficient? We spent many nights looking at this.

MRS. MCINERNEY: Mr. Blais, are you speaking to the question of establishing a Special Committee?

MR. BLAIS: Yes, I am, Madam Chairman. It seems that everytime we have a Committee report, no matter how hard the Committee worked on a report, and exhausted all questions, if certain people do not like the report, they want to form a Special Committee. It happened on Reapportionment; it's happening on this tax assessment. It almost happened on Charter Revision. What are we doing in Committee if we are going to create Special Committees to go over the work again, again and again? I would like to know again what questions remain unresolved?

MRS. MCINERNEY: Mr. Blais, you are speaking against the Motion? Thank you.

MRS. GUROIAN: Before I make up my mind whether I want to vote to send this back to Committee, I would like to question...

MRS. MCINERNEY: The Motion is not to send back to Committee, the Motion is to establish a Special Study Committee to look into assessments.

MRS. GUROIAN: Create a Special Study Committee, I would like to have a question answered, if it's possible by the Committee members? In the study as to the relationship between the appraised value and the market value of the property, was any attention paid to the relationship between the commercial property appraisal and the market value of commercial property vis-a-vis residential property?

MRS. MCINERNEY: Can anyone from that Committee answer that, Mr. Gaipa, Mr. Blais, Mrs. Gershman?

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. BLAIS: Mrs. Guroian, what we were told by the Tax Assessor's Office is that there's different methodology used to determine the assessed value per commercial property versus residential property. I left with the impression, I don't have my notes with me, that the methodology used on commercial property mirrors to date construction costs, which are probably higher than relative market value for residential area. I got the impression from the Committee, without referring to notes that I took, that the assessments were a lot easier on residents than they were on commercial property.

MRS. GUROIAN: I have always been given to understand that no matter what methodology is used, and I include open spaces in that where construction costs are not involved. No matter what methodology is used, it has to have a relationship with current market values, and I would like to know if the Committee looked into that as to whether the assessment on commercial property, whether they were developed land or undeveloped land, accurately reflected market values in the end?

MRS. MCINERNEY: Mr. Blais and then I would like Mrs. Guroian to address the question of setting up a Special Committee, please.

MR. BLAIS: Mrs. Guroian, if I recollect, there were actually three different methods used. Some of the commercial property in town could not be duplicated or compared so that they had to use relative construction value on a current basis.

MRS. GUROIAN: I don't feel as though my question was answered. I'm not interested in the methodology used because I am very well aware of it because I steeped myself in this study 10 years ago when they did reassessment and I know the different kinds of methodology they use for the different types of commercial land whether it be developed or not developed. I'm just interested in retrospect, as Mr. Gaipa said, he had several people looking at the sale of property and their appraised valuation whether some of those properties were in fact, commercial properties because if they weren't, that's one question I would like answered as to whether the commercial property, in fact, reflected market value vis-a-vis residential property? You can understand that in the relative comparison of the two, if one of those two was off-track, it would have a direct relationship on the total taxation that was raised, and that's a very important question. If, in fact, they have under-estimated the appraisal of commercial property and have estimated the appraisal of the residential property accurately, it has a negative effect as regards to residential property owners.

MRS. MCINERNEY: Mrs. Guroian, are you taking a position for?

MRS. GUROIAN: If this question is not answered, I would be for any committee looking into the answers for this particular question because I think involving themselves as to auditing whether the methodology was mechanically operated correctly or incorrectly is not the crux of the matter. The crux of the matter is the evaluation of property between the different types of property and whether they were all realistically appraised. That's where the question lies.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. BOCCUZZI: I'd like to speak against the forming of a Special Committee. It seems to me I read or heard that the percentage of people or homeowners filing claims against the assessment was less this time than it was 10 years ago, and I believe that's correct. I don't know what the bottom line is as to what people are looking for. They're looking at the appraisal is too high. I've heard people complaining about their assessment and later putting their houses on the market for way above the assessment. I really don't know what this committee is going to look for. I think the Committee that handled it has put in many hours and they've come up with the best that they could find out; the bottom line that United Appraisal, whether we liked our assessments or not, assessed the property in the City of Stamford the same way. In other words, one house on one street, two houses on the same street were assessed for the same amount of money if they indeed, maintained or had the same type of structure or whatnot. I think that's the bottom line with the assessment. The only time the assessment could be questioned is if like houses are assessed at different assessments. I think there is where the problem is. From what I could see, I don't like the assessments, I think they were too high, but I think at least they stayed with the same type of method in assessing all the homes. I really don't know what a new committee could do, or what other facts they could dig up other than what the present Committee has done.

MR. ESPOSITO: Move the question. SECONDED.

MRS. McINERNEY: Those remaining to speak are Mr. Rybnick, Mr. White, Mr. Gaipa, Mr. Bonner and Mr. Flounders.

We will now take a vote on Moving the question. Mr. Wiederlight and Mr. Franchina, I believe I need your help in counting. Those in favor of Moving the question on the Motion to establish a Special Study Committee to look into the reassessments, please raise their hand in favor. Moving the question. Those against Moving the question, please raise their hand. Those abstaining. Any no votes? The vote is 25 yes, 6 no, no abstentions and 2 not-voting. We will proceed to take a vote on the Motion to establish a Special Study Committee to look into the reassessment.

MR. WHITE: Is the discussion still open on that one?

MRS. McINERNEY: No, the question has been Moved. We are now taking a vote. All those in favor of establishing a Special Study Committee to look into the reassessment question, please raise your hand. Please, all of those in favor of voting to establish a Special Committee to look into reassessment, raise your hands high and keep them up until they finish counting. Those people opposed, please raise your hand. Those people abstaining. Any no votes? Mr. Zelinski. The Motion to establish a Special Study Committee to look into reassessments has LOST. The vote was 14 in favor, 18 no, and 1 not-voting.

MRS. GUROIAN: I Move that this item be put back into the Committee and that the Committee endeavor to answer some of the questions that were raised tonight. SECONDED.

MRS. McINERNEY: I'm sorry, Mr. Blais, Mr. Flounders has had his hand raised; I do realize that you stood and I will recognize you next.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. FLOUNDERS: Thank you, Madam President. I generally support Rep. Guroian's Motion to put this back into Committee, but I think in fairness to the Committee, we should be a little bit more specific about the kind of information we want. As I have listened to the discussion tonight and the questions and misgivings that many of the Representatives have about the appraisals that were made, and the assessments, seems to me that what we're really questioning is the criteria that was used by United Appraisal, and it also seems to me that in the course of responding to the Board's questions, both Reps. Blais and Gaipa have answered them in part by saying that comparisons were made with actual market values that many realtors in town kept records as to market value as determined by selling prices at the time of various types of property.

I think that in something as important as this, because so many of us have had so many questions from our constituents, as to whether or not the appraisals and the assessments were fair, I think we just need something a little bit more concrete and perhaps in writing. It is very difficult to sit here and accept even though I'm sure that the Committee has been conscientious about it, general statements that everything looks alright, we checked around, we worked hard and seemed O.K. to us, and they perhaps are probably right. I just think that if a simple written statement of the criteria were given to this Board and then the evidence as to why they, the Committee, were satisfied that this criteria was met by United Appraisal, both as regards to residential properties and commercial properties, I think the Committee would have gone a long way toward answering many of the misgivings and the questions the Board has. Thank you.

PRESIDENT SANTY: Thank you, Mr. Flounders.

MR. WHITE: I haven't spoken, Peter, on this issue. I appreciate it.

PRESIDENT SANTY: Mr. Blais, you're next. Thank you, Mr. Blais.

MR. WHITE: I think the frustration of the Board centers around the fact that the formulas by which property is assessed are established for the State Legislature. The problem is that the formulas have been skewed, the formulas have been skewed in the State Legislature very much in favor of big commercial property. It's quite true that probably the assessors did everything according to Hoyle in terms of a mechanical, technical way. What should be investigated is the whole process and along with what Mr. Flounders said, if you want to commission to the actual Committee that's supposed to study, has been studying, return it to Committee; what in fact should be examined, is not waste your time wondering if, or investigating whether the assessors did their job technically correct, I'm sure they did. The problem is that the formulas are all messed up and you just can't examine the formulas superficially. You have to examine them in depth. The whole question of construction costs, question market value and how they determine the market value of a commercial piece of property. The commercial piece of property market value apparently determine the basis of can they sell that building to another business and the fact that another business cannot use that building exactly as constructed for the initial business, ergo, it depreciates and so on. On the other hand, if you sell a single family house, any normal family can move in and use it, therefore, single family houses don't have to be tailor-made but apparently business property does. This is the sort of nonsense that has crept into the formulas and this it has done at the State level. What has to be done, I think, is that the whole formula process by which property is assessed, has got to be examined and then the specific recommendations have got to be made to our State Representatives and there's no reason why State Representatives cannot be called or Federal Representatives cannot be called down before local body or State bodies and given specific instruction.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. WHITE: (Continuing) You can order them, but you can say, "Hey look, this is the study that we've made of what your responsibility is in this particular issue and these are the recommendations we're making." And that's what has to be done because what has happened here in Stamford is the fact that although the Advocate will come out and say, "Listen there has been no transfer in itself of the financial liability onto the single family homeowner." The fact is there has been; has been enormous corporate growth in this town and they should have picked up a much greater percentage of the taxable revenue here and they haven't done it. The formula's got to be seriously examined and that's what's got to be done. Our frustration centers around the fact that we sense something is wrong. Nothing is wrong technically with what these people have done. What is wrong is something far more basic. The basic formula's established by the State Legislature for big corporate business are badly skewed and unfairly skewed in their favor and it shoved it over not necessarily to multiple family housing but to the single family residential owner. That's what's wrong.

PRESIDENT SANTY: Thank you, Mr. White. May I remind the Board that we are speaking to sending this back to Committee.

MR. BLAIS: Move the question, Madam Chairman. SECONDED.

PRESIDENT SANTY: Is there a Second? Seconded. All in favor of Moving the question which is returning this item to Committee, please say aye. Opposed? We'll now vote on the main Motion Returning this to Committee. All in favor of Returning this to Committee, please say aye. Opposed? All in favor of Returning this to Committee, we have to use a hand count. All in favor, raise your hand. All opposed to sending this back to Committee, raise your hand. Are there any abstentions? Anyone abstaining send this back to Committee? The Motion is LOST by a tie vote, 16 yes, 16 no. It is not sent back to Committee. Continue with your report, Mr. Gaipa.

- (3) PROCEDURES TO CONTRACT OUTSIDE LEGAL COUNSEL AND CONSULTANTS - requested by Rep. Walter Gaipa 7/9/82 referring to the Law Department's request for \$75,000 for outside legal counsel. Held in Committee 8/2/82.

HELD IN COMMITTEE

MR. GAIPA: Item #3 concerns the contracting of outside consultants. Investigation into what specific guidelines the City may follow in securing the services of outside consultants.

PRESIDENT SANTY: Mr. Gaipa, is that counsel or consultants?

MR. GAIPA: Consultants.

PRESIDENT SANTY: The item on the Agenda is outside legal counsel, not consultants.

MR. BLAIS: Point of order, Madam Chairman.

PRESIDENT SANTY: Yes, Mr. Blais.

MR. BLAIS: The Motion started out as a letter to look into the procurement of a specific counsel for the legal department. However, our Committee has decided that the issue needed to be broadened into the procurement of all consulting service in the City and whether appropriate guidelines are needed.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

PRESIDENT SANTY: Mr. Blais, the item on the Agenda is PROCEDURE TO CONTRACT OUTSIDE LEGAL COUNSEL. That was charged to the Committee, through the Steering Committee, and I think it's nice that the Committee expanded its scope, but we still have to stick to the Agenda.

MRS. MCINERNEY: Yes, Madam President. The supporting documentation that accompanied this request on July 9, was as follows: "What are the guidelines followed in securing and contracting for outside consulting services such as legal counsel, management consulting, auditing, etc. by the Law, Finance, Personnel or any other City department. Do these guidelines conform with the best interest of the City?" In essence, what was put on the Agenda and what was the initial item that was given to the E. W. G. is being correctly looked into by the E. W. & G. Committee.

PRESIDENT SANTY: The E. W. & G. Committee should have changed this on the Agenda. Someone should have changed on the Agenda or someone should have changed it at Steering Committee to broaden the scope, but the Agenda says OUTSIDE LEGAL COUNSEL. Can you address that one item, first?

MR. BLAIS: Madam Chairman, I think that the previous Agendas has it the way Mrs. McInerney stated. I think it's a typo error.

PRESIDENT SANTY: A typographic error?

MR. BLAIS: Previous Agendas had it the other way such as legal counsel, auditors and legal consultants.

PRESIDENT SANTY: Continue as long as you are going to continue in that vein. I will accept that as a typographical error, Mr. Gaipa.

MR. GAIPA: Thank you. The confusion may have been that we had our Committee meeting prior to the Steering Committee.

Since the City is not required by Charter to bid out professional services and department heads who were present, and this as Comm. Marra, Spaulding and Corp. Counsel Fraser, stated that they used their professional judgement and their knowledge and personal expertise within a given industry to identify and retain consultants. The City does not have a written or explicit set of guidelines that are regularly used, nor does there exist any standards by which a department head can monitor the work of a consultant once they have been retained.

After a long discussion between the Committee and the attending Commissioners, our members decided to take a look at some formalized State and Federal guidelines to see if this might be effectively used within our City and we have a Sub-Committee headed by Rep. Blais that is doing this. Therefore, this item is being Held.

PRESIDENT SANTY: Thank you, Mr. Gaipa.

MR. GAIPA: I would like to make a little P.S. here. Personnel Committee also has this on their Agenda and we may have a jurisdictional dispute here, Madam President.

PRESIDENT SANTY: Thank you. Mr. Blais, would you like to comment on that?

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (Continued)

MR. BLAIS: Yes, Madam Chairman. I think the jurisdictional dispute can be settled by having E, W, & G look into guidelines for procurement of consulting service, and the Personnel Committee look into when it is appropriate to classify somebody as a consultant or a civil servant.

PRESIDENT SANTY: Thank you, Mr. Blais, and I appreciate that. On the Agenda, it will continue to say OUTSIDE LEGAL COUNSEL AND CONSULTANTS. We'll change that now. Continue, Mr. Gaipa.

- (4) PROCEDURE THAT CAUSED TWO TAX BILLS TO BE MAILED TO THOSE TAXPAYERS WHO HAVE A "FREEZE IN EFFECT" - requested by Rep. DeLuca 8/13/82.

HELD IN COMMITTEE

MR. GAIPA: Item #4 was placed on Steering after our August 19, meeting so this will be Held. We will take it up at our next meeting.

PRESIDENT SANTY: Thank you, Mr. Gaipa. That concludes your Report.

ENVIRONMENTAL PROTECTION COMMITTEE

MRS. MAIHOCK: We're the Secondary Committee on Fiscal item #4 and our Committee as I stated voted 3 to 0 affirmatively. We did not have any other item on the Agenda.

APPOINTMENTS COMMITTEE

MR. DIXON: Thank you, Madam President. The Appointments Committee met on Thursday, September 9, at 7:30 p.m. in the Republican Caucus Room. Present and participating in that Meeting were Reps. Anthony Conti, Gabe DeLuca, Mildred Perillo, Ann Summerville, Joseph Tarzia, and myself, Handy Dixon. Also appearing in that interview session were other members of the Board and Dr. Michael Sveda with special interest in one of the appointments being considered.

I would at this time, Madam President, place on the Consent Agenda item #2, Mr. Paul Carignan for the Board of Recreation.

PRESIDENT SANTY: Item #2.

MR. DIXON: Item #4, Mr. Michael Minotti for the Southwestern Regional Planning Agency, more commonly known as SWRPA.

FAIR RENT COMMISSION - ALTERNATETERM EXPIRES

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|---|----------------------|------------------|
| (1) <u>MR. JOSEPH A. WHITE, JR. (R)</u> | Replacing C. Koester | December 1, 1985 |
| Saddle Hill Road | who resigned. | |
| Held in Steering 7/20/82 | | |

HELD IN COMMITTEE

MR. DIXON: Mr. White is Held in Committee for reason of not appearing for an interview.

APPOINTMENTS COMMITTEE (Continued)BOARD OF RECREATIONTERM EXPIRES

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|---|---|------------------|
| (2) <u>MR. PAUL CARIGNAN</u> (R)
28 Tupper Drive
Held in Steering 7/20/82 | Replacing Walter Gaipa
who resigned. | December 1, 1982 |
|---|---|------------------|

APPROVED ON CONSENT AGENDADIRECTOR OF DEPARTMENT OF HEALTH

- | | | |
|---|--|---------------|
| (30) <u>DR. RALPH M. GOFSTEIN</u> (U)
235 Den Road
Held in Steering 7/20/82 | Re-appointment of 5-year
contract per resolution. | July 31, 1987 |
|---|--|---------------|

HELD IN COMMITTEE

MR. DIXON: This is a contractual 5-year re-appointment that will expire July 31, 1987. The Appointments Committee labored through long hours with this interview which resulted in a unanimous vote to Hold the item in Committee. Included in the Motion to Hold this item, Madam President, is a recommendation that the Mayor advertise nationally in applicable journals and/or newspapers for the position of Health Director as an added effort to get the most qualified candidate for the City of Stamford.

Madam President, since this recommendation is somewhat unusual, I would ask you for a ruling as to how it may be disposed of?

PRESIDENT SANTY: Mr. Dixon, the President can send a letter to the Mayor if that is the direction of the Committee and this Assembly at that time. Is there any discussion on Dr. Gofstein's being Held in Committee?

MRS. GOLDSTEIN: I have no discussion on Dr. Gofstein being Held in Committee. My problem is with the Committee directing the Mayor, or requesting that the Mayor advertise nationally. I think that that's the kind of recommendation from a Committee, since it has such far-reaching consequences, since virtually it's tantamount to rejecting an appointment that requires a Committee vote. So, I believe if that's going to be the Committee's recommendation, that that Motion to ask the Mayor to advertise the position should come before the full Board.

PRESIDENT SANTY: Thank you, Mrs. Goldstein. Before we go into any discussion, Mrs. Signore has left the Meeting and she's not present. She will be recorded as absent during this discussion. Mr. Dixon, do you want to Move to a Motion since it is irregular; this has not happened on this Board before, that the President send a letter to the Mayor at your request.

MR. DIXON: Madam President, I asked for the correct procedure. It was my opinion that the Committee is accountable directly to the Board of Representatives and not to the Mayor, and is in no position to issue any such directives to the Mayor, so I don't know if I need to Move.

PRESIDENT SANTY: Let's ask the Parliamentarian to think about a decision on this, and Mr. DeLuca has some comments on this.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: We are now discussing whether a letter is sent from this Committee to the Mayor.

MR. BLAIS: I would object to consideration of that measure at this time. SECONDED.

PRESIDENT SANTY: You're objecting to consideration of this letter? that takes precedence We will now discuss that objecting to the consideration of this letter and contents at all. You're objecting to the whole item of a letter? Is there a Second to this objection? SECONDED. We will Move right to a vote. All in favor of objecting to even presenting this to the Board, please say aye. Opposed? We're going to have to take a vote. Mr. Wiederlight. The Motion is a correct Motion; it's an objection to the consideration of this letter.

MRS. GUROIAN: Madam Chairman, Point of Information, who Moved to consider it that he's objecting?

PRESIDENT SANTY: He's objecting to the Committee report that we send a letter at all.

MRS. GUROIAN: Did the Committee ask the Board to send a letter?

PRESIDENT SANTY: Yes, they did. It was not a Motion but he was asking for this letter. He didn't know the procedure. Before we go into any more speakers, the objection to a question needs a two-thirds vote.

MR. DIXON: Madam President, is it your ruling that the Chair send a letter to the Mayor? I ask the Chair to make a ruling on this.

PRESIDENT SANTY: I asked the Parliamentary ruling on that while we were discussing that. The Motion is an objection to the entire item of considering this at all.

MR. HOGAN: Thank you, Madam Chairman. I feel, Madam Chairman, that the recommendation of the Committee to Hold is a correct one. It's correct as Parliamentary procedure. I have great doubt as to whether or not the Committee has the right to instruct the Mayor to procedure further in seeking other candidates for this office. I feel that this could have a far-reaching effect. It almost connotes that the Committee has made a decision and that logically, you can assume the Committee has made a decision and is looking for another candidate. I would wonder whether or not this same set of standards would apply to all candidates. My interpretation that as far as Parliamentary procedure goes, the Hold recommendation is proper; the letter I would assume, I think, and I feel is not proper. Thank you.

PRESIDENT SANTY: The Parliamentary ruling is that a letter is not proper. There is a Motion for objection in total but we have not accepted that.

MR. DeLUCA: I really have to chuckle at the play of words here this evening. Most of the people here listened to what the Committee report was. The Committee report was that we would Hold Dr. Gofstein's name in Committee. We also voted to recommend; we are not instructing. Let's get the two words clarified. We are not instructing the Mayor to go out and advertise; all we are doing is making a recommendation. I think this is proper for the Committee to make a recommendation. We heard here this evening that the Committee doesn't have a right to do to this. I have to disagree with this. Throughout my years on the Board, we have made requests of our President to send letters to the Mayor requesting that he do certain things or investigate certain things, or comply with. Now we are saying

APPOINTMENTS COMMITTEE (Continued)

MR. DeLUCA: (Continuing) that we cannot do this unless we have a full Board. We're not instructing; we're recommending.

PRESIDENT SANTY: The Motion is an objection to the consideration of a letter. Although there is no Motion on the Floor, he is objecting to even considering the Motion. You need a two-thirds vote. It is not debatable.

MS. SUMMERVILLE: Point of Information.

PRESIDENT SANTY: Yes, Ms. Summerville.

MS. SUMMERVILLE: Out of due respect to those who are part of the Committee, I'm a part of the Committee, and I do think the Committee has been unjustly given a report by Mr. Dixon. If I might beg of you to correct me, Mr. Chairman of the Committee, Mr. Dixon, I understood the Committee's directive was that the Committee would ask Dr. Gofstein's name be Held in Committee with a letter coming from the Committee stating what they would like to see done, asking the Mayor may be consider, I think the word was consider, having the position of the Health Director advertised as the Chief of Police, etc. Someone stated in Committee that there have been letters and directives sent to the Mayor from the Appointments Committee. For instance, when Mr. Levine was not re-appointed by the Mayor, if I am correct in recalling, there was a directive sent direct from this Board and most of you were present, and Members...

PRESIDENT SANTY: Let Ms. Summerville finish her questioning and statements. There are many speakers. You'll all be called on.

MS. SUMMERVILLE: I hate to bore you. I don't think it's fair for a Committee report not to be given exactly the way the Committee asked that the report be given. I at no time sat in a Committee meeting and had the directive sent by the Chairman stating to ask the President of the Board on this Legislative Body, the night of the Meeting, what is her preference or what is her ruling? It was voted upon by the Committee what we were going to present to you tonight; whether it was incorrect or correct. It was never a question for you to give us an answer, Madam Chairman. I would never be in on a part of that deliberation to put you on a spot like that.

PRESIDENT SANTY: Thank you, Ms. Summerville.

MR. DIXON: Madam President, I have a copy, not a copy of, but the Motion in the handwriting of Mr. Conti. It is written exactly as I have put it before this Board, and I would pass it to you now, Madam President, for you to read so that you can stress to this Committee that the Motion has not^{been} altered.

PRESIDENT SANTY: The only Motion on the Floor, the Committee made a Motion to Hold Dr. Gofstein's name in Committee.

MR. DIXON: Ms. Summerville has stated that I have altered the Motion. It is causing some confusion and misunderstanding. She has challenged the report of the Chairman and I don't understand that.

PRESIDENT SANTY: Let's not have anycross debate.

MR. DIXON: That is the Motion made by Mr. Conti before you right there, if you will read it.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: Mr. Dixon, we are not going to have any cross debate. Dr. Gofstein's name is Held in Committee. There was discussion about a letter being sent from someone whether the Committee, or the President vote on the whole Board, vote on by the Committee, but at that time, Mr. Blais made a Motion to object to the consideration of this item at all; being the letter. It was Seconded. There is no debate on that type of a Motion. I don't think we're debating that Motion, Mr. Blais.

We're going to proceed right to a vote, but Mr. Blais' Motion, an objection of the consideration of the letter, needs a two-thirds vote. We're going to Move right to a vote. All those in favor of objecting to even the consideration of this letter, please say aye. Raise your hand if you object to a letter in any form, please raise your hand. Preceding that, I will read the report, Mr. Dixon, if I can? Motion is to object to the letter. Mr. Blais' Motion to object to any consideration of it. Object to even considering this. All those in favor of considering the Motion. The vote was to sustain Mr. Blais' Motion to oppose consideration. This is in favor of considering it. You are now voting in favor of considering a letter which is what the Committee recommended. Please put your hands up if you are in favor of considering the letter.

MRS. SAXE: As a Point of Order, please?

PRESIDENT SANTY: Yes, Mrs. Saxe. Let's finish the vote, Mrs. Saxe. Please sit down. Mrs. Saxe, would you mind?

The Motion to oppose consideration is Lost.* You need two-thirds. It was 16 opposed to consideration, 14 to consider. Now we are going back. There is a whole list of speakers. Mr. Dixon, do you want me to read this; the Minutes here or not?

MR. DIXON: Madam President, that is the Motion that was made by Mr. Conti in Committee and that is the Motion that I have recorded and reported to the Committee, I mean to this Board. Since there is some doubt as to whether I have done that correctly as the Motion was made, I ask you to read it. There's some doubt to the credibility of my Report.

PRESIDENT SANTY: Mr. Dixon, you are stating that the Committee voted 6 in favor to Hold Dr. Gofstein.

MR. DIXON: The Committee voted 5 in favor...

PRESIDENT SANTY: And none opposed.

MR. DIXON: Ms. Summerville wasn't even present during that interview. She was present, however, during the vote, but she was not eligible to vote in that matter.

MRS. SAXE: Thank you. On page 21 of the Charter, chapter 42: Health Department, The Health Director, meaning he, he shall be appointed by the Mayor with approval of the Board of Representatives for a term of 5 years. This Body has no right whatsoever to do other than one of two things: accept or reject.

PRESIDENT SANTY: Thank you, Mrs. Saxe.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: There's no Motion on the Floor. This name is being Held in Committee.

MRS. PERILLO: I just wanted to clear something up. We did not ask that the President be put on the spot to give us a recommendation or her interpretation of anything. We didn't agree to that. I just wanted to clear that up.

PRESIDENT SANTY: Thank you, Mrs. Perillo.

MR. BOCCUZZI: I'm on the Appointments Committee for quite a few years, and usually when the Appointments Committee feels that an appointment is not going "to fly" as they say, usually go to the Mayor and ask him to withdraw the name. The Mayor refuses to withdraw that name; then it has to be put on the Floor of the Board. Theoretically, what the Appointments Committee is saying, "Mayor, you go out and advertise and when you find somebody that will take the job, that we want, then we'll dump the present Health Commissioner." That's theoretically what you are saying. That's true. That's what you are saying. Madam President, may I have the Floor?

PRESIDENT SANTY: Mr. Boccuzzi has the Floor. I'll recognize you next, Mr. DeLuca.

MR. BOCCUZZI: You're asking a person to stay in that position as long as you can't find anybody better. If you could find somebody better, then you're going to tell him he is through. That I can't see, whether you are for him or against him. The Committee voted to Hold him in Committee until next month. I think next month, the name should be put on the Floor and if this Board, the 40 Members of this Board, rejects the Health Director, then I think it behooves the Mayor to go and advertise for a new person, but to ask him to advertise in the meantime before this Board as a Body takes a vote, I don't think that's right. I don't even think it's legal.

PRESIDENT SANTY: With this discussion, the Mayor is going to get the message anyway.

MR. DeLUCA: To begin with, I'd just like to correct Mr. Boccuzzi. We did not vote to Hold his name in Committee for one month. That was not the Motion. We just said voted to Hold it in Committee. We didn't specify any time. You're saying one month. #2. For Mr. Boccuzzi to interject the Committee's feelings as to what we wanted to do with this, is purely an interjection of his own thoughts; not of the Committee who voted unanimously to give the report that is stated. #3. I believe Mr. Boccuzzi was on the Board when we decided to go back regarding Martin Levine's name. Now, it seems to be somebody else's name that may be Mr. Boccuzzi is in favor of, and, therefore, he says the Appointment Committee was in error for doing what we did. It's not legal. How come it was legal about a year, or two years ago, and now it isn't? I find this very difficult to understand.

MR. BOCCUZZI: Point of Personal Privilege.

PRESIDENT SANTY: That's not a Point of Person Privilege, Mr. Boccuzzi.

MR. BOCCUZZI: Yes, it is.

PRESIDENT SANTY: No, it's not.

MR. BOCCUZZI: Madam President, we rejected a name.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: Personal Privilege, Mr. Boccuzzi, may I remind you according to Robert's Rule is incorrect attendance at a meeting or inaccurately stating something that has not been accurately stated. Mr. DeLuca, are you finished with your questioning or your remarks?

MR. DeLUCA: Yes, therefore, I would Move that we proceed with the vote.

PRESIDENT SANTY: There's no vote; there's no Motion. What are we discussing? Are you putting anything to a Motion, Mr...

MR. DIXON: Madam President, I am at a loss to determine what the debate is about now because there is no Motion on the Floor.

PRESIDENT SANTY: There is no Motion on the Floor, there is nothing to address unless you want to bring Dr. Gofstein's name out of Committee; there's no Motion.

MR. LIVINGSTON: Thank you, Madam President. Madam President, I have a question and I'm hoping someone can answer it for me. Madam President, if I understood the Motion he made which was that this be Held in Committee pending on a request that the Committee was making, which has been over-ruled, right? Is that correct? It hasn't?

PRESIDENT SANTY: There is no Motion. Mr. Dixon asked that Dr. Gofstein's name be Held in Committee. Then he went on to further state, we'd like to consider a letter and he didn't know the procedure to follow. A letter to be sent to the Mayor from someone...

MR. LIVINGSTON: The point is, Madam President, the intent of the Committee at that time was to Hold this in Committee until the Mayor followed through with some of their requests. But, Madam President, my question is if the Committee is going to Hold this in Committee, what are they Holding it in Committee for at this present time?

MR. DIXON: Madam President, the action of the Committee was as voted to Hold in Committee for an indefinite, not for any specific amount of time; it's Holding it in Committee tonight; in this Meeting, which to my knowledge means that next month, the Committee can vote it out.

MR. HOGAN: Thank you, Madam Chairman. I think that the Parliamentary situation is this, Madam Chairman, that the Motion that should be before the House now is it's the intention of the Committee to Hold this nomination. If this carries, then I feel that the next step as to communicating with the Mayor on this appointment, then should come from the Floor of the Board. It should state the wishes of the Board and that the Committee recommendation should simply be one to Hold.

MRS. GOLDSTEIN: Madam Chairman, I want to know if that is your ruling in terms of how to handle the matter?

PRESIDENT SANTY: Yes, it is. I agree with my Parliamentarian. The Motion by the Committee was to Hold in Committee Dr. Gofstein's name with a recommendation that a letter come from this Board, if this Board so desires, to the Mayor. There's no Motion. I think it should come from this Board and I think it should be in a Motion and I would appreciate a Motion.

MRS. McINERNEY: I so Move, Madam President.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: Mrs. McInerney Moved that a letter from this Board, I will read from the Minutes, recommendation to the Mayor to advertise nationally in journals and/or newspapers the position of Health Director with the City of Stamford. That's been Seconded.

MR. BLUM: Madam Chairman, I will Move that we take the recommendation of the Chairman of the Appointments Committee. He made a Motion to Hold. This is the first time that I have ever been at a meeting of this Board, that a Chairman says to Hold an item in Committee and we've been discussing this for a half-hour.

PRESIDENT SANTY: Mr. Blum, it went further than just Holding it.

MR. BLUM: I'm making a Motion that we go on to the next item of order of business.

PRESIDENT SANTY: Mr. Blum, there's a Motion on the Floor by Mrs. McInerney.

MRS. MCINERNEY: I would withdraw my Motion.

MR. BLUM: The Chairman of the Committee made his recommendations to Hold that in Committee.

PRESIDENT SANTY: Mrs. McInerney, you're withdrawing your Motion?

MRS. MCINERNEY: Yes, for the sake of expediting the Committee's decision to Hold.

PRESIDENT SANTY: There are no Motions on the Floor. The Committee's decision is to Hold.

MR. DeLUCA: I'd like to make a Motion that we Hold this in Committee and that we follow through with the Committee's report for the letter of recommendation to the Mayor.

PRESIDENT SANTY: Mr. DeLuca has made a Motion, which has already been stated by Mr. Dixon, that Dr. Gofstein's name be Held in Committee with a letter of recommendation as recommended by the Committee to send a letter to the Mayor from this Board stating, and I'm reading from the Minutes, "to advertise nationally in journals and newspapers for the position of the Health Director for the City of Stamford to insure getting the most qualified candidate. There's a Second to that. Now we are speaking to that Motion.

MR. BLAIS: Yes, Madam Chairman. Does this mean that ^{if} we defeat this Motion, that Dr. Gofstein is not Held? Madam Chairman, the Motion is to Hold Dr. Gofstein and send a letter. If we defeat this, does that mean we automatically approved Dr. Gofstein?

PRESIDENT SANTY: No, Mr. Blais, it will be out of Committee, but the Motion is stated a double Motion that Dr. Gofstein's name be Held with a recommendation that a letter be stated; sent out. There's a Second to that Motion. Discussion now on Mr. DeLuca's Motion.

APPOINTMENTS COMMITTEE (Continued)

MRS. CONTI: Point of Information, Madam President.

PRESIDENT SANTY: Yes, Mrs. Conti.

MRS. CONTI: Has the Committee determined or do they intend to determine whether there is any requirement of Federal or State law that we have to open this position to the general public? Has that been determined?

PRESIDENT SANTY: Mr. Dixon, can you answer Mrs. Conti's question?

MR. DIXON: I don't believe I can answer that question. There is no Federal, State or local ruling on it that I am aware of.

MRS. CONTI: May we get a ruling from Corporation Counsel?

MR. ZELINSKI: I'd like to Move the question.

PRESIDENT SANTY: Mr. Zelinski made a Motion to Move the question which is the consideration of the Motion by Mr. DeLuca to Hold Dr. Gofstein's name in Committee with a recommendation from the Committee that a letter be sent to the Mayor. There's a Motion on the Floor. Is there a Second to that Motion? Seconded. All in favor of Moving the question, please...we're in the process of a vote, Mr. Blum. All in favor of this Motion, please say aye. All opposed? We're voting whether to Move the question. All in favor of Moving the question which is the consideration of Mr. DeLuca's Motion, please raise your hand. We're voting on Moving the question. The question is Mr. DeLuca's Motion. If you take your seats and stop chatting, you'll know what the Motion is. We are now voting on whether to Move the question. All in favor of Moving the question, please raise your hand for the Tellers. This needs a two-thirds vote. I would ask several Representatives, please stop the conversations. Mr. Owens has left the Meeting. There are now 35 members present, two-thirds is 24 and up. There are 34 members present. We need 23 votes for two-thirds; it DID NOT PASS.

MR. BLAIS: I Move for an adjournment.

PRESIDENT SANTY: Mr. Blais has Moved for an Adjournment. Is there a Second to that Motion? Mr. Blais, I'll accept that Motion; it's a proper Motion. A Motion has been made and Seconded to adjourn. All in favor of adjourning, please say aye. Opposed? All in favor of adjourning, please raise your hand. We are completing this vote. All opposed to adjourning now raise your hand. Are there any abstentions to adjourning? The Motion to adjourn has been DEFEATED 21 no, 12 yes.

MRS. McINERNEY: Madam President, I think it is wrong to put both items together; to Hold and to direct the letter. I think, if anything, it should be two separate items. The Committee has voted to recommend to this Board that it Hold and then I do think that the Board has an obligation, morally and legally, to direct the letter as a second issue. They should not be encompassing.

PRESIDENT SANTY: I would ask Mr. DeLuca, the maker of the Motion, to speak.

MR. DeLUCA: Based on Rep. McInerney's suggestion, I withdraw my original Motion and make a Motion at this time, that we Hold Dr. Gofstein's name in Committee. SECONDED.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: A Motion is made and Seconded to Hold Dr. Gofstein's name in Committee.

MRS. GUROIAN: Point of Order.

PRESIDENT SANTY: Yes.

MRS. GUROIAN: Madam Chairman, the Committee already voted to Hold it in Committee. If you want to take it out of Committee, the Motion has to be to take it out of Committee; not Hold it in Committee. They've already said that.

PRESIDENT SANTY: One moment.

MR. DIXON: Madam President, Mrs. Guroian is absolutely correct. The Committee's decision was to Hold and that has been reported to this Board. If the Board wants to act separately on the recommendation, then the Board should feel free to do that.

MRS. MCINERNEY: As a Point of Clarification, that was not the Motion that was introduced by Mr. DeLuca which caused all this discussion.

PRESIDENT SANTY: Right, that's it exactly. Mr. DeLuca made another Motion, but Mr. Dixon's Motion was not changed and it was the Committee's report to Hold in Committee. No one brought his name out of Committee. I will accept that as a Committee report.

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

PRESIDENT SANTY: There's no question to be Moved. The Committee report was to Hold in Committee unless you want to bring it out.

MR. DIXON: Madam President, what I am trying to say is that, it seems to me that it would be perfectly in order for Mr. DeLuca to make his Motion to act on the recommendation only.

PRESIDENT SANTY: The Motion to Hold Dr. Gofstein is in Committee. That does not make another Motion. Are you making a Motion for anything else, Mr. DeLuca?

MR. DeLUCA: ...vote that we had, then I will make a Motion later,

PRESIDENT SANTY: There's no vote because the name is being Held in Committee and no one is bringing his name out of Committee.

MR. DeLUCA: Now I would like to make a Motion that we send a letter of recommendation to the Mayor ...SECONDED.

PRESIDENT SANTY: With the words the Committee held?

MR. DeLUCA: Yes.

PRESIDENT SANTY: To advertise nationally as stated before. Is there a Second to that Motion. There's a Second to that Motion. We are now addressing that Motion.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: Dr. Gofstein's name is Held in Committee by virtue of Mr. Dixon's report.

MR. BLAIS: Thank you, Madam Chairman. Dr. Gofstein, in my opinion, has done a very good job in a very unpopular job. I would ask each one of you, each one of you that works, how would you like your boss to receive a letter saying, "Well, if we got nobody else for the job, we'll take this guy, however, let's see if we can get anybody else better." Especially considering that the man has put in many hard years under pressure. He's a man that has to say no. Conversely, if I didn't get any grief about Gofstein, I probably wouldn't vote for him because it's an unpopular job. The man has been doing his job with great dedication, vastly unpaid. Put yourselves in his position. For a doctor, yes.

PRESIDENT SANTY: Mr. Blais has the Floor. Please give him every courtesy; you'll all be eligible to speak. We are speaking to the Motion. I know this is a very emotional issue, but Mr. Blais has the Floor. Please give him the respect.

MR. BLAIS: If this gentleman was working on a State or Federal level, I'll tell you right now, he would command more money than he is getting from the City of Stamford, and probably have less grief and more manpower to do his responsibilities. I'm asking each one of you to consider, how would you like your boss to receive a letter saying, "We really don't want this guy unless we can't find anybody else to fulfill the position." Please, the man has given many hard and dedicated years to the City; take this into consideration when you vote.

MRS. SAXE: Point of Order, please read from the Charter what you're allowed to do and what you're not allowed to do.

PRESIDENT SANTY: Mrs. Saxe, you have already read from the Charter. I'm going on to the next speaker.

MR. CONTI: Thank you. I believe what has transpired up to this time has just about negated what I was going to say. The Motion made by the Committee was to Hold in Committee with the recommendations; it was an encompassing Motion. It was not a Motion to be split in half. Thank you.

PRESIDENT SANTY: Thank you, Mr. Conti. That's an informational statement, but the Motion to Hold in Committee, Dr. Gofstein's name in Committee, the Motion was made on the Floor which is in order to send a letter.

MR. RYBNICK: Move the question. **SECONDED.**

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question which is the consideration of sending a letter to the Mayor as stated. All in favor of Moving the question, please say aye. Opposed? All the no votes, raise your hand. We need 23 votes to Move the question. All in favor of not Moving the question. All in favor of Moving the question, raise your hand. We need 23 yes votes. The Motion to Move the question has **PASSED 28 to 6.** We're Moving the question.

APPOINTMENTS COMMITTEE (Continued)

MRS. McINERNEY: Point of Clarification.

PRESIDENT SANTY: It's not debatable. I hope it's clarification.

MRS. McINERNEY: I would like to know exactly what the letter is going to say, please.

PRESIDENT SANTY: The Motion was stated, and I'm reading from the Minutes, that a letter be sent to the Mayor with the recommendation to advertise nationally in applicable journals and/or newspapers for the position of the Health Director for the City of Stamford to insure getting the most qualified candidate. That is from the Minutes of the Committee. There is no further discussion. We are going to Move right to the main Motion which is sending this letter.

MR. DeLUCA: Could I have a Roll Call vote, please? SECONDED.

PRESIDENT SANTY: Yes, Second to a Roll Call vote? Seconded. How many would like a Roll Call vote? Sufficient number. We'll have a Roll Call vote. I am asking all the Representatives to take their seat. I am asking all the Representatives to leave the Caucus room and take your seat. It's a Roll Call vote. The vote is on sending a letter as I stated to the Mayor regarding Dr. Gofstein's appointment. We will now proceed to a Roll Call vote. Please, I ask you to give Mrs. Maihock, our temporary Clerk, your attention.

MR. FLOUNDERS: Point of Information.

PRESIDENT SANTY: Yes, Mr. Flounders.

MR. FLOUNDERS: A yes vote as I understand it, favors such a letter; a no vote opposes such a letter?

PRESIDENT SANTY: Yes, Mr. Flounders. If you vote yes, you favor a letter being sent to the Mayor. A no vote you are against the sending of a letter.

MR. WIEDERLIGHT: Have we confirmed that there are 34 Members in the attendance tonight and 1 is off the Floor?

PRESIDENT SANTY: I would ask the Tellers to count the members while they're seated. Count them to verify the count.

MRS. GUROIAN: It's a Roll Call vote. What do you need a count for?

PRESIDENT SANTY: He wants the verification of the number of members present at this point. Mr. Owens has left. There are 33 members present on the Floor. One is absent during this vote.

MRS. GUROIAN: When you Call the Roll, you'll know how many people are here.

PRESIDENT SANTY: Right, Mrs. Guroian, but Mr. Wiederlight wanted a confirmation which is perfectly in order. We will proceed to a Roll Call vote. A yes vote favors the sending of a letter, a no vote is against the sending of a letter. We will proceed.

APPOINTMENTS COMMITTEE (Continued)

MRS. MAIHOCK, ACTING CLERK, called the Roll.

PRESIDENT SANTY: I would ask the Teller, Mr. Wiederlight and Mr. Franchina to come forward. Before we go any further, we'll have the tally. The Motion to send a letter has been DEFEATED 18 no, 13 yes, 3 abstentions and 1 absent.

MRS. CONTI: Thank you Madam President. I would like to request that the Committee send a letter to the Corporation Counsel inquiring in view of the Equal Opportunity laws, whether there is any legal requirement for us to open this job to all?

PRESIDENT SANTY: Mrs. Conti, would you please repeat your Motion? Please give Mrs. Conti your attention. I did not hear that Motion, Mrs. Conti.

MRS. CONTI: I would like to request that the Committee send a letter to Corporation Counsel and inquire as to whether we have any legal obligation under the Equal Opportunity laws to open this position to all?

PRESIDENT SANTY: And there was a Second to that Motion. We are now discussing Mrs. Conti's Motion. Any discussion?

MR. WHITE: Thank you, Madam President. It is, generally speaking, not a good idea for a Body or Commission to go to a Corporation Counsel or anyone, especially to go to a higher level of government, to ask them, in fact, what requirements are in respect to their powers because you run the risk of seeing your powers and your ability to maneuver in your area of circumspection narrowed. In other words, what you are looking for is trouble here. You should never deliberately seek, in most instances, especially to a higher level of government to ask them for decisions of this nature. You end up usually circumscribing your own powers in your own areas of option. That's, generally speaking, a very foolish move to do. It's a general principle of government that that's very, very dangerous. Thank you.

PRESIDENT SANTY: We are now addressing Mrs. Conti's Motion to send a letter to Corporation Counsel advising us under the Equal Opportunity laws...

MRS. CONTI: Inquiring whether we have any obligation, and I'm not saying go to a higher level of government. I'm asking Corporation Counsel to review the laws and inquire whether we have any obligation to open the position.

MR. WIEDERLIGHT: Thank you, Madam President. We're playing a lot of games with this nomination. That's what we're really doing. Let's just call it the way it really is, O.K? You got a report from a Committee to Hold and that's the report from the Committee. Now we are circumventing this thing and now we want a letter to see if we have any obligation under the EEOC. Next thing you are going to want to see is may be we should consider something else or something else. The fact is the Committee voted to Hold. Let's support the Committee. Next month they will come out with a Report and sooner or later, they'll come out with a yea or a nay to us and then we'll act on it, and that's the way it should be.

PRESIDENT SANTY: Thank you, Mr. Wiederlight.

MR. FLOUNDERS: I Move the question.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question on Mrs. Conti's Motion. All in favor of Moving the question, please say aye. Opposed? We're going to Move the question that is on Mr. Conti's Motion. All in favor of Mrs. Conti's Motion, please raise your hand. Tellers, please count. All those opposed to Mrs. Conti's Motion, please raise your hand. Raise your hands high if you are opposed to Mrs. Conti's Motion. Any abstentions? Anyone not voting? The Motion has been DEFEATED 17 no, 14 yes, 1 abstention and 1 not voting.

MRS. McINERNEY: Yes, Madam President. Since it's obvious that the Committee is Holding the item, I would appreciate them helping me get an answer from the Mayor in a letter I directed to him on August 11, requesting any written documentation and action by his office on the appointment of Dr. Gofstein. I also asked him to include any other pertinent information from Gofstein's personnel file pertaining to his performance in office and specifically, for his reasons for favorable action and selection for Dr. Gofstein's continued service as the City's Health Director. I requested an answer by August 18. To date I didn't get that answer from the Mayor; however, I have been receiving little items in the mail from the Dental Association and the Medical Association, and I was directed...

MR. WIEDERLIGHT: Point of Order, Madam President.

PRESIDENT SANTY: Let her finish, Mr. Wiederlight. Are you directing a question or statement to the...

MRS. McINERNEY: I am requesting the assistance from the Appointments Committee since they are Holding the item, to try to get from the Mayor, his specific reasons for favorable action and selection on Dr. Gofstein for this position. Nobody else's, the Mayor's specific reason.

PRESIDENT SANTY: Mrs. McInerney, those are suggestions taken by the Committee but they are under no obligation to answer those. Since this item is Held in Committee, if there is no further discussion, we'll move on with the Committee report.

SOUTHWESTERN REGIONAL PLANNING AGENCYTERM EXPIRES

- | | | |
|---------------------------------------|-----------------------|----------------|
| (4) <u>MR. MICHAEL P. MINOTTI (R)</u> | Replacing E. Gershman | March 15, 1984 |
| 65 Prospect St., Apt. 6-C | | |
| Held in Committee 6/28 & 8/2/82. | | |

APPROVED ON CONSENT AGENDA WITH MRS. McINERNEY VOTING NO.TRANSIT DISTRICT

- | | | |
|------------------------------------|-----------------------|------------------|
| (5) <u>MR. MICHAEL FEIGHAN (D)</u> | Replacing Ronald Bane | December 1, 1985 |
| 123 Van Rensselaer Ave. | who resigned | |

HELD IN COMMITTEE

MR. DIXON: Mr. Feighan is being Held in Committee for reasons of not being interviewed.

PRESIDENT SANTY: Do you want to Move the two on the Consent Agenda?

MR. DIXON: Yes. To go back to the two on the Consent Agenda, item #2, Mr. Paul Carignan for the Board of Recreation and item #4, Mr. Michael Minotti for the Southwestern Regional Planning Agency both having received unanimous votes of approval from the members of the Committee, I would now so Move for their confirmation.

APPOINTMENTS COMMITTEE (Continued)

PRESIDENT SANTY: Is there a Second to that? Several Seconds. All in favor of these two items on the Consent Agenda, please say aye. Opposed? Thank you, Mr. Dixon for your report.

MRS. McINERNEY: Madam President.

PRESIDENT SANTY: Yes, Mrs. McInerney.

MRS. McINERNEY: I would like to have my vote recorded on item #4 as a no vote, please. Thank you.

PRESIDENT SANTY: Mrs. McInerney will be recorded as a no on Mr. Michael Minotti.

PUBLIC WORKS COMMITTEE

PRESIDENT SANTY: I would ask the Representatives to take their seats. There is important legislation going to be presented by Mr. Flounders.

MR. FLOUNDERS: A meeting of the Public Works Committee was held on Tuesday, September 7, 1982 at 8:00 p.m. Present to constitute a quorum were Reps. Blais, Boccuzzi, Bonner, Saxe, Perillo and Flounders. Representing Public Works were Commissioner Spaulding, Deputy Commissioner Canavan, and Acting City Engineer Roloff and Mr. Joe Black. Also present was Corporation Counsel Fraser.

- (1) REQUEST FOR REPAVING OF DERWEN STREET, RUTZ ROAD, GLEN AVENUE, AND DeLEO DRIVE. Submitted by 15th Dist. Rep. Paul Dziezyc. Held in Committee 7/12/82. Report made 8/2 that DPW will submit their report and request for appropriation.

HELD IN COMMITTEE

MR. FLOUNDERS: Item #1 was Held in Committee pending a letter from the Committee to Public Works requesting issuance of a special appropriation request to fund drainage correction and paving of Glen, Rutz, Derwen as well as Newfield Drive, Intervale where a much longer standing and hazardous drainage problem exists which has caused 13 accidents over 5 years. The letter will specifically request that an analysis of the transfer of closed-out funds to partially fund the completion of both projects. The estimate of the new appropriation needed is \$165,000.

- (2) FOR PUBLICATION - PROPOSED ORDINANCE entitled "Addition to Section 8-12 and Ordinance 384 entitled "Use of City Incinerator, License Duration and Fee." Held in Steering 5/24, 6/28 and 7/20/82. Law Dept. to submit final revised text 6/28/82. Submitted by DPW Comm. B. Spaulding 5/21. Awaiting final draft. "Tipping Fee" Ordinance. Text received 8/30/82 from Law Dept.

Above also referred to Legislative and Rules Committee.

HELD IN COMMITTEE

MR. FLOUNDERS: This is Held in Committee per Mayor's request and pending investigation of possible legal questions concerning the ordinance. The City administration will have an opinion to convey at the next Public Works meeting.

PRESIDENT SANTY: #2 is Held. Mrs. Signore is now present and Mr. Stork is now present. We now have 35 members present. Mr. Tarzia has left. We are back to 34 members.

PUBLIC WORKS COMMITTEE (Continued)

- (3) FOR PUBLICATION - PROPOSED ORDINANCE AMENDING SECTION 21-49 AND ORDINANCE 462 entitled "Disposal of Sludge, etc., Change in Disposal Fee". Held in Steering 5/24, 6/28 and 7/20/82. Submitted by DPW Comm. B. Spaulding 5/19/82. Awaiting final text. Text received 8/20/82 from Law Dept.

Above also referred to Legislative and Rules Committee

MR. FLOUNDERS: Last October, the Board of Representatives increased the fee from \$ 7.50 per thousand gallons to \$25.00. The purpose of this revision is to simply change the issuing authority from the City Engineer's office to the Bureau of Sanitation, the Scale house to provide actual weight control rather than the depositor's estimate of the amount of sludge to be disposed. The Committee voted this for publication 6 for, none opposed and I so Move. SECONDED.

PRESIDENT SANTY: There was a Secondary Committee on that, L&R. Mr. Zelinski, would you like to respond?

MR. ZELINSKI: Our Committee did not vote on this item, Madam President.

PRESIDENT SANTY: You did not. Doesn't need a Secondary Committee at this point. We are now voting on publication of item #3 under Public Works. Any discussion? All in favor of publication, please say aye. Opposed? Would the no votes please raise their hand. 3 no votes; Mrs. Perillo is a no vote, Mr. Gaipa is a no vote, Mrs. McInerney is a no vote. It's PASSED.

- (4) FOR PUBLICATION - PROPOSED ORDINANCE DELETING SECTIONS 21-47 AND 21-48 entitled "Disposal of Septic Tank Contents, Permit Required, and Issuance of Permit." Held in Steering 5/24, 6/28, 7/20/82. Submitted by DPW Comm. B. Spaulding 5/19/82. Awaiting final text. Text received 8/30/82 from Law Dept.

Above also referred to Legislative and Rules Committee.

MR. FLOUNDERS: This relates to the implementation of item 3, just voted, by authorizing replacement of the permit system with the weight system. The Committee voted in favor of publishing this ordinance 6 to 0 and I so Move. SECONDED.

PRESIDENT SANTY: Second to that Motion. Mr. Zelinski, a report from L&R?

MR. ZELINSKI: Legislative and Rules did not vote on this either, Madam President.

PRESIDENT SANTY: Fine. We are now voting on the publication of the proposed ordinance #4 under Public Works. All in favor of publication, please say aye. Opposed? No votes, please raise their hand. Mr. Gaipa is a no vote, Mrs. McInerney is a no vote and all the others are yes votes. It PASSED for publication.

- (5) FOR PUBLICATION - A PROPOSAL TO RE-WRITE CHAPTER 18, ARTICLE II, DIVISION 2 of the Code of Ordinances concerning Street openings; also deleting Section 18-67 with this provision being included in proposed Section 18-64. Submitted by DPW Comm. B. Spaulding 5/19/82. Held in Steering 6/28 and 7/20 awaiting final text. (Sections 18-60 thru 18-66 "Permits - Excavation and Construction."

Above also referred to Legislative and Rules Committee.

PUBLIC WORKS COMMITTEE (Continued)

MR. FLOUNDERS: This is a pure cost recapture ordinance. There are now two ordinances on the books. One goes back to the 1920's, the other to the 1950's. The only part enforced until this April was the \$ 5.00 fee paid the City Engineer for a permit to open or excavate the street. This ordinance updates the \$ 5.00 fee to \$50.00 for every excavation permit issued. In addition, a separate fee for trenches or excavations greater than 25 square feet will be charged at the rate of \$ 1.00 flat per square foot. This \$ 1.00 fee reimburses the City for the inspection of refilled and repaved excavations and provides some compensation to the City for the shortened life of a road, estimated to be about 8 years, which has been excavated and repaved.

Finally, each violation of any provision of this ordinance shall constitute a separate offense for which a fine of \$100.00 shall be imposed. Since there are 1200 openings per year, these revisions are expected to increase City fee revenues from approximately \$6,000 to approximately \$200,000. The Committee voted 6 in favor and none opposed for publication and I so Move. SECONDED.

PRESIDENT SANTY: Is there a Second to that? Several Seconds. Any discussion? We will now Move on the publication.

MR. ZELINSKI: The Secondary Committee didn't vote on it.

PRESIDENT SANTY: Thank you, Mr. Zelinski. We are now voting on the publication of a proposal to rewrite Chapter 18, Article II, Division 2 of the Code of Ordinance, Street openings. All in favor of publication, please say aye. Opposed? Any no votes? PASSED UNANIMOUSLY.

- (6) FOR PUBLICATION - PROPOSED ORDINANCE SUPPLEMENTAL, AMENDING ORDINANCE 80.20 SUPPLEMENTAL, ENTITLED BUILDING, PERMITS AND FEES, CHANGE IN FEE SCHEDULE. Repeals Ord. 80.20 in its entirety. New text submitted by Public Works Dept. and Corp. Counsel Fraser 7/20/82.

Above also referred to Legislative and Rules Committee.

MR. FLOUNDERS: The building permit fee has been a straight \$ 4.00 per thousand dollars of construction costs since 1969. This amended ordinance increases the fee for a new building or structure to \$ 6.00 per thousand dollars of estimated cost up to \$200,000 and \$ 5.00 per one thousand dollars per estimated cost or fraction thereof over \$200,000. It also increases the permit fee for demolition of a building or structure to \$25.00 from \$ 5.00, a display sign to \$ 6.00 per thousand or fraction thereof from \$ 4.00 per thousand and the minimum permit fee to \$15.00 from \$ 5.00. The Committee voted 6 in favor, none opposed for publication of this ordinance and I so Move. SECONDED.

PRESIDENT SANTY: Several Seconds. We're now voting on the publication of #6 under Public Works Committee. Any discussion? All in favor of publication, please say aye. Opposed? Any no votes at all? PASSED UNANIMOUSLY. Any abstentions? I'm sorry, Mr. Wiederlight, you're an abstention on #6, 1 abstention.

- (7) FOR PUBLICATION - PROPOSED ORDINANCE SUPPLEMENTAL AMENDING ORDINANCE #80.21 SUPPLEMENTAL, SECTION 5, "PERMITS AND FEES", CHANGE IN FEE SCHEDULE. Repeals Ord. 80.21, and sets new fees. Submitted by Public Works Dept. and Corp. Counsel Fraser 7/20/82.

Above also referred to Legislative and Rules Committee.

PUBLIC WORKS COMMITTEE (Continued)

MR. FLOUNDERS: This amendment increases the permit fees for electrical work in renovated buildings only. It does not apply to new structures where a building permit is required. Such electrical renovation required more difficult inspection than new construction. The permit fees for electrical work increased from their 1969 levels as follows: Circuits to \$ 5.00 each from \$ 1.00, fixtures meaning duplex outlets to \$ 5.00 for units of 10 or fraction thereof from \$ 2.00, service for each \$1,000 of cost or fraction to \$ 10.00 from \$ 5.00, central heating units to \$15.00 from \$ 5.00, wood stoves at \$15.00 each which is a new fee, unit heaters to \$10.00 from \$ 3.00 and air conditioners 20,000 BTU plus to \$15.00 from \$ 5.00. The minimum fee is \$15.00. The Committee approved this ordinance for publication with a vote of 6 in favor, none opposed and I so Move.

PRESIDENT SANTY: Several Seconds. Any discussion? We are just addressing the publication.

MR. WIDER: I'm sorry but I don't like to see this published. We are having a hard enough time getting any housing put together in the City of Stamford and if these kind of fees are going to be charged, especially for electrical work, you are going to find that less people are going to be building housing. I think this is very discouraging to have fees increased this way. I'm opposed to it.

PRESIDENT SANTY: You're opposed to publication, Mr. Wider?

MR. FLOUNDERS: I would like to make it clear, Mr. Wider, that this is not for building of new construction. This is for renovation work only in established buildings.

MR. WIDER: Even renovation, that's more.

MR. FLOUNDERS: There is an ordinance on the books right now for this very item. All this does is update the fees charged to reflect the actual inflation costs which have taken place since 1969.

PRESIDENT SANTY: Thank you, Mr. Flounders.

MR. ZELINSKI: Thank you, Madam President. Through you to Rep. Flounders. What did you say the fee was for the new item which was wood-burning stoves?

MR. FLOUNDERS: That was the previous ordinance, Mr. Zelinski, but the wood stoves are \$15.00 each.

MR. ZELINSKI: What was it before, \$ 5.00?

MR. FLOUNDERS: That was a new item.

MR. ZELINSKI: So \$15.00 is the fee. Thank you.

MS. SUMMERVILLE: Move the question.

PRESIDENT SANTY: A Motion has been made to Move the question. Several Seconds to Move the question. All in favor of Moving the question, please say aye. Opposed? We'll Move the question. The question is on the publication of #7 under Public Works.

PUBLIC WORKS COMMITTEE (Continued)

PRESIDENT SANTY: (Continuing) All in favor of publication, please say aye. Any no votes? Would the no votes, please raise their hand. Mr. Blum is a no vote, Mr. White is a no vote, Mr. Wider is a no vote. Any abstentions? It's PASSED.

- (8) FOR PUBLICATION - PROPOSED ORDINANCE SUPPLEMENTAL AMENDING ORDINANCE #80.22 SUPPLEMENTAL, ENTITLED HEATING AND AIR CONDITIONING, "PERMITS AND FEES"; CHANGE IN FEE SCHEDULE. Repeals Ord. 80.21, and sets new fees. Submitted by Public Works Dept. and Corp. Counsel Fraser 7/20/82.

Above also referred to Legislative and Rules Committee.

MR. FLOUNDERS: This amendment increases the permit fees for installation, extension, restoration or repair for any heating or air-conditioning system. It applies to renovations only, not to new structures where a building permit is required. Fees which reflect cost of HVAC, heating, ventilation, air-conditioning, inspections are as follows: permit will increase to \$10.00 from \$ 4.00 for the first \$500 of estimated cost plus \$6.00 from \$ 4.00 for each additional \$1,000 dollars or fraction of additional cost over \$500. The minimum fee is increased to \$15.00 from \$ 5.00. The Committee voted 6 to 0 to approve this publication and I so Move. SECONDED.

PRESIDENT SANTY: A Motion has been made and Seconded for the publication of #8 under Public Works. Discussion.

MR. WIEDERLIGHT: Thank you, Madam President. A question to Mr. Flounders; does this include single-family homes?

MR. FLOUNDERS: Yes, this does.

MR. WIEDERLIGHT: As does the previous ordinance on electrical, Sir?

MR. FLOUNDERS: Yes, it does.

PRESIDENT SANTY: Thank you, Mr. Wiederlight.

MR. BLUM: I wanted to speak on item 7 but that is gone, but on this item, in regards to New Neighborhoods, Inc. that are now repairing old housing and restoring to liveable quarters, how is this going to affect those new rehabilitation on the Neighborhood Preservation Programs?

MR. FLOUNDERS: No different than it ever has, Rep. Blum, except that the prices or the fees are increased to reflect inflation since 1969 which is 13 years ago.

PRESIDENT SANTY: Thank you, Mr. Flounders and Mr. Blum.

MS. SUMMERVILLE: Move the question.

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question. All in favor of Moving the question, please say aye. Opposed? The question has been Moved. It's on the publication of #8 under Public Works. All in favor of publication, please say aye. Opposed? I would like the no votes to raise their hand. Voting no on publication on #8 is Mr. Blum, Mr. White, Mr. Wider, and Mrs. McInerney. Publication is PASSED.

PUBLIC WORKS COMMITTEE (Continued)

- (9) FOR PUBLICATION - PROPOSED ORDINANCE SUPPLEMENTAL AMENDING ORDINANCE #80.23 SUPPLEMENTAL, ENTITLED PLUMBING, SECTION 5, "PERMITS AND FEES"; CHANGE IN FEE SCHEDULE. Repeals Ord. 80.23 and sets new fees. Submitted by Public Works Dept. and Corp. Counsel Fraser 7/20/82.

Above also referred to Legislative and Rules Committee.

MR. FLOUNDERS: This amendment increases plumbing permit fees from their 1969 levels. It applies to renovation work, not to new construction where building permits are required. The increases are fixtures to \$ 5.00 from \$ 1.00, sewer connections; residential to \$15.00 from \$ 5.00, commercial sewer connections to \$25.00 from \$15.00, multi-family sewer connections to \$25.00 from \$15.00. The minimum fee is increased to \$15.00 from \$ 5.00. The Committee voted 6 in favor none opposed to publication of this ordinance and I so Move. SECONDED.

PRESIDENT SANTY: Is there a Second to that? Mr. Blais has Seconded the Motion. We are now voting on the publication of #9.

MR. BLUM: Through you to Mr. Flounders, was the New Neighborhood people or Neighborhood Preservation people invited to your meeting because if every one of these items are passed, that is really going to jack-up the price of those new homes, middle or low-income housing?

PRESIDENT SANTY: Mr. Flounders, would you like to respond?

MR. FLOUNDERS: I can only respond as I responded before. None of these ordinances nor none of the fee schedules differ from the way they have been except that the fees are increased to reflect inflation. No one is singling out New Neighborhoods. It is very difficult to make any exceptions. This applies as an ordinance across-the-board and the feeling is that these fees are reasonable, and furthermore, they are based on recapturing cost and nothing more. We must understand that our costs for sending inspectors out to inspect all of these facilities have increased significantly in 13 years, and this is an attempt to recapture those real costs.

MR. PERILLO: Madam Chairman, as Co-Chairman I might add, this is for publication and there will be public hearings. Let them come forth and speak their piece.

MR. BLAIS: Yes, Madam Chairman. I would also point as Mr. Flounder's pointed out, that these new fees are just to recover the estimated cost of construction; not even estimated, probably actual costs of construction. Previous history has shown the latest changes in these fees has been 13 years ago, and it will probably be another 13 years before they change again, and I maintain that although in 1982, we raised the fees to recover the inspection costs in 1982, in 1983, we are going to start falling behind again. To put the escalators necessary would not be feasible at this time, and I would urge all of you to vote for this Motion just so that we can keep the principle of using services, charging those people who use City services for those services. Thank you.

PUBLIC WORKS COMMITTEE (Continued)

MRS. PERILLO: Move the question.

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question. All in favor of Moving the question, please say aye. Opposed? May I have the no votes. No votes to Moving the question are Mr. Blum, Mr. White, Mr. Wider, and Mr. Roos. We are now going to Move the question. All in favor of publication of #9 under Public Works, please say aye. All those opposed, please raise your hand. Those opposed to publication Mr. Blum, Mr. White, and Mr. Wider. It PASSED.

MR. FLOUNDERS: Thank you, Madam President. That concludes my report.

MRS. McINERNEY: I just wanted to know the date for the Public Hearing on these items, please.

PRESIDENT SANTY: Have you set a date, Mr. Flounders?

MR. FLOUNDERS: That date must be set and I will attempt to set it tonight with Helen McEvoy.

PRESIDENT SANTY: Right, thank you.

MR. FLOUNDERS: I didn't know whether I could have the Public Hearing unless I got this published.

MR. BOCCUZZI: Madam President, I don't know if this is the proper time, but on my desk tonight, I found an answer to a letter that you wrote to Comm. Spaulding telling him the procedure used in putting an item on the Agenda, and his answer to you, I think, is a complete distortion of fact on the part of what he is accusing me of.

PRESIDENT SANTY: Mr. Boccuzzi, if you want to discuss it, we have to discuss it under Suspension of the Rules. It's not an item on the Agenda.

MR. BOCCUZZI: It deals with the permits. What it says is what I did and didn't do. It's complete misrepresentation of actually what happened.

PRESIDENT SANTY: I agree with you. Mr. Boccuzzi, if you want to Move for Suspension of the Rules to consider that since it was an item at Steering that I send a letter and this is the response to the letter, you can Move for Suspension of the Rules. Would you like to Move for Suspension of the Rules to consider this?

MR. BOCCUZZI: Not at this time. It is 12 o'clock, but I will put it on the Agenda for next month.

HOUSE COMMITTEE - Chairman Gerald Rybnick - NO REPORT

PETITIONS - NONE

RESOLUTIONS:

- (1) SENSE-OF-THE-BOARD RESOLUTION CONCERNING THE BOARD OF EDUCATION REGARDING THEIR BUDGET - Proposed by Rep. Philip Stork 8/23/82.

PRESIDENT SANTY: All these Resolutions were received in the mail. Any discussion?

MRS. SIGNORE: I'd like to amend item #1, Sense-of-the-Board Resolution concerning the Board of Education regarding their budget. SECONDED.

PRESIDENT SANTY: Yes, Mrs. Signore, continue.

MRS. SIGNORE: With the Resolution before us, paragraph 6, that's the 6th whereas, I would like that to read; Whereas, the INSERT Members of the Board of Education, with the exception of Mr. Signore, Mr. Guroian, and frequently, Mr. Pia, and it will read on as it is printed from that point on.

PRESIDENT SANTY: You made a Motion. Is there a Second to that amendment? Mrs. Guroian Seconded that Motion. We are now discussing the amendment to Mr. Stork's Resolution. No discussion. All in favor of that amendment, please say aye. Opposed? Mr. Blais is opposed to the amendment but it PASSED. We are now voting on the Resolution as amended as presented by Mr. Stork. #1 under Resolutions. All in favor of this Resolution, please say aye. Opposed? I want the no votes to raise their hand. We are now voting on no under 1, Resolutions. No votes are Mr. Wiederlight, Mr. Blais, Mrs. Goldstein, Mr. Esposito. Any other no votes to this Resolution? Are there any abstentions? Mrs. McInerney abstained. Mr. Blum is abstaining and Mrs. Saxe is abstaining. Any non-voting? Mr. Flounders, what is your vote? No. Mr. Flounders is a no vote and Mrs. Maihock is a no vote. All the others are yes votes. The Resolution is ADOPTED. Mr. Livingston is now leaving, we should have 32 members present.

MR. ZELINSKI: I'd like to Move that we adopt 2, 3, 4, and 5 Sense-of-the-Board Resolutions at one time.

PRESIDENT SANTY: We have to do one at a time, Mr. Zelinski.

- (2) SENSE-OF-THE-BOARD RESOLUTION HONORING REV. CYRIL S. PETERS - proposed by Rep. Annie M. Summerville 8/11/82.

PRESIDENT SANTY: Any discussion? All in favor of the Resolution honoring Rev. Peters, please say aye. Opposed? ADOPTED UNANIMOUSLY.

- (3) SENSE-OF-THE-BOARD RESOLUTION COMMENDING SHERRY FIELDS for outstanding achievement in the Stamford Commission of Human Rights Fair Housing Essay Contest - submitted by Reps. Betty Conti and Grace Guroian 7/23/82.

PRESIDENT SANTY: Is there a Second? Seconded. Any discussion? All in favor of Resolution #3, please say aye. Opposed? The Resolution is ADOPTED UNANIMOUSLY.

RESOLUTIONS: (Continued)

- (4) SENSE-OF-THE-BOARD RESOLUTION COMMENDING MARIE PERPIGNAN for excellence in French. Submitted by Reps. Betty Conti and Grace Guroian 7/23/82.

PRESIDENT SANTY: Is there a Second to that? Seconded. Any discussion? All in favor of this Resolution, please say aye. Opposed? ADOPTED UNANIMOUSLY.

- (5) SENSE-OF-THE-BOARD RESOLUTION COMMENDING SEVEN 7TH DISTRICT STAMFORD HIGH SCHOOL GRADUATES for outstanding achievements and meritorious honors - Submitted by Reps. Betty Conti and Grace Guroian 7/23/82.

PRESIDENT SANTY: Is there a Second? Seconded. Any discussion? All in favor of this Resolution, please say aye. Opposed? ADOPTED UNANIMOUSLY.

ACCEPTANCE OF THE MINUTES:

May 13-14 Special Budget Meeting and Phase-in - Not ready.

June 7, 1982 Regular Board Meeting.- APPROVED

July 12, 1982 Regular Board Meeting.- APPROVED with addition as stated by Rep. Maihock.

August 2, 1982 Regular Board Meeting - Not ready.

PRESIDENT SANTY: June 7th has been received and July 12th. Any corrections or additions to June 7th?

MR. STORK: Madam President, just a question. Is there any reason why we can't get May 13 and 14? We keep getting Minutes after those dates.

PRESIDENT SANTY: They're working on them. There are 138 pages. You'll be receiving them within the next week. Also August 2 are in the printers at this point. We are now voting on any corrections or additions to June 7th Minutes. All in favor of Accepting the Minutes, please say aye. Opposed? APPROVED.

July 12th Regular Minutes? Mrs. Maihock, is there any additions or corrections?

MRS. MAIHOCK: Yes, please. On page 56, under Transportation, I would like the addition made where they indicate those present added Mrs. Dodie Green and neighbors. Thank you.

PRESIDENT SANTY: Thank you. Is there a Motion to Accept these Minutes with that one correction? SO MOVED. Motion made and Seconded. All in favor of Accepting July 12th Minutes, please say aye. Opposed? Minutes are ACCEPTED.

MRS. GOLDSTEIN: Madam Chairman, I have a question about the Rules of Order. I would appreciate it if you would double check because at Steering you said that we received the Rules of Order of the 17th Board. I checked with the Parliamentarian and it appears that the Rules of Order that we received were from December 1, 1981, which were not the Rules that we adopted. Perhaps, you are correct and additional Rules were sent out. I cannot locate anyone who has a copy of those Rules. I would appreciate it if you would check; if it has gone out, then I would like a copy to be sent to me. If it hasn't gone out, I'd like you to check on it.

PRESIDENT SANTY: In fact, Clerk Ann Summerville is going to take care of that. She has already been directed to that, Mrs. Goldstein.

MRS. GOLDSTEIN: Thank you.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS

MR. BLAIS: I have received tonight on my desk, a letter from a member of the Administration. I am mortified, I am perturbed and I have a lot of questions about what this gentleman does with his time.

In my district, the streets are dirty, they need repaving, the sidewalks are dirty, they need fixing, there's need of storm drains and in general, that department does not seem to be well-managed. Yet, the individual involved seems to have time to speculate on the undertakings of this Board of Representatives. At this time, if Mr. Boccuzzi comes out here, I will yield the Floor to him to further expand on this point.

PRESIDENT SANTY: First of all, Mr. Blais, will you tell us what you're doing, what letter are you referring to?

MR. BLAIS: Yes, I have a letter here from one of the Mayor's Administrators, that's Comm. Spaulding, that speculates and he has time to speculate on the organization and motions, and movements of the Board of Representatives when, in my opinion, his own Administration needs a lot to be desired. At this time, I will yield the Floor to Mr. Boccuzzi to expand on that point.

PRESIDENT SANTY: Mr. Boccuzzi, do you want the Floor at this time? We are now on Communications from Other Board and Individuals. Mr. Blais brought up the letter that we received in response to my letter as directed by Steering regarding you.

MR. BOCCUZZI: O.K., this is the proper place. The letter dated September 17th, from Mr. Spaulding which he answers your letter in a letter to all Members of the Board, is telling Board Members what the Democrats did or didn't do and what I did or didn't do. First of all, I must refer that we have a policy in the Democratic Caucus Room that we do not have anybody in the night of the Caucus, and when I discussed with certain people if we should have anybody in, they voted no that they did not want anybody in, therefore, I did not refuse to have anyone in.

In his next paragraph, he states that nobody knew about the street-opening fees until it came to the Floor of the Board and I explained to the Members and urged them to vote no. That is totally a misrepresentation of what happened because the Democrats knew about the fees and I didn't urge them to vote no. It was my opinion and they voted on their own. I think time is going to have to come where the Commissioner of Public Works is going to have to start respecting some Members of this Board.

PRESIDENT SANTY: Mr. Boccuzzi, I agree. We should be, all Members.

MR. BOCCUZZI: I don't like to continue to make this a one-on-one with the Commissioner, but it seems that if we disagree with him, he gives the impression that we don't know what we're talking about. I think a letter of this sort that condemns me, personally, is not warranted. I think that Mr. Spaulding, if he wants to discuss what happened, he should get in contact with me or do something because this letter going out to every Member of the Board is totally wrong, and I resent the fact that he uses my name in it in two different paragraphs, and the inferences that he makes that I refuse to let his ordinance come out on the Floor.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS: (Continued)

MR. BOCCUZZI: (Continuing) It wasn't me who sent the ordinances down. It was on the Agenda that we needed more information, more information was forthcoming, and we never got it. I wasn't the one in Steering that made the Motion not to put it on Steering. The Steering Committee voted not to put it on. For him to infer that I refused to let Mr. Fraser or anyone else come into our Caucus Room is not right; it's not a true fact, either. The Democrats didn't want anybody in and that's it, period. For him to say that we didn't know anything about it when it came to the Floor and I told my people not to vote for it, it was voted on political lines, is not true.

I think that sooner or later, the Mayor is going to have to step in, or somebody is going to have to step in, because this situation has to be solved once and for all.

PRESIDENT SANTY: Mr. Boccuzzi, I sent a letter as directed by Steering explaining explicitly what happened at Steering. From this point, what happened in the Democratic Caucus, you can answer those comments because I am not aware of what went on in the Democratic Caucus.

MR. BOCCUZZI: I think Mr. Spaulding got his information from somebody who didn't know what they were talking about.

PRESIDENT SANTY: Then I suggest that maybe you answer a letter pertaining to the Democratic Caucus.

OLD BUSINESS - NONENEW BUSINESS

- (1) REPS. GERSHMAN AND DeLUCA REQUEST FORMATION OF COLISEUM AUTHORITY LIAISON COMMITTEE, A SPECIAL COMMITTEE, per letter 8/13/82, with 3 Republican and 3 Democratic members.

PRESIDENT SANTY: A Special Committee has been set up, the formation of the Coliseum Liaison Committee. Those Committee members are Rep. DeLuca, Rep. Gershman, Rep. Betty Conti, Rep. Hogan, Rep. Blum, and Rep. Zelinski. I would at this time, would appoint Rep. DeLuca as Acting Chairperson to call their first meeting and elect a Committee Chairman. Any other business?

MR. BLAIS: (Microphone not on. Could not be heard)

PRESIDENT SANTY: I wish we had the answer. The House Committee, it's in their hands and it's promised.

MR. BLAIS: Madam Chairman....

PRESIDENT SANTY: It's still in the House Committee, Mr. Blais. We'll let it go.

PRESIDENT SANTY: May I have a Motion to adjourn?

MRS. McINERNEY: I make a Motion to adjourn. SECONDED.

PRESIDENT SANTY: All in favor of adjourning, please say aye. Opposed?
Meeting is Adjourned.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 12:20 a.m.

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

APPROVED:

Jeanne Lois Santy
Jeanne Lois Santy, President
17th Board of Representatives

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