

MINUTES OF REGULAR BOARD MEETING

MONDAY, DECEMBER 6, 1982

17th Board of Representatives

City of Stamford, Connecticut

A regular monthly meeting of the 17th Board of Representatives of the City of Stamford was held on MONDAY, DECEMBER 6, 1982, in the Legislative Chambers of the Board in the Municipal Office Building, Second Floor, 429 Atlantic St., Stamford, Connecticut.

The meeting was called to order at 8:30 P.M. by PRESIDENT JEANNE-LOIS SANTY, after both political parties had met in caucus. The President asked that anyone who was not a Member of this Board to please leave the floor.

INVOCATION:

PRESIDENT SANTY: This evening, we are privileged to have Major Irving Cranford of The Salvation Army here to lead us in prayer. On behalf of the Board of Representatives, I would like to welcome Major Cranford to Stamford and, also, say that we all recognize the unselfish service that The Salvation Army gives to this Community, and I think this is an appropriate time, this Holiday time of the year, to say thank you for all the work and all the care they do for all of us. Major Cranford, will you lead us in prayer?

Maj. Gen. Irving L. Cranford of The Salvation Army, 20 Beehler Street, Stamford, led the meeting in prayer:

"Let us stand for the Invocation. Almighty God, our Father, on this Christmas Season when we think of the Birth of Thy Son, Jesus Christ, and the message that he portrayed in the thirty-three years that he lived, it is said that He went about doing good. We would ask Thy blessing upon this meeting of the Board of Representatives tonight.

"While we do not know the subjects and the issues that will be discussed, we know that only through proper wisdom and the leading of Your Holy Spirit in our lives, that when we seek to do good for others, the best will come about.

"We are reminded that when Jesus walked on the earth, He did those things that were good for those that He met, and He gave us lessons of loving the unlovely; a cup of cold water, food for the hungry; clothing for the naked. And Lord, our highest goal should be, each one of us, not that of selfishness but to serve one another to the best good.

"And so we pray that you will give blessing both on the Board of Representatives, on the audience that will participate in debate, but Lord may Your Will be done in each of our lives that we might serve Thee and our community to the best we can. We pray in Jesus name, Amen."

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President Jeanne-Lois Santy.

ROLL CALL: Clerk of the Board, ANNIE M. SUMMERVILLE, called the attendance roll. There were 39 present and 1 absent (John Zelinski). Mr. Zelinski came in at 9:00 P.M., making the attendance 40; with none absent.

PRESIDENT SANTY declared a QUORUM.

PRESIDENT SANTY: I would like this evening to say Happy Birthday to our December birthpersons: Jim Dudley, Joe Franchina and State Rep. Paul Esposito; and also Happy Hanukkah and Merry Christmas to all. Later, our Clerk will cut the cake and we'll enjoy it.

(There was also an one-year Happy Anniversary cake presented to President Jeanne-Lois Santy on her presidency of the Board.)

TEST VOTE ON MACHINE: President Santy conducted a test vote on the machine, in turn voting yes, no, and abstain, in order to check the operation of the machine. She declared it in good working order as of that moment.

MOMENTS OF SILENCE:

For the late JOHN TENCA, 17 Glen Ave., a long-time resident of Stamford; and a 15th District resident for about the last 2½ years - by Rep. Philip Stork.

STANDING COMMITTEES

STEERING COMMITTEE

MRS. McINERNEY: I Move to Waive the reading of the Steering Committee Report. Seconded. Approved Unanimously.

STEERING COMMITTEE REPORT

The STEERING COMMITTEE met on Monday, November 22, 1982, in the Democratic Caucus Room in response to a CALL for 7:30 P.M. The meeting was called to order by ACTING CHAIRMAN JOHN J. BOCCUZZI at 7:40 P.M., at which time a QUORUM was present. Chairwoman Jeanne-Lois Santy was excused from the meeting due to being out-of-state.

PRESENT AT THE MEETING:

John J. Boccuzzi, Acting Chairman	Sandra Goldstein
Annie M. Summerville	Gerald Rybnick
Mary Jane Signore	Lathon Wider, Sr.
Anthony Conti	Grace Guroian
Burtis Flounders	Paul Esposito
Paul Dziezyc	Mary Lou Rinaldi
Audrey Maihock	Barbara deGaetani
John Roos	Robert Owens
Donald Donahue	Cadie Vos
	also Media

STEERING COMMITTEE REPORT (continued)

(1) LEGISLATIVE AND RULES MATTERS

ORDERED ON THE AGENDA were five of the seven items appearing on the Tentative Steering Agenda. The other two items were ordered Held in Committee, being (a) the matter of pornographic material; and (b) veterans property tax exemptions (which cannot be effective until next Grand List).

(2) PERSONNEL MATTERS

ORDERED ON THE AGENDA were the six items appearing on the Tentative Steering Agenda.

(3) PLANNING AND ZONING MATTERS

ORDERED ON THE AGENDA were four Acceptance as City Streets: (a) LeRoy Place; (b) Hillsbury Lane; (c) Merriland Road; (d) Camelot Court. Of the other two items on the Tentative Steering Agenda, one was ordered removed from the Agenda: Acceptance of Strawberry Patch Lane, having been withdrawn. The other item was Held in Committee, being the matter of the sale of City-owned property.

(4) TRANSPORTATION MATTERS - There were no items on Tentative Steering Agenda.

(5) PUBLIC HOUSING & COMMUNITY DEVELOPMENT MATTERS

ORDERED ON THE AGENDA were the three items on the Tentative Steering Agenda.

(6) URBAN RENEWAL MATTERS

There were no items on the Tentative Steering Agenda. One item was put into this committee, to appear on the December Steering Agenda for January meeting, being the matter of a proposal from Reps. Guroian and B. Conti regarding the wind-up of Urban Renewal Redevelopment Project.

(7) EDUCATION, WELFARE AND GOVERNMENT MATTERS

ORDERED ON THE AGENDA were the four items appearing on the Tentative Steering Agenda.

(8) ENVIRONMENTAL PROTECTION MATTERS - There were no items on the Tentative Steering Agenda.

(9) APPOINTMENTS MATTERS

ORDERED ON THE AGENDA were the five names appearing on the Tentative Steering Agenda.

(10) PUBLIC WORKS MATTERS

ORDERED ON THE AGENDA were the six items appearing on the Tentative Steering Agenda.

STEERING COMMITTEE REPORT (continued)

(11) FISCAL MATTERS

ORDERED ON THE AGENDA were eleven of the twelve items on the Tentative Steering Agenda. One item was ordered Held in Committee, being \$13,300.00 which might have to be returned to the Federal Government due to changed circumstances.

(12) CHARTER REVISION MATTERS

There were no items on the Tentative Steering Agenda on this subject.

(13) PARKS AND RECREATION MATTERS

ORDERED ON THE AGENDA were the two items appearing on the Tentative Steering Agenda.

(14) HEALTH AND PROTECTION MATTERS

ORDERED ON THE AGENDA were four of the five items appearing on the Tentative Steering Agenda. One item was ordered Held in Committee, being the matter of motorcycle operators disturbing residential neighborhoods.

(15) HOUSE COMMITTEE MATTERS - None on the Tentative Steering Agenda.

(16) COLISEUM AUTHORITY LIAISON COMMITTEE MATTERS

There were no items on the Tentative Steering Agenda.

(17) RESOLUTIONS

ORDERED ON THE AGENDA were the three resolutions appearing on the Tentative Steering Agenda, two of which were Sense-of-the-Board Resolutions. One additional was added regarding commendation of John "Sharkey" Laurenco for his community services, submitted by Rep. DeLuca.

ADJOURNMENT

There being no further business to come before the STEERING COMMITTEE, on Motion duly made, seconded, and carried, the meeting was adjourned at 8:08 P.M., with all members leaving by 8:15 P.M.

HMM:MS

JOHN J. BOCCUZZI, Acting Chairman
STEERING COMMITTEE

MR. BOCCUZZI: Madam President, may I have a 10-minutes Recess, please?

PRESIDENT SANTY: There is a Motion to Recess for 10 minutes. Is there a Second? There is a Second. All in favor of Recessing for 10 minutes, please say Aye. Opposed? We will Recess until 9:00 p.m.

RECESS: From 8:45 - 9:15 P.M.

PRESIDENT SANTY: 15 minutes over our Recess. I would ask the Representatives to take their seats. The first Committee to give their report is Legislative and Rules.

LEGISLATIVE AND RULES COMMITTEE - Co-Chairmen Anthony Conti & John Zelinski

PRESIDENT SANTY: Mr. Zelinski, are you giving the report or Mr. Conti? We are now hearing the Legislative and Rules Committee report. Mr. Zelinski is now present. We have perfect attendance; 40 members are in attendance. Please come to order.

MR. ZELINSKI: The Legislative and Rules Committee met on the evening of Monday, November 29, 1982, in the Republican Caucus Room. Present were myself, Co-Chairman John Zelinski, present Rep. McInerney, Rep. Dudley, Rep. Bonner, Rep. Maihock, and Rep. Donahue. Co-Chairman Rep. Conti, was excused because he was out of the State.

- (1) FOR PUBLICATION - AMENDING ORDINANCE #449 "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. Held in Committee through Steering 10/18/82. 7/26/82 letter from William Hennessey, Esq., Law Department. Also Rep. Zelinski's submission.

HELD IN COMMITTEE

MR. ZELINSKI: Item #1 was voted 5 in favor to Hold. We have not gotten the necessary ordinance from the Corporation Counsel's office as of yet.

PRESIDENT SANTY: Excuse me, Mr. Zelinski, I would ask all the members to please give Mr. Zelinski your attention. He's giving the Committee report. Your Holding #1 in Committee, Mr. Zelinski?

MR. ZELINSKI: Yes, we are, Madam President.

- (2) 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. Mayor's request 7/12/82. Planning Board approved 6/30/82. Held in Committee from 8/2 to 11/8/82. Law Department's Smyth has 11/2/82 letter from Atty. L. Morris Glucksman agreeing to property exchange.

MR. ZELINSKI: The Committee voted to approve that by a vote of 5 in favor and I so Move.

PRESIDENT SANTY: You are Moving on your Motion for publication of proposed ordinance regarding exchange of easements between City and Abe Wexler on property located on Hillandale Avenue. Several Seconds to that.

MR. WIEDERLIGHT: Madam President, let the Record show that I'm leaving the Floor.

LEGISLATIVE AND RULES COMMITTEE (continued)

PRESIDENT SANTY: The Record is showing that Mr. Wiederlight is leaving the Floor, and he be recorded as absent during discussion and vote on this item. It has been Seconded to move for publication.

MR. CONTI: I believe this should go on the Consent Agenda.

PRESIDENT SANTY: Mr. Blum has a question, Mr. Conti. That takes it automatically off the Consent Agenda.

MR. BLUM: Inasmuch as this area is a part of the 12th District, I'd like to know what part of Hillandale Avenue is being exchanged. Is that coming to the City or the Grove Street area? I'd like to know a little more about this.

PRESIDENT SANTY: Mr. Zelinski or Mr. Conti, can you answer that question for Mr. Blum?

MR. ZELINSKI: I don't know the exact location. I know that we all received the necessary ordinance pertaining to this quite sometime ago, and it's actually, I guess, on the corner of both Hillandale and Grove Street, and it's been approved by the Corporation Counsel and

PRESIDENT SANTY: Mr. Blum, we are moving for publication. Your question has to pertain to publication.

MR. BLUM: I asked the question, which parts are being exchanged? Is a part of Hillandale Avenue being exchanged for Grove Street? Who is getting what? That's all I'm asking.

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

MR. ZELINSKI: I think I can answer it. It's a piece of property that is being exchanged, O.K.? The property is located on the corner of Hillandale and Grove Street, and this is necessary to have this exchanged with the City. As a matter of fact, it says right on our Agenda, it says the piece of property involved is 297 square feet and the giving of 311 square feet.

PRESIDENT SANTY: Does that answer your question, Mr. Blum?

MR. BLUM: I saw the map, so now I understand.

PRESIDENT SANTY: Thank you very much. No further discussion, we'll Move to a vote. All in favor of publication of this proposed ordinance, please say Aye. Any opposed? PASSED UNANIMOUSLY by voice vote. Continue, Mr. Zelinski.

(3) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING ANTI-PROSTITUTION - submitted by Rep. Barbara McInerney 11/12/82.

MR. ZELINSKI: The correct wording is "Prohibiting Loitering for the Purpose of Prostitution." The Committee voted for publication 5 in favor, none opposed, and I so Move.

PRESIDENT SANTY: Is there a Second to that? Seconded. The Record will now show that Mr. Wiederlight is on the Floor.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. DeLUCA: A question to Rep. Zelinski. This ordinance that we are going to be publishing, it talks about prostitution. I've been trying to read it and trying to visualize in my own mind or understand, does this here also consider if the male is out there trying to solicit the services of prostitutes that they should be penalized also, or is this just the case of the female that is out there soliciting? I would like to incorporate this in an amendment.

PRESIDENT SANTY: You are going to amend this ordinance?

MR. DeLUCA: Yes, before we publish it.

PRESIDENT SANTY: Do you want to have him answer the question first, Mr. DeLuca?

MR. DeLUCA: Yes.

PRESIDENT SANTY: Mr. Zelinski, do you want to answer the question, and then we'll go back to Mr. DeLuca?

MR. ZELINSKI: Yes, Rep. DeLuca. In the text of the ordinance, it does not pertain to any sex; it pertains to any person.

MR. DeLUCA: On the page that we talk about the ordinance number supplemental, etc., down near the bottom where it says, "Now therefore be ordained that: Item a)," if permissible, I'd like to make a motion to make an amendment, "It shall be an infraction for any person..."

PRESIDENT SANTY: Mr. DeLuca, we should really have these in writing; just go slow.

MR. DeLUCA: May be it won't pass. I'd like to take a chance anyway. "It shall be an infraction for any person and in parentheses, "person defined as being one who is the prostitute, and one who solicits the services of a prostitute." This way here we are covering both participants in the act, and, therefore, they should be punishable also. I would also like to include both participants; their names should be published in the paper if caught.

PRESIDENT SANTY: Your not incorporating that in the ordinance?

MR. DeLUCA: Let's forget about that part. I'd like to have the word "person" defined.

PRESIDENT SANTY: Is there a Second to that amendment to this ordinance? There's several Seconds.

MRS. McINERNEY: Madam President, the proper place to put a definition of that nature, would be at the beginning of the ordinance, and it would be the definition of "person" not within the text of the ordinance as Mr. DeLuca is proposing. Certainly, I think, if this Board voted to incorporate that someplace within this ordinance, it should be clearly understood that the Corporation Counsel would have to check the validity of it.

MR. WIDER: Thank you, Madam Chairman. This ordinance is completely incomplete, so I would Move it go back to Committee for completion.

LEGISLATIVE AND RULES COMMITTEE (continued)

PRESIDENT SANTY: There's a Motion to return this ordinance to Committee. Is there a Second to that? Several Seconds. We are now speaking to returning this to Committee, and not for publication. Any discussion?

MR. DeLUCA: Yes, I would be in favor of returning this to Committee with the recommendation that my definition would be incorporated into it, and before our next meeting, we had this definition verified to see that it is legal to do this in the ordinance.

PRESIDENT SANTY: We are speaking to return this to Committee.

MRS. GUROIAN: This is just a recommendation. I think that what Gabe is saying is not really a definition; it's another aspect of the ordinance. A completely different aspect than the one that he included the definition in because that part of it just speaks about the people who are procuring and so forth and so on. He's speaking about the "John or Johnettes" whatever they call it. That's a completely different thing and should be included in a different clause. So, if he is recommending that they include that person or persons or whatever in it, it should be sent back to Committee with a consideration that it be made a different clause; not just a different definition because I think the definition of persons encompasses all kinds of persons, but if he wants to define the word persons, it would apply to both the clauses.

MR. WIEDERLIGHT: Thank you, Madam President. I would like this not to be returned to Committee. An ordinance such as this takes a lot of time to draw up and has to be legally correct. I think what should be done is that we should pass the ordinance for publication this evening. Any suggestions as to either broadening or "correcting" the ordinance, should then be submitted to the Corporation Counsel for review to see if it would be held up in a Court of law. To send this back to Committee now only puts everything off another month, and we will go on and on and on. I think we can act in a proper expeditious manner if this is brought out this evening and any amendments brought forth on final adoption or discussed at the public hearing.

MRS. MAIHOCK: I do not believe it would be necessary to return this to Committee and my reason is this. On page 2 under C, it says, "No person shall be found to have violated this ordinance unless his or her conduct demonstrates a specific intent to induce, entice, solicit or procure another to commit an act of prostitution," etc. That seems to be fairly complete. Now, if you felt it had to be more complete at the beginning, it seems that a very small change might be under A, "It shall be an infraction for any person" (male or female) to loiter". Thank you.

MR. DONAHUE: I believe it was the feeling of the Committee, and I would remind the members that this would be for publication, there are some questions that still have not been answered about this and I think the only way that we are going to arrive at some answers and have a complete judgement about the validity of the ordinance itself is to publish this and we intend to hold a hearing and to answer other questions at the same time. As far as the issue that Mr. DeLuca has raised, I believe it is covered on page 1 of the ordinance, under paragraph A,

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. DONAHUE: (continuing) after 'NOW THEREFORE, BE IT ORDAINED THAT:" That doesn't limit the ordinance to one side or the other of the transaction that may or may not occur, but it certainly doesn't limit to it one side or the other. While I think the question has been well asked, I also think that it is covered and I would wish that the Board not return this to Committee at this time. Publish it and let the Committee hold hearings and answer the questions as time goes on. I think that is the only way that we are going to reach a speedy resolution of this ordinance.

PRESIDENT SANTY: Thank you, Mr. Donahue. I'd like to remind the Board that we are now speaking to returning it to Committee. We have to vote on that, then we have to vote on Mr. DeLuca's amendment; then we'll go back to the original motion to publish.

MR. ZELINSKI: Thank you, Madam President. I would be in favor of returning to Committee for a couple of reasons: 1. In the cover letter that was sent to us from Mr. Hennessey from the Corporation Counsel's office, he mentioned that there is one section, paragraph d) subsection 2, which he's presently researching the constitutionality of such an amendment and would convey this to our Committee. He has not as of yet, and I see being that there are some questions that are being raised, I would not like to see this Board vote for publication on this, then have a public hearing and find out that we have to make substantial changes in the ordinance possibly some that would pertain to constitutionality and have to republish it. I think we have enough expenses for the taxpayers and have to keep publishing and republishing; let's get it in its final stage. It just was submitted to our Board by Rep. McInerney, just the end of last month, so I don't see why one month would make any difference. Let's get it straight before we vote on it and publish it in the paper. Thank you.

MR. DUDLEY: 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? We're going to Move the question which is voting on returning this item to Committee; the proposed ordinance concerning loitering and anti-prostitution. All in favor of returning it; we'd better use the machine. Has everyone voted? The vote is 20 yes, 20 no. the Motion is LOST. We will now return to the next Motion on the Floor which is Mr. DeLuca's amendment.

MR. DeLUCA: I withdraw my amendment.

PRESIDENT SANTY: Mr. DeLuca has withdrawn his amendment. Second is withdrawn.

MRS. McINERNEY: Move the question.

PRESIDENT SANTY: Mrs. McInerney has made a Motion to Move the question. Is there a Second to Move the question which is voting on publication of this ordinance? Seconded. All in favor of Moving the question, please say Aye. Opposed? We will use the machine for a vote on publication of this ordinance. Has everyone voted? The Motion to publish has PASSED 33 yes, 5 no, 2 not-voting. Continue with your report, Mr. Zelinski.

LEGISLATIVE AND RULES COMMITTEE (continued)

- (4) FOR PUBLICATION - PROPOSED ORDINANCE TO GRANT TAX EXEMPTION TO THE GOOD SAMARITAN CHURCH, INC., 34 Melrose Place, Stamford (residence of Pastor Bernetta Fields) - per 11/9/82 letter from Atty. Michael S. Sherman (Perell, Sherman & Kivell). No text submitted.

HELD IN COMMITTEE

MR. ZELINSKI: Our Committee voted 6 in favor and none against to Hold.

- (5) REQUEST FOR WAIVER OF BUILDING PERMIT FEE AND REFUND OF \$12,348 FEE PAID pursuant to Ord. 80.7, Article 100, as amended, Section 6 of the Building Code - per letter of Chairman C. B. Whitehead of Housing Site Development Agency 10/18/82. For Rippowam Manor, 81-unit elderly building on North Street.

HELD IN COMMITTEE

MR. ZELINSKI: That was also Moved by the Committee 6 in favor and none against to hold until next month, and that concludes my report, Madam President.

PRESIDENT SANTY: Thank you, Mr. Zelinski. Thank you, Mr. Conti.

PERSONNEL COMMITTEE - Chairman Philip Stork

MR. STORK: Thank you, Madam President. Our scheduled meeting had to be postponed because four members were excused. They were Reps. Dixon, Dudley, Dziezyc, and Hogan. The meeting will be rescheduled for Wednesday night, January 5. I would like to report, however, that due to an event recently, the MEA has taken the ratification of their contract to binding arbitration and with that move, it is no longer before our Board. I would say for the next Steering Committee meeting, that item #6 should be deleted.

- (1) CONCERN ABOUT AVAILABILITY OF THE RISK MANAGEMENT OFFICE TO RESPOND AND SERVE THE PUBLIC REGARDING INSURANCE CLAIMS FOR DAMAGES - submitted by Rep. McInerney 9/15/82. Held 10/4/82 and 11/8/82.

HELD IN COMMITTEE

- (2) REQUEST FROM REP. GERSHMAN FOR: INVESTIGATION INTO THE FEASIBILITY OF FREEZING THE ENTRANCE OF ALL EMPLOYEES CURRENTLY EMPLOYED IN ANY CAPACITY BY THE CITY INTO THE CITY PENSION FUND AND MEDICAL BENEFITS, UNLESS SUCH EMPLOYEES ARE NEW EMPLOYEES AND QUALIFY FOR ENTRANCE. THE FREEZE WOULD BE IN EFFECT UNTIL GUIDELINES ARE AGREED UPON TO ALLOW OR DISALLOW ENTRANCE INTO PLAN AND BENEFITS. Rep. Gershman's letter 10/13/82; also Rep. Stork's of 11/15/82. Held 11/8/82.

HELD IN COMMITTEE

- (3) REQUEST FROM REP. DeLUCA 10/7/82 requesting Personnel Committee to "explore the possibility of establishing rules whereby a person in the Classified Service with 15 years of service, can buy back approximately 3 or 5 years of service as a paid-elected or paid-appointed official." Held in Committee 11/8/82.

HELD IN COMMITTEE

PERSONNEL COMMITTEE (continued)

- (4) REQUEST FROM REP. BLAIS 10/6/82 that the Personnel Committee review the possible conflict with the Freedom-of-Information Act of a letter instructing employees on the subject of "Release of Employee Information" dated 9/7/82 from the Public Works Commissioner. Held 11/8/82.

HELD IN COMMITTEE

- (5) REQUEST FROM REP. McINERNEY received 11/16/82 that the two Registrars of Voters be permitted to buy back City service time and enter the pension system.

HELD IN COMMITTEE

- (6) RATIFICATION OF FACT-FINDER'S REPORT ON THE MUNICIPAL EMPLOYEES' ASSOCIATION LABOR CONTRACT FOR PERIOD JULY 1, 1981 TO JUNE 30, 1982 (ONE-YEAR TERM); This Board rejected this contract at 4/5/82 meeting, preferring a one-year term against the two-year term proposed. Fact-Finder David Weinstein has ruled for the City to grant a one-year contract; no other changes. MEA has not decided yet whether to approve, or reject and go to Binding Arbitration. This Board's deadline is December 21, 1982 to approve or reject; pursuant to Mayor's letter 10/28/82.

REMOVE FROM AGENDA DUE TO BINDING ARBITRATION ACTION TAKEN BY THE MEA

PRESIDENT SANTY: Thank you, Mr. Stork.

PLANNING AND ZONING COMMITTEE - Chairman Donald Donahue

MR. DONAHUE: The Planning and Zoning Committee met both last Wednesday and again this evening for a short meeting. The following items will be placed on the Consent Agenda: Item #1.

PRESIDENT SANTY: #1 is on Consent.

MR. DONAHUE: Item #2.

PRESIDENT SANTY: Item #2. Excuse me, Mr. DeLuca, you want to take it off Consent? #1 is off Consent.

MR. DONAHUE: Item #2 on Consent.

PRESIDENT SANTY: Item #2 on Consent.

MR. DONAHUE: Item #4 on Consent.

PRESIDENT SANTY: Item #4 on Consent.

- (1) ACCEPTANCE OF LeROY PLACE AS A CITY STREET - Reps. Donahue and Blais 8/17/82. Held in Committee 9/20, 10/4 and 11/8/82.

MR. DONAHUE: It's a RESOLUTION TO BEGIN CHAPTER 64 PROCEEDINGS so that the City Engineering office can determine how much it would cost to bring that street up to specification. It has been petitioned by the residents and property owners of that street. It begins a process and only begins the process to bring that into line with other city streets.

PLANNING AND ZONING COMMITTEE (continued)

MR. DeLUCA: I don't know if this resolution should be brought up under Suspension of the Rules or not, but the Agenda that I'm looking at, we would be voting for acceptance of LeRoy Place as a City street. It doesn't say anything about a resolution. If we were to vote on what we have on the Agenda, that means that we're accepting the street. I believe that since the resolution is not on the Agenda, we should Suspend the Rules to bring that up. May be I'm wrong, I'm just asking a question.

MR. DONAHUE: If it be the will of the Board to do it in that manner, I don't have any objections. However, calling the acceptance of LeRoy Place, it begins a process as I said, and the resolution is before you this evening. It is the same form resolution that has been used in the past, and it would be incorporated as a matter of Record into the Agenda.

PRESIDENT SANTY: Do you want to make a Motion to Suspend the Rules to consider that resolution, Mr. Donahue? I think that would be a proper Motion.

MR. DONAHUE: So Moved.

PRESIDENT SANTY: Is there a Second. Several Seconds. Any discussion to this? We'll vote on Suspending the Rules. All in favor, please say Aye. Opposed? Now do you want to present the resolution?

MR. DONAHUE: I would Move the resolution regarding LeRoy Place be adopted.

PRESIDENT SANTY: That we all have in our possession. Second. Any discussion? All in favor of the resolution, please say Aye. Opposed? PASSED UNANIMOUSLY. Continue with your report, Mr. Donahue.

- (2) ACCEPTANCE OF HILLSBURY LANE AS A CITY STREET - submitted by Richard Nicholas, 520 Wildwood Road (322-6392).

APPROVED ON CONSENT AGENDA

- (3) ACCEPTANCE OF MERRILAND ROAD AS A CITY STREET - submitted by Joseph A. Esposito Construction Co., Inc., 46 Frank Street (348-6818). Letter from John C. Fusaro, Atty., 10/14/82.

HELD IN COMMITTEE

MR. DONAHUE: There are some problems with the acceptance of this street. I believe the Planning Board gave them an exception to make the street only 18 feet wide. There is discussion going on within the Engineering Department, Public Works and in other areas as to the appropriateness of accepting this. It may, in fact, in the future be taken off the Agenda all together but after inspection, it was felt that we should Hold this at this time.

- (4) ACCEPTANCE OF CAMELOT COURT AS A CITY STREET - submitted by Joseph Speranza, J & B Construction Co., 65 Bermuda Road, Westport (226-9781, 226-1907).

APPROVED ON CONSENT AGENDA

PLANNING AND ZONING COMMITTEE (continued)

MR. DONAHUE: We Move the Consent Agenda; Acceptance of Hillsbury Lane as a City Street, #2, and #4, the acceptance of Camelot Court as a City Street and I so Move the Consent Agenda. Seconded.

PRESIDENT SANTY: Is there a Second? Several Seconds. All in favor, please say Aye. Opposed? Approved.

MR. BOCCUZZI: Point of Information.

PRESIDENT SANTY: Yes, Mr. Boccuzzi.

MR. BOCCUZZI: Under #1, we approved the resolution when we voted. Does that automatically approve #1 as it is on the Agenda, or do we have to take another vote to approve #1?

PRESIDENT SANTY: No, we don't have to take another vote because Mr. Donahue read in the resolution to #1 on the Agenda. Thank you, Mr. Donahue, for your report.

TRANSPORTATION COMMITTEE - Chairwoman Sandra Goldstein - NO REPORTPUBLIC HOUSING & COMMUNITY DEVELOPMENT COMMITTEE - Co-Chairmen D. Blum & L. Wider

MR. WIDER: The Public Housing and Community Development Committee met on December 2, in the Republican Caucus Room. Attending from the Committee was Mr. John Roos, Ms. Ann Summerville, Mrs. Ann King Saxe, and yours truly, and Mr. Bobby Owens. For the Workshops with Planning and Zoning, Mr. Pat Grosso and Mr. Martin Levine. On items 1 and 2, concerning the Personnel Policies of Community Development, Mr. Medwick attended. The Committee work vividly with the people that attended. We feel that we must meet as a Committee to draw somekind of resolution to present to the Board. Ms. Summerville may have, as a member of the Committee, may have something that she would like to add. At this time, I would relate to Ms. Summerville.

PRESIDENT SANTY: Ms. Summerville is not on the Floor at this time, Mr. Wider. Do you want to continue with your report, and when she comes back, ask her for her report?

MR. WIDER: That would end my report. Thank you.

- (1) QUESTION OF FINANCE BOARD POLICY #6-1 TO BE REVIEWED BY COMMUNITY DEVELOPMENT REGARDING AUDITING POLICY - submitted by Rep. L. Wider at Steering 2/16/82. Held 10/4/82 and 11/8/82.

HELD IN COMMITTEE

- (2) THE MATTER OF PERSONNEL POLICIES OF COMMUNITY DEVELOPMENT DEPARTMENT - Held 10/4 and 11/8/82. Submitted by Rep. Blum.

HELD IN COMMITTEE

- (3) SET UP WORKSHOPS WITH THE PLANNING BOARD AND ZONING BOARD TO DISCUSS STATUS AND FUTURE PLANS FOR RENTAL HOUSING DEVELOPMENTS IN THE CITY. Submitted by Rep. Summerville 9/14/82. Held 10/4 and 11/8/82.

HELD IN COMMITTEE

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT (continued)

PRESIDENT SANTY: Ms. Summerville, Mr. Wider was interested to know if you have anything to add to his report as a member of the Committee of Public Housing and Community Development?

MS. SUMMERVILLE: Through you, Madam Chairman, to Mr. Wider, I am sorry that I was not here for a moment. I would like to publicly thank Chairman Levine and Chairman Grosso for coming to our Committee and giving us explanations to the questions we put before them. I think the meeting was very helpful and out of that meeting you are going to see some productivity as to what is going on in the City as far as the Master Plan is concerned. They are willing to work with us, and I would like to publicly thank those two Chairpersons for coming to the meeting. Thank you.

URBAN RENEWAL COMMITTEE - Co-Chairpersons John Roos and Annie M. Summerville

No report.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE - Co-Chairwomen deGaetani & Rinaldi

MS. DeGAETANI: Thank you. The E,W, & G Committee met at 7:00 p.m. on Tuesday, November 30. All five Committee members were in attendance.

- (1) INTERNAL REVENUE SERVICE IS LEVYING \$45,000 + IN FINES AGAINST CITY DUE TO OVER-DUE PAYMENTS. STEERING COMMITTEE VOTED UNANIMOUSLY TO DETERMINE HOW AND WHY THIS OCCURRED, WHERE THE RESPONSIBILITY LIES, AND THAT ANSWERS TO THESE QUESTIONS AND ANY OTHERS PERTAINING THERETO MUST BE ANSWERED.
Held in Committee 11/8/82.

MS. DeGAETANI: In regard to item 1, the Committee considered Commissioner Marra's explanations from our last meeting as well as his letter to the Mayor of November 16, which, I believe, everybody should have a copy of at this point in time, stating that the penalties have been abated. We also understood the possible future penalties that were mentioned at the end of that letter in a phone call with the Internal Revenue Service are also going to be abated. There shouldn't be a problem there.

Most of the problem seem to have occurred due to a combination of factors; principally, the hospitalization of a certain employee from that department, and then lack of properly-trained back-up personnel. The Committee, on Motion which passed 4 to 0, with 1 abstention, voted to write Comm. Marra strongly suggesting that personnel be cross-trained and his jobs be prioritized so that this type of thing would not happen again.

- (2) 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 from 7/12 through 11/8/82.

HELD IN COMMITTEE

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (continued)

MS. DeGAETANI: Item #2 was Held pending completion of a Sub-committee report.

- (3) REQUEST FROM REP. DeLUCA 9/28/82 that this Board receive data on a regular basis of approved grants, their status, when the governmental grant money is received, and if any are outstanding at the present time, such as occurred with the Lawn Avenue Park grant funds. Since grants from the State and Federal Governments are uncertain, this is of particular importance. Held in Committee 11/8/82.

MS. DeGAETANI: On item #3, Grants Director, Sandra Gilbane was present and she has provided me a copy of a report from Comm. Marra; an inventory of all of the grants, and job descriptions of all of the people within the Grants office. It runs 43 pages. I received it on Saturday. I think, perhaps, rather than just sending it willy-nilly to everybody on the Board at some rather large cost, may be anyone who wants a copy of it could tell Mrs. McEvoy and I will give her the copy and she can make them as requested.

PRESIDENT SANTY: That's a good suggestion, Ms. DeGaetani.

MS. DeGAETANI: As far as the Lawn Avenue Park is concerned, Mrs. Gilbane explained that in regard to that, that was originally a Community Development Project, and it had been closed out by the City, by the State and by the Federal Government. The City was subsequently informed by the State that then approximately \$32,500 additional funds were available to us if we could have the 1975 resolution re-certified. There are no re-certification limits for the Board, and this is a different Board from 1975, so it was submitted for our approval which the Committee basically felt was a proper procedure.

- (4) CLARIFICATION OF THE CREATION OF THE POSITION OF "PROJECT MANAGER" FOR LUIS MAPPING SYSTEM - submitted by Rep. John J. Hogan, Jr. 8/23. Held in Committee 9/20, 10/4 and 11/8/82.

Above also referred to PERSONNEL COMMITTEE.

HELD IN COMMITTEE

MS. DeGAETANI: On item 4, Rep. Hogan was unable to attend. He called me and asked if we could hold that item and we did so.

PRESIDENT SANTY: Item #4 is Held.

MS. DeGAETANI: Yes.

PRESIDENT SANTY: Thank you for your report, Ms. DeGaetani.

MRS. GUROIAN: May I ask if it is too late to ask some questions about item #1? I assumed she was giving a continuous report so I did not interrupt her.

PRESIDENT SANTY: You can ask your question, Mrs. Guroian.

MRS. GUROIAN: Am I to assume now that this item will be dropped from the Agenda?

MS. DeGAETANI: Yes, Ma'am.

MRS. GUROIAN: Before it is dropped and I have no recourse, I'd like to ask some questions.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE (continued)

MRS. GUROIAN: (Continuing) #1. I understand that the penalty was waived, but I am assuming that we had to pay the interest on the delayed return. How much was it? Do we know?

PRESIDENT SANTY: Ms. DeGaetani, do you have the answer? Does anyone on that Committee have the answer?

MS. DeGAETANI: I do not have the answer.

MS. RINALDI: I believe it was \$7,000 and that money is going to be returned to the City.

MRS. GUROIAN: The interest also?

MS. RINALDI: Yes.

MRS. GUROIAN: The second question I had was, I am assuming just like in regular corporations, an authorized person has to sign those returns; the 940 and the 941, etc. I would hope that the person in the department who prepares that return is not the authorized person who signs that return. But, it seems to me, the answer to it is not to make incumbent on the Commissioner to have cross-training for people to learn how to fill out the return, but to make certain that the person responsible for signing the return is also responsible for making certain that the return has been prepared and is being sent out.

PRESIDENT SANTY: Ms. Rinaldi or Ms. DeGaetani, would you like to comment on that statement or is that a question? Mr. Blais, would you like to comment?

MR. BLAIS: Apparently the errors in this case, Grace, occurred after the return was signed on its transmittal to the IRS; that's where the foul-up occurred.

MRS. GUROIAN: (inaudible) put in the mail.

MR. BLAIS: It wasn't put in the mail.

MRS. GUROIAN: It was signed and never mailed? Is that what you're telling me?

MR. BLAIS: It was never transmitted.

MRS. GUROIAN: Oh, it was never taken to the bank. That's all I wanted to know.

PRESIDENT SANTY: Thank you, Ms. DeGaetani, for your report.

ENVIRONMENTAL PROTECTION COMMITTEE - Chairwoman Audrey Maihock - NO REPORT

MRS. MAIHOCK: ND
^ New items were referred to this Committee.

PRESIDENT SANTY: Thank you, Mrs. Maihock.

APPOINTMENTS COMMITTEE - Co-Chairpersons Handy Dixon and Mary Jane Signore

MRS. SIGNORE: The Appointments Committee met on Thursday, December 2, at 7:30 in the Democratic Caucus Room. Present were Mr. Conti, Ms. DeGaetani, Mr. DeLuca, Mr. Tarzia, Mrs. Perillo, Mr. Dixon, and Mrs. Signore. We were only two members short of a full-compliment. The Committee was joined at mid-point by Mr. Bonner and Mr. Stork.

This Committee report this evening, Madam President, will be divided into two parts. I will now deal with items 1 through 4 only and complete them. The remainder of the Committee report, mainly, item 5, will be reported out by Mr. Dixon. At that time, I will absent myself from this meeting because of a conflict-of-interest.

I now Move to the Consent Agenda: Item 1, Mr. Kaltman for the Board of Ethics.

PRESIDENT SANTY: Item 1 is on the Consent Agenda.

MRS. SIGNORE: Item 2, Mr. John Mallozzi, candidate for Urban Redevelopment Commission.

PRESIDENT SANTY: Item #2 is on the Consent Agenda.

MRS. SIGNORE: Item #3, Mr. John Schlechtweg, candidate for the Urban Redevelopment Commission.

PRESIDENT SANTY: Item #3 is on the Consent Agenda.

MRS. SIGNORE: Item #4, Mr. Joseph White, candidate for the Fair Rent Commission - Alternate.

PRESIDENT SANTY: Item #4 is on the Consent Agenda.

MRS. SIGNORE: At this time, Madam President, in the interest of clearing this before we get to item 5, I would like to Move the Consent Agenda at this point. Seconded.

PRESIDENT SANTY: It's been Moved and several Seconds to Move the Consent Agenda. All in favor, please say Aye. Any opposed? Mr. Kaltman, Mr. Mallozzi, Mr. Schlechtweg, and Mr. White have been confirmed UNANIMOUSLY.

MRS. PERILLO: I would like the Record to show that I'm abstaining on #1, Mr. Kaltman, #2, Mr. Mallozzi, #3, Mr. Schlechtweg, and #4, Mr. White.

PRESIDENT SANTY: Thank you, Mrs. Perillo, the Record will so record.

BOARD OF ETHICSTERM EXPIRES

(1) <u>MR. ALLEN KALTMAN</u> (D)	Re-appointment	June 30, 1987
Mill Stream Road		
Held 8/30, 9/20, 11/8/82.		

APPROVED ON CONSENT AGENDA WITH 1 ABSTENTION, M. PERILLO

APPOINTMENTS COMMITTEE (continued)URBAN REDEVELOPMENT COMMISSIONTERM EXPIRES

- (2) MR. JOHN MALLOZZI (D) Replacing Norman Gluss August 7, 1985
112 Ken Court whose term expired

APPROVED ON CONSENT AGENDA WITH 1 ABSTENTION, M. PERILLO

- (3) MR. JOHN SCHLECHTWEG, II (D) Replacing Michael August 7, 1987
24 Unity Road Loughran whose term expired

APPROVED ON CONSENT AGENDA WITH 1 ABSTENTION, M. PERILLO

FAIR RENT COMMISSION - ALTERNATE

- (4) MR. JOSEPH A. WHITE, JR. (R) Replacing C. Koester December 1, 1985
Saddle Hill Road
Held 7/20, 9/20, 10/4, and 10/18/82.

APPROVED ON CONSENT AGENDA WITH 1 ABSTENTION, M. PERILLO

PRESIDENT SANTY: Thank you, Mrs. Signore for your report.

MRS. SIGNORE: At this point, Madam President, I am absenting from this meeting.

PRESIDENT SANTY: The Record will so state. Mr. Dixon, will you continue with your part of the report?

MR. DIXON: At that same meeting on December 2, Madam President, the Appointments Committee did, in fact, have a lengthy discussion which was followed by a vote on item 5.

DIRECTOR OF DEPARTMENT OF HEALTH

- (5) DR. RALPH M. GOFSTEIN (U) Re-appointment July 31, 1987
235 Den Road contractual 5-yr.
Held 7/20, 9/20, 10/4, and 11/8/82.

May I say again, for the Record, although other Committee members have been present at meetings subsequent to the interview of Dr. Gofstein, only those present during the interview on September 9, have participated in any subsequent action of the Committee related to this item.

Madam President, as we all know, this item has been in Committee for the past three months and has drawn much attention from the Appointments Committee members as well as the general public, so at this time, I will give the Committee's report and ask for the Floor again to express my own personal views.

The Committee voted on a Motion to approve which was 1 in favor and 4 against which is a vote denial. (end of tape)

PRESIDENT SANTY: Thank you, Mr. Dixon. You are Moving for the approval confirmation of Dr. Gofstein as Director of Health. Is there a Second? Seconded.

MR. DIXON: This, Madam President, is with the understanding that the Committee's vote was a negative vote.

APPOINTMENTS COMMITTEE (continued)

PRESIDENT SANTY: Thank you, Mr. Dixon. I think all the members realize that. Mr. Dixon is the maker of the Motion. You are the first to speak.

MR. DIXON: Madam President, I will be brief because I'm sure there are many others who will also like to speak. People all over Stamford have communicated with me either by letter or telephone, giving their input or expressing their interest and concern in our Health Department and the pros and cons are about evenly balanced. Additionally, the Appointments Committee has searched for and obtained legal opinions and documents from Dr. Gofstein's personnel files, while other individuals have gone to the State level for added information.

I, personally, feel that much of the time and effort we've spent is a waste and I hope now that this Board will confirm this appointment and establish continuity of the progress our Health Department has experienced over 15 years. It has grown by leaps and bounds under Dr. Gofstein's direction and is second to none in the entire State. We have been highly criticized, critical, Madam President, of other departments in our area of government, for the lack of productivity which is quite prevalent in the Health Department. This says to us even further that Stamford would suffer a great loss and it would be a great mistake to go looking now for a new person capable of replacing Mr. Gofstein.

I find it hard to believe that we would benefit so dearly of one's service for 15 years and then say good-bye; I don't like your attitude or your personality anymore. Well, there are public figures in this room with attitudes, personalities, dispositions and high tempers that I don't particularly like. I would urge each Representative here tonight to be like Dr. Gofstein and act in the best interest of the people. Thank you.

PRESIDENT SANTY: Thank you, Mr. Dixon. I would ask the audience to refrain from any outburst of emotion; otherwise, I will be forced to clear the gallery.

MRS. GERSHMAN: Thank you. I would like to Move that we return Dr. Gofstein to Committee and if I receive a Second on this, then I would like to explain my reasons why.

PRESIDENT SANTY: A Motion has been made to return Dr. Gofstein to the Committee and it has been Seconded.

MRS. GERSHMAN: Thank you. I think that there are many allegations that have been made; some true, some false, some wild, some not so wild and I think that many of us do not have the correct information to vote intelligently tonight. I would suggest that we return Dr. Gofstein to Committee for a period of some months, and in another Motion, appoint an investigative committee of this Board, possibly under Section 204.2 of the Charter to answer the questions that we have in a quiet, calm, controlled manner and bring out the correct facts. I believe that there should be, with the Director, legalities call for also an investigation of the Health Department.

Furthermore, I think that this would calm the atmosphere that has been broiling around this appointment. I would suggest that Dr. Gofstein continue in his position with all of his privileges and salaries and so forth until this is brought back, and I would further suggest that there should be a time limit put on this return to Committee.

APPOINTMENTS COMMITTEE (continued)

PRESIDENT SANTY: Thank you, Mrs. Gershman. The Motion on the Floor is to return this item to Committee. We're now speaking to that.

MR. CONTI: This has nothing to do with returning it to Committee, but I would like to add a few points concerning the vote that was made at the Appointments Committee meeting the other night.

PRESIDENT SANTY: The Motion on the Floor... We'll come back to you.

MR. CONTI: I would respectfully ask for permission to speak after this. Thank you.

PRESIDENT SANTY: The Motion on the Floor is to return to Committee. I will call on you and it is just speaking to that Motion. I will call in order. Mr. Bonner, do you want to speak to returning this to Committee? We have your name here. Mr. Stork, are you speaking to return this to Committee?

MR. STORK: No, Madam President, the main Motion.

PRESIDENT SANTY: I will call the names, If anyone on this list would like to speaking on returning this to Committee, then you speak. Mr. Wiederlight.

MR. WIEDERLIGHT: Move the question. Seconded.

PRESIDENT SANTY: Mr. Wiederlight has made a Motion and it has been Seconded to Move the question. All in favor of Moving the question, please say Aye. Opposed? We are going to use the machine for a vote. The vote is on Moving the question which is returning it to Committee. It's just on Moving the question. Has everyone voted? We're voting on Moving the question. The question is a Motion made by Mrs. Gershman to return it to Committee. Has everyone voted? The Motion to Move the question HAS NOT PASSED. We need a two-thirds vote. 19 yes, 17 no, 4 not-voting. We're still discussing returning this to Committee.

MR. BLUM: I am thoroughly opposed to moving this back to Committee. The reason is I think that the Dr. has been thoroughly investigated by the Appointments Committee for three months now. Now is the time to vote on his confirmation; either up or down. I am, therefore, against this Motion.

PRESIDENT SANTY: Thank you, Mr. Blum. Speaking to return this to Committee.

MR. LIVINGSTON: I agree with Mr. Blum. For anyone to suggest that the members of this Committee, at this point, can't vote intelligently on something that we've been dealing with for the past three months, if we can't do it tonight, we will never be able to do it. I feel that that Motion should be defeated.

MRS. McINERNEY: Yes, Madam President. I would support Mrs. Gershman's Motion. I feel that when the late Chief of Police came to Stamford, he underwent great scrutiny and there was an extensive investigation done on him and his credentials, and on any allegations that were brought. I feel the same as Mrs. Gershman that there have been several questions which have been raised. I, initially, wrote a letter to the Mayor in August requesting a copy of Dr. Gofstein's personnel file. Subsequent to that, the Board found out that the Mayor did not keep copies; that the keeper of the personnel file was the Dr. and, I believe, that Mrs. Santy, our President, had tried repeatedly to get copies of that file along with other pertinent information regarding the actions and performance of Dr. Gofstein.

APPOINTMENTS COMMITTEE (continued)

MRS. McINERNEY: (continuing) I also feel that there are other things that have come about. The pension question to me is very serious. It raises problems which could have fiscal ramifications if, in fact, the portion was improperly or over-funded, and I would say that the State would not look kindly on things of that nature. There have been in both Caucuses, I'm sure, many types of things brought out; problems that people have had over the years with collusion in getting information from one Commission, the Health Department. There have been so many things that have banded about. I truly feel that we owe it to the citizens to act in their best interest, and to take each one of these things and set-up a committee and have them impartially look at all, and clear, once and for all, all of these things because regardless of the outcome this evening, we will never truly have any of the answers unless we do just that..

PRESIDENT SANTY: Thank you, Mrs. McInerney.

MR. WIDER: Thank you, Madam Chairman. What are we speaking on now?

PRESIDENT SANTY: We are speaking on the Motion made by Mrs. Gershman to return this item to Committee.

MR. WIDER: I thought that Motion lost.

PRESIDENT SANTY: No, we did not vote on that. We're discussing that, Mr. Wider. Do you want to address that Motion?

MR. WIDER: Certainly, I do, but I would like to address the main Motion.

PRESIDENT SANTY: We'll put you on that list also, Mr. Wider.

MR. WIDER: If you are going to return it to Committee, I won't get to it. I think as intelligent people, we have beaten this name to death, and I am opposed to beating it any longer. I think this is a terrible insult to a man that has done his best. I would hate to see it go back to be beat in Committee again. It has been gone over for the last four months. I would be opposed to it going back to Committee.

PRESIDENT SANTY: Thank you, Mr. Wider.

MR. DIXON: I would just remind the Board that this item has been with this Board since August, and I just don't believe that we would be doing any justice, nor do I believe that putting this item back in Committee would serve any real purpose. The Committee has hassled with this appointment now for four months, and I think it is time in light of the fact that I don't believe that we do have anything else to gain. I think it is time to dispose of it. We're talking about a special investigation. I don't even know if that is legal. Appointments come to the Board and are placed in the Appointments Committee and the Appointments Committee votes the name; votes out the recommendation. This is setting a new precedent as far as I know. I've never heard of any appointment being placed in any special investigating committee.

On the other hand, I believe we owe the Doctor a little more consideration than just that. After all, he has served this City for 15 years, and I'm sure he has done his best. We may not be satisfied but I'm sure he feels that he has done his best, and he has promoted the Health Department in these past 15 years, far beyond any promotion of any other department in the City of Stamford over that same period of time.

APPOINTMENTS COMMITTEE (continued)

MR. DIXON: (continuing) If there were, and I said this in the Democratic meeting, and I will say it here, if the members of this Board find enough discrepancies that would warrant a special investigation of Dr. Gofstein, then you should vote him out of office right now. I just don't believe it's fair to take this kind approach to a professional person. We are disgracing the profession itself. I don't think we ought to take that kind of an approach to resolve this matter. Thank you.

PRESIDENT SANTY: Thank you, Mr. Dixon.

MR. BOCCUZZI: I'd like to agree with Mr. Dixon in part. I think the three months that the Appointments Committee had it is sufficient time for anything that was irregular as far as Dr. Gofstein himself is concerned, whether it be the pension plan or what, should have been brought to the surface and proven before now. I really think that at this point, the members of this Board have been called on pros and cons, how to vote, how not to vote. I think most of the members of this Board have probably made up their minds already. I think by prolonging this particular appointment or any appointment of this nature, the way it is trying to be prolonged, will only add to more claims and counter-claims, denials and accusations by members pros and cons. No matter what the appointment is, I am sure somebody can always disagree. I think this Board is intelligent enough to weigh the facts and, at this time, be able to push that button either up or down or abstaining if they so chose, without any doubts in their mind. I have respect enough for this Board to know that they know what they want to do, and I think tonight is the night to do it, so let's get it done.

PRESIDENT SANTY: Thank you, Mr. Boccuzzi.

MR. RYBNICK: Move the question. Seconded.

PRESIDENT SANTY: Mr. Rybnick has made a Motion to Move the question. There's several Seconds. All in favor of Moving the question, please say Aye. Opposed? We're going to Move the question. The question is on returning item #5, Dr. Gofstein back to Committee. We will use the machine for a vote bearing in mind, a simple majority is necessary to return it to Committee. Has everyone voted? The Motion to return to Committee has been DEFEATED 25 no, 11 yes, 3 not-voting.

We will now return to the main Motion. The main Motion is on the confirmation of Dr. Gofstein bearing in mind that the Committee report was 4 to 1 to deny the appointment.

MR. CONTI: Thank you, Madam President. At the Appointments Committee meeting last Thursday evening, I voted in favor of Dr. Gofstein's report; then because of the report presented by one of my colleagues regarding the pension plan, my vote was changed to recommend denial. Since then, I have talked to a lot of constituents, have conducted a poll, have asked a lot of questions and feel that my vote for denial should not have occurred. I was wrong.

One of the complaints I heard in my phone calling, was that Dr. Gofstein would close a restaurant down if he found a fly in the place. This to me was not a short-coming, but something to be a recommendation for the worthy Doctor. As you all know, there is no restaurant in this town unfit to eat-in or have any qualms concerning their cleanliness; yet, other nearby towns town are not as fortunate.

APPOINTMENTS COMMITTEE (continued)

MR. CONTI: (continuing) Many, many renters in this town have gone to the Health Department as a last resort, and have found help. One in particular, was to have been evicted three times, but was aided by Dr. Gofstein. A particular landlord has been in the news many times for lack of heat, no smoke control, defective elevators and many other violations. Another Health Director might have overlooked this, but not our Dr. Gofstein; he helped. Many stories went around about his "keep-out" signs near his files. They are fallacious. I investigated. I, personally, attempted to get one of his detractors to meet with the Doctor and myself to iron-out some difficulties. The Doctor agreed, the other person refused.

The Doctor has been deemed arrogant, brusque, crude, and a lot of other derogatory remarks have been directed toward him, but they also admit that he has done his job and has done it well. I have letters in my possession from many constituents who will praise the Health Fair; the way he treats seniors very well; his high regard for the well-being of all new residents of this City, and on, and on ad infinitum.

Let me read just one short letter. "Dear Sir: I have noted with dismay the controversy surrounding the reappointment of Dr. Ralph Gofstein as Director of Health. My concern is that the builders are the only ones who seem to be unhappy about his reappointment. No one has mentioned how other people feel, including senior citizens, like myself, who have seen the Health Department greatly expand its services. Things like blood pressure control, glaucoma screening, and flu shots are now routine, when 15 years ago, they were non-existent. Other Health programs such as the Dental Clinic for children and the WIC program have brought great benefit to the citizens of this City.

"Builders would like to do things without any supervision or control. It's a good sign that the Health Department is doing its job if the builders complain, because it means the Health Department is getting things done right. Listening to the builders complain is like having criminals complain about the police and courts.

"Dr. Gofstein's motivations and decisions have always been geared to benefit the citizens of this community; not to those of special interest groups.

"I strongly endorse continuing his dedicated administration. Sincerely"

I have the name here if any member of the Board would like to see it.

Now, I would like to continue with my own. Now, the story crops up that he has been accepting a pension payment not due him. May be this could be true, but whose fault is it? The City pays the bill, but we are reimbursed by the State. We have not lost one single solitary red cent. May be we were wrong in not establishing a well deserved pension plan for this man. Others in this town have bought-back years of pension time; we are attempting to pay pensions to two elected officials. In private business a contractual figure is most always lured and attracted by a very good pension plan.

Our Superintendent of the Board of Education, another contractual position, has a very nice pension plan to go along with the job. And, Dr. Gofstein had not left us for greener pastures, or even threatened to within the past 15 years. I now believe with what I have learned, we not only owe this man his position, but also a vote of thanks; a very high recommendation for his good actions toward the citizenry; a look into making his pension legal and make it a good one.

APPOINTMENTS COMMITTEE (continued)

MR. CONTI: (continuing) He is here. He is a good Director. We need look no further than our own back yard for the best director we can get. He has taken a lot of abuse for the past three months. I don't think I could have accepted what he has. Therefore, arrogance goes down the drain; aloof, by no means; he is always at the forefront to face the City's problems. Crude, by no means; to the point, yes. Remember, let he who is without sin, cast the first stone. Listen to your constituents, please; your constituents' woes.

You were elected to serve for the good of the City. Ladies and gentlemen, put aside your petty bickering. You were elected to serve for the good of the City; for the good of your Districts; for the good of your constituents. This is your chance to prove their choice; the voters' choice. The voters' vote was right to elect you. Now, your choice is at hand tonight. Will you vote for the voters or special groups? Vote for confirmation; your constituency demands it and deserves it. Vote yes, yes, resoundingly yes, for the good of Stamford and we who live here. Thank you.

PRESIDENT SANTY: Thank you, Mr. Conti.

MR. DeLUCA: It's a tough act to follow some of Mr. Conti's remarks. Let me just begin by saying I have never heard anyone say that Dr. Gofstein wasn't entitled to an annuity plan. It was the question of the proper computation; whether it should have been based on a 100% of his salary or just for the amount spent for his time in the private and parochial school program? Mr. Conti states that it did not cost the City one penny for Dr. Gofstein's annuity plan. It may not have cost the City because we got reimbursed 100%, but if the computation leads to be erroneous, it has cost the State money. To me, the State money is still my money because I'm paying sales taxes among other taxes.

During the past several months, much has been said for and against Dr. Gofstein's appointment. We have heard that Dr. Gofstein is tough; he cannot be bought-off by the builders. He runs a tight ship, lives within his budget, and has excellent qualifications, and because of this, we should recommend him whole-heartedly for re-appointment. I plan to vote against his re-appointment, not because his qualifications aren't satisfactory which, no doubt they are, but because of his abuse of powers. What I believe is a strong abuse of power. We talk about he runs a tight-ship, lives within his budget. There are many people here sitting on this Board this evening, that will well remember a past director of one of our most important departments in the City. This person for several years turned in surpluses amounting to several hundred thousands of dollars, but yet during the past year when this person resigned, we had to go back and appropriate additional funds totalling hundreds of thousands of dollars to correct the problems.

Now, if we are to vote for somebody because he runs a tight-ship, I'm not saying that Dr. Gofstein has the same problems with the past department, but, please, let's not use a tight-ship and living within the budget as a criteria. We talk about letters of endorsement. I really have to chuckle at the letter that was received or placed on our desk this evening by Franklin Rosner. It's amazing; I guess I would endorse Dr. Gofstein also when I look at the compensation planning for employees. Plan and design service by Franklin Rosner, CPUCLU, 87 Glenbrook Road. I would have to question why this letter here is endorsing Dr. Gofstein. Why he would ridicule members of the Appointments Committee for voting wanting to deny Dr. Gofstein's re-appointment. That leaves a little question here.

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MR. DeLUCA: (continuing) Also, I'd like to call attention to a letter that we just received last week, dated November 26, from the Health Commission. I'd like to just read a paragraph of it. In this letter dated November 26, was signed by Dr. Mastrangelo, the Chairman of the Health Commission, Dr. Bert Ballin, Steffie Bloch, and Kim Williams, members of the Stamford Health Commission. It states, "Reference has been made in question to the Board of Representatives concerning unreasonable actions of the Health Department, especially as they relate to the home-builders. On more than one occasion, the Health Commission has advised the builders of the right to appeal to the Health Commission and/or the Mayor any decisions made by the Health Director. The mechanism for this appeal is clearly outlined in the City Charter." I am not going into further details. I would like to enlighten Members of the Board who are not part of the Appointments Committee, several months ago, we interviewed Mr. Kim Williams for re-appointment. If memory serves me correctly, I hope the names that I do mention will correct me. I believe the Committee members present at that time were Boccuzzi, Dixon, DeGaetani, Tarzia, Tony Conti, Signore and myself. At this particular meeting when we were interviewing Mr. Williams for his re-appointment, we were really surprised to hear him say that if any builder or if anyone files a complaint against the Health Commission and brings their complaint, any future requests for permits goes at the bottom of the pile and inadvertently keeps getting delayed. That is why I have to chuckle when Kim Williams signs this document every year endorsing Dr. Gofstein! It also says that the builders have a right to appeal. Sure you have the right to appeal, but heaven forbid if you win; what happens to your future requests?

Let us get back to abuse^{of} power. I'd like to quote a letter written by Alice Perry dated April 6, 1981. Alice Perry, as most of us know, is the Assistant Corporation Counsel. In the letter she states, this is addressed to Dr. Ralph Gofstein. The letter says, "Once a permit to install a septic system has been issued, its duration is controlled by the building permit to which a subsidiary feeds into. There is nothing in the State Public Health Code that states these permits expire in 6 months. The local Health Department's imposition the rule stating that the permit to install a septic system expires 6 months after issued is invalid and unenforceable because it is contradictory to the State Building Code which applies to all municipalities in which the Public Health Code coordinates."

I definitely call this an abuse of power when he tries to impose his own restrictions, and contradicts State Statute. As I said, that is why I plan to vote against Dr. Gofstein when we talk about abuse of power. We also received a letter of endorsement from the Stamford Dental Association. Even here, I begin to wonder when you consider the fact, I believe, it's Dr. Weisberg is the head of the dental clinic for the Health Department. Yet, the same Department was previously directed and headed by a person, I believe, by the name of Peg Maher, who was a dental hygienist. She did it for years and now it's replaced by a doctor. I understand Peg Maher was doing a fantastic job until she was replaced.

We received letters of endorsement from the Medical Association. Yet, if you were to check some of the people that are in the 481 Program, you would see not only is Dr. Gofstein's wife a member of the Program, but also several wives of doctors are also members of the 481 Program. Let us talk about, once again, abuse of power and harassments. Going back when I first was appointed to the Board of Representatives, I had the pleasure of sitting in on the Health and Protection Committee, whose Chairman was the esteemed David Blum. We sat down going over complaints brought to our Committee by the Park Manor. Some of the complaints were, I'll quote from some of the complaints I have over here. "Room 204, 217, total repainting as a spot beginning to peel." Some complaints were plastic spoons in the kitchen, food being stored in the room or paper in the trash closet. If these are health violations,

APPOINTMENTS COMMITTEE (continued)

MR. DeLUCA: (continuing) then I better remove all the spoons in my home, plastic spoons that I have, because that would be considered a health violation. I have a utility closet which I usually store some paper until the end of the week, and put out for recycling that we used to have years ago.

Let's go down to some of the complaints that were listed as violations. From the Health Department, room 224, broken window, bathroom wall and floor unsound. The response was room 224, broken window was a small crack in the corner. Bathroom wall and floor was just replaced but yet it's considered to be unsound. But the two goodies are room 410, broken bathroom mirror to be replaced was a violation cited against the Park Manor. The response, "told to fix a broken mirror in the bathroom, to void if there was a mirror there; there never was one." Room 420, bathroom ceiling peeling of paint, broken window, not weather-tight. Response, "ordered to repaint which we did, we couldn't fix the window in the bathroom because there isn't one in there." If you mean to stand here and tell me that this isn't an abusive of power or harassment, and it's somebody that is not a builder! If someone that runs, that still runs a reputable home for the aged in Stamford, but because of violations as this, the Fitzpatricks were having difficulties.

Once again, let's talk about abuse of powers. I'd like to quote a letter which our Committee, dating back to when the Health and Protection Committee submitted to us by the Fitzpatricks. I won't read the whole thing, just part of it which leads up, once again, abuse of powers. On one of these orders, replacement of all of these windows south on one side of the building, the Fitzpatricks received a contractor's estimate of \$65,000. It is written opinion, "that the job was not needed." I must, therefore, question Mr. Valentine's background, training, qualifications which would justify his recommending an unnecessary order of this magnitude to a property owner.

I have also been informed by Mr. James Sotire, Stamford Building Department, that problems dealing with the construction of buildings are beyond the scope of authority of the Health Department. Once again, if this isn't abuse of powers, please inform me what is; especially if you want to tread in areas that are not part of yours.

We have heard people say they received comments, response from their constituents. I have received many; not from builders, from others stating that Dr. Gofstein should not be re-appointed. I have comments over here regarding some of his employees who fear Dr. Gofstein, but I won't be able to point because I'm sure we have many other speakers here. I'm sure many of us heard about the incident that happened to our colleagues' place of business regarding baby aspirins. These people received a phone call from the Health Department stating that they received two complaints from two people, that they just purchased aspirins and there was glass. They asked the Health Department, the person that called, what does he plan on doing about it? Does he plan on coming up to the place? ^{Told me} ~~not to~~ worry about it. First he asked, did you get the names of the people that called? Did you get their address? The response was, "no." Don't worry about it, we don't plan on pressing; the people are not going to press the charges, any charges against you. Fortunately, for these people, being conscientious, in view of the fact we had the Tylenol incident, glass and pins in candy bars during Halloween, to protect their good name and image in the City, they called-up the Police Department. Immediately, at the premise, opened up every bottle of baby aspirins, took a lab test, it wasn't glass; it was a fact that the aspirins were crystallized. Yet, the Health Department has yet to be the check. I would have to doubt or wonder the purpose of the phone call. You would think that someone from the Health Department would immediately dispatch somebody there in view of what has been transpiring.

APPOINTMENTS COMMITTEE (continued)

MR. DeLUCA: (continuing) We talk about letters that were from builders, which again in my file that I dug-out but unfortunately, it's not signed. It's a letter dated September 28, 1978, to the Fitzpatrick's. "Dear Mr. & Mrs. Fitzpatrick, I hope that you don't think that you are the only ones that are being harassed by Dr. Ralph Gofstein and his puppets. You have a lot of company." Agreeing that this is just signed as an interested citizen, but let me point out the fact that what lead to the investigations of Park Manor was several anonymous phone calls and letters. So once again that the Health Department can accept anonymous phone calls and letters as reasons for investigating someone, I would consider that it would be in order for me to read a letter from "interested citizen" even though it's not signed. It goes on to say these free-loaders will go into a restaurant; if they can't bum a free meal, find something wrong with the place, advertise it that it isn't up-to-par, hoping that they will lose some business. It goes on and on.

As I said, other people no doubt have to speak, but, I believe, I have outlined a good case of abuse of power. This past Friday, just to cite one other example, I had the pleasure, thanks to this esteemed Board, permitting me to present a resolution to John "Sharkey" Lauren^o at his testimonial Friday night. And, before the dinner started, several people came up to me, business people, not builders, business people, established reputations, prominent citizens. One of them said, Gabe, let me just cite an incident that happened to me regarding the Health Department. He was putting up an establishment; they came to me and told me how to do something one-way. I did it; came back, it's wrong; had to do it again. After four times and the expense of \$8,000 to this person, it was accepted. Why couldn't they tell me to begin with; I could have just done it once. Why did they have to harass me? To put it bluntly like he said, "bust my chops." As I said, I plan on voting against him not because of his qualifications, which none of us can deny, but because his abuse of powers. I can just imagine what would happen if he was re-appointed for the next five years. Heaven forbid. Thank you.

PRESIDENT SANTY: Thank you, Mr. DeLuca.

MR. BONNER: There has been a great deal of testimony for and against. I have reviewed this for a good period of time. I find that much of the evidence seems to indicate that Dr. Gofstein does strongly support the laws and is strong in up-holding the laws regarding sanitation and things dealing with health, and I must commend him for that. There's one other item that has bothered me somewhat. It's a question I have not been able to answer it for myself and, perhaps someone else here, I could direct this either to Mr. Handy or someone else, and that is the question on the pensions. The question that I have I would like to be able to conclude is this, "Was the Doctor well within his rights of setting-up the pension fund and were the contributions made by the State or City in accordance with the laws of the City and State, or was the set-up that he made in violation? Was it in violation of the City and State requirements, and, if so, will he be required to pay back the extra amount?" This makes a great deal of difference to me because I have been in favor of Dr. Gofstein. I know that he has some problems. I have some pluses for him and I would normally vote for him.

I believe that a person in an office of this type must be very careful and must administer the laws to himself or herself as strongly as they would to others. I hope that someone on the Floor has studied this well enough to be able to answer this question, whether or not he was legally within his rights, or whether he was illegal and has done something which is wrong? Thank you, Madam Chairman.

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PRESIDENT SANTY: Mr. Bonner has raised a question. Mr. Dixon, would you like to comment on that question?

MR. DIXON: Let me just say that I will attempt to throw some light on the question. This whole matter of pension, I believe, dates back to 1972, somewhere thereabouts, and the whole scope of it was done out in the open, it wasn't a thing that was covered up, and if there is anything illegal about it, Dr. Gofstein didn't know about it at the time. His action was approved by the Health Commission. The City Finance Department was quite aware of what was happening. If they didn't make any attempt to correct it being aware of all of the activities, then if Dr. Gofstein himself is at fault, then the whole City is at fault in that regard. As I said, all that was done by Dr. Gofstein was done out in the open. No one stated to him that he was doing anything wrong, and if it was wrong, he wasn't aware of it, I'm sure.

PRESIDENT SANTY: Thank you, Mr. Dixon. Mr. Bonner has raised a question. I don't know if that answers your question, but there are several people here who seem to have an answer. (End of Tape side #2.)

MR. BLAIS: Mr. Bonner, according to documentation I saw today in the Controller of the City's office, there is no doubt that Mr. Gofstein is entitled to participate in a State program. Now there seems to be a big question as to the percentage of eligibility of his participation under one specific program. Theoretically, participation retirement plans under a State or a Federal grant contract, is in accordance with the percentage of time that you spend on that grant or contract.

I saw documentation today in the Controller's office that did say that the City researched it, he was eligible to participate. Yes, it did not say clearly whether he's eligible for a 100%. However, theoretically, Dr. Gofstein could get pretty close to a 100% if he allocated his retirement costs among all the grants and contracts of the Health Department. There is room for questioning whether at one time or another, an agreement was made to fund his retirement under one plan instead of a myriad of plans. But as Mr. Dixon said, this was not done surreptitiously; this was all done above-board with full knowledge of the City government and City officials, and it stemmed back from 1969 when the City really tried to research this. It's been an on-going program, and quite frankly, I don't think this is a big deal. He is eligible to participate in a retirement program. The actual percentage depends on any one given year the percentage of time he spends on State and Federal contracts, so at any one given time, his exact percentage may not be known.

PRESIDENT SANTY: Thank you, Mr. Blais. We have many, many speakers. There are three others who would like to address that question. Mr. Bonner, are you satisfied with the answer?

MR. BONNER: I'm happy to listen to all the others. I'm completed as far as my questions are concerned, but I'm anxious to listen to the answers of these others.

PRESIDENT SANTY: What I would like to do, since there's a great many speakers, I think that may be we can ask them to incorporate this in their remarks to address your question at this time.

MR. BONNER: That would be fine. Thank you, Madam Chairman.

PRESIDENT SANTY: Thank you, Mr. Bonner.

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MR. STORK: Thank you, Madam President. Let me preface my comments by saying that until about two months ago, I had no reason to vote against Dr. Gofstein. I was aware of other representatives' concerns about re-appointing Dr. Gofstein, but I, personally, had none. However, in my letter to you, Madam President, dated October 18, 1982, I indicated some real concerns; specifically, the fact that Dr. Gofstein may have abused his power as our Health Director by receiving a paid annuity for which he was not entitled. Despite the fact that he was not entitled, he was also over-funded in the annuity to the extent of being funded for 100% of his time supervising the private and parochial school nurses when in fact, the State of Connecticut, Department of Education, funds only the amount of time he actually spends with that group. In Dr. Gofstein's case, that amount of time is 10%. I have figures covering 10 of the 12 years in question, and the amount of over-funding alone adds up to \$27,664, not including 1972 and 1982 payments.

Dr. Gofstein says that the City isn't paying this money; the State fully reimburses Stamford for the annuity payments. This is true, but what State is Stamford in? With all due respect to my good friend, Rep. Tony Conti, Stamford residents pay taxes to the State of Connecticut, so our citizens are footing this bill. I placed a copy of a letter from the research analyst from the Office of Legislative Research in Hartford on everybody's desk tonight to verify the annuity funding regarding 10% versus 100%. This letter states facts; not emotions. Dr. Gofstein, himself, initiated the paperwork to participate in this annuity plan on October 1, 1969. I believe this to be abuse of power in the highest degree. Not only that, Madam President, it's an expensive abuse of power.

Who in this room tonight would not like to have more than \$28,000 additional computed in their retirement fund? A vote in favor of Dr. Gofstein tonight is not in the best interest of the taxpayers in the City of Stamford. I stand in favor of the taxpayers of Stamford, therefore, I urge all who share that position to take the right action; vote no to Dr. Gofstein's re-appointment. Thank you, Madam President.

PRESIDENT SANTY: Thank you, Mr. Stork.

MR. TARZIA: Thank you, Madam Chairman. For the sake of saving time, I will be somewhat brief in my comments, but I will try to cover as many areas as I can. Mr. DeLuca and Mr. Stork, I believe, eloquently expressed some of the points that I was going to make. However, I am appalled, shocked, dismayed, I don't know what words to use at some of my older and veteran colleagues on this Board. Unfortunately, too many of them have their heads in the sand. As a members of the Appointments Committee, like Mr. Boccuzzi, like Mr. Dixon, Mr. DeLuca and others of that Committee, I remember sitting in the Democratic Caucus Room not too long ago and interviewing Mr. Kim Williams for re-appointment on that Health Commission. It was Mr. Williams who came out with many of the comments, some of them new to me as a new member on this Board about the functions of the Health Department and the functions of the Health Commission. Unfortunately, the Health Commission only acts as a Commission when the job of Mr. Gofstein is at stake.

We hear comments about the elderly and others who are receiving under Gofstein now after 15 years of rule, or misrule as I think it is, health benefits which we never had before. Of course, we have 5 times the staff members that we had 15 years ago. Mr. Gofstein today has over a 125 people to supervise, and I would like to remind the members of the Board and the audience that we do not still today, we do not have an assistant Health Director despite the fact that the Charter provides for that, and when Mr. Gofstein is out of town or is incapacitated as the case may be,

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MR. TARZIA: (continuing)...there is no one there to run the ship except for Mr. Gofstein; you have to wait. You have to wait for his return. So if you are the homeowner or the builder, because he lives in this Community too, and he pays taxes here, and I'm sick and tired of hearing the comments about the builder who 's a shyster; who 's this; who 's that. We have a lot of good people in this Community that are builders. Sure, many are friends of mine; I'm not ashamed to say that. But these people to them, waiting is money, and money means that when I or somebody else buys a home, it's going to cost more. That's a vicious cycle. We all know that.

Now to get back to the Health Commission and the medical profession, I want to know how many of us here, we're all big boys and girls, how many of you have heard doctors, in public, criticize other doctors? I sure haven't. In public, I'm saying. We have these gentlemen sitting here from the Health Commission. I want the people on this Board that have been here years, and years, and may be too many years, to tell me when the members of the Health Commission have done anything except when the re-appointment comes up.

In conclusion, I would like to leave this auspicious Body with the comment that yes, Dr. Gofstein is a public servant just like all of us here, and here's a charge of a department that is suppose to deliver human services; not a reign of terror. These are the 1980's, Ladies and Gentlemen, let's wake-up. Thank you, Madam Chairman.

PRESIDENT SANTY: Thank you, Mr. Tarzia.

MR. WIDER: Thank you, Madam Chairman. As Chairman of the Public Housing and Community Development Committee for the Board of Representatives, I must stay in contact with the Health Department constantly. I am called on many emergencies; anytime of the day and anytime of the night. Many times it can't wait because you can't leave a toilet stopped-up with 5 kids in the house until the next morning. It has to be done that night. In many cases, I have to call Dr. Gofstein because I can't get other help, and Dr. Gofstein comes through on any occasion when I'm right. Dr. Gofstein has also said no to me, and I was a little upset too like I know some of you have been. But, I come to find out that Dr. Gofstein was saying no to me and he was right. I respect a man that would say no to you regardless of who you are, where you are and what you are doing if you are wrong. I think that is what we have to have. I think the City has to have other than a yes man, and we have too many yes men for money. One of the worst things in this City right today, is that we have too many yes men when it comes to a dollar. I give Dr. Gofstein credit that he does not say yes to people because they have dollars. He says yes if there is a need, and I think that is the kind of Health Director we must have. I have news for you, the way we are treating him, I am sure that you realize that we will have a problem getting another one. I would suggest that we vote for the man that we have that is trying to do a job; who has brought more health programs to the City of Stamford than any doctor in any one of the five major cities in southwestern Fairfield County. So, I ask you to keep the man that is working for us. Thank you.

PRESIDENT SANTY: Thank you, Mr. Wider.

MR. FLOUNDERS: Thank you, Madam President. This matter of Dr. Gofstein's re-appointment has, in my judgement, become an unfortunate chapter in this Board's history. Dr. Gofstein's detractors take the supportive letters of endorsement that have been received from various parties, then blatantly suggest that the authors of these letters had some ulterior motive for writing. Yet, any negative

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MR. FLOUNDERS: (continuing)...recommendations or comments that have come in, are conveniently accepted as gospel truth. Somehow Dr. Gofstein's detractors even take the Doctor's acknowledged management strengths; his positive strengths as an administrator, and they accept them as pluses but promptly turn them to minuses by saying such things as when the truth is out someday, posterity will understand that Dr. Gofstein really was not a very good administrator or a manager. This is convoluted reasoning if I ever heard it.

Dr. Gofstein has been on trial for the past three months. He's been tried by the press, he's been tried in our Caucuses, he's been tried from the Floor of this Board tonight. The evidence consist of hearsay, allegations and isolated incidences taken out of context. How^{valid} they are is anybody's guess. Your guess is as good as mine.

Those who support Dr. Gofstein support him for his professional ability, his rigid unflinching insistence on enforcing the health codes of the City, and his single minded dedication to doing his job. I've had a number of experiences, personal experiences, with the Doctor on the Fiscal Committee, and I would be less than honest if I didn't admit that sometimes he can be very aggravating. But, there is one conclusion that I have drawn after several years of dealing with him on the Fiscal Committee, and that is he knows exactly what's going on in his Department, and he does, indeed, run a very, very, tight ship. Unless he's the world's greatest actor, he's sincere. He, at least believes that the job he is doing, is the right kind of a job that he wants to do.

The questions raised regarding the annuity funding of Dr. Gofstein's pension fund are serious questions. The evidence presented suggest that Dr. Gofstein has somehow engineered a fat and illegal arrangement for himself. That's a serious indictment. So serious, in fact, that it really shouldn't be used as one item on a laundry list of complaints about the Doctor. I'm sure that Dr. Gofstein could be re-appointed on his merits. This issue of the pension fund deserves very serious investigation, and I'm going to tell you that if it can ever be, if the fact shows there is somekind of unusual reason for this pension arrangement, the one that was surreptitiously engineered, there is always time to handle that, and that should be handled. Every complaint that I've heard tonight and for the past three months, there have been so many of them, so many different kinds of complaints; the only thing we haven't complained about is the color of his eyes. It's a real witch-hunt that we have gotten ourselves into in my opinion, one that is, I believe, unfair treatment for us to bestow on a guy who has done a good job, and I hope that we will support his re-appointment.

PRESIDENT SANTY: Thank you, Mr. Flounders.

MRS. GOLDSTEIN: Thank you, Mrs. Santy. It is certain that Dr. Gofstein will not win a personality award on this Board, and I guess if we were giving one out, we would be confirming Johnny Carson or someone. But, we are confirming a Health Director tonight, and I think that for a Health Director, a Health Director in the city the size of Stamford, we have to look for certain attributes such as competence integrity and incorruptibility and a genuine concern for the health and welfare needs of this Community. And, I think on all those points, Dr. Gofstein scores well. As far as his competence which actually no one has questioned, his medical credentials are impeccable, his ability to run the department well has not been questioned; he has an efficient and professional medical staff, nurses, hygienists, etc. He has an amazing ability to get State money to our City to satisfy health needs, and he has shown us an exemplary ability of staying within a budget.

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MRS. GOLDSTEIN: (continuing) Serving on Fiscal for about six of my seven years on this Board, I certainly appreciate that.

As far as a man of integrity, I believe that the questions regarding the pension plan have been an attempt, in my opinion, to discredit Dr. Gofstein. First of all, Dr. Gofstein did nothing surreptitiously regarding entering this pension plan which is really a deferred income annuity plan. He has every right and I don't think anyone questions that, to be a part of the plan. The question appears to be, how much a part of the plan? Dr. Gofstein has not received one cent from this plan yet; if there is a problem in relation to how much he should receive from the plan, I believe that the Board of Trustees of the pension plan, and our President sits on the Board of Trustees on one of the pension plans in the City, should take up this matter, and see whether Dr. Gofstein and/or anyone else is receiving an amount of pension out-of-line with what he or she deserves. I don't think that that should have any basis in his appointment. If he is not participating in this plan on a correct basis, that can be taken care of, but certainly every single city agency involved in fiscal affairs, Board of Finance, Board of Representatives, Mayor, in approving the budgets, has approved his level of participation as well as well as his participation.

As far as a man of integrity, he's a man that can't be bought. I appreciate that. I received a call from a builder a couple of nights ago, and he got on the phone and he said to me, "Mrs. Goldstein, I don't know how you are going to vote on Dr. Gofstein, but I want you to know what I think of him. I think he's erasable," and I'm quoting him. "I think he's vituperative and he's never let me get away with anything, and if he doesn't let me get away with anything, he doesn't let anyone get away with anything," and I give Dr. Gofstein high marks for that.

His concerns for the health needs of the Community; his is a visible department, it is a well-run department. It is a department that has Health Fairs, that has concern for the elderly, that has good dental services, and he has a concern for the little guy. As a member of this Board, I appreciate that because when there was illegal dumping on a 12 acre site in my District, unfortunately, the Administration "pussy-footed" around the problem, The State "pussy-footed" around the problem, and Dr. Gofstein put his foot down and did something about the problem.

When a major food chain wanted to locate on High Ridge Road against the wishes of the residents of the area, against the wishes of the Zoning Board and ZBA, they were both over-ruled. The one thing that we were able to hold to was that the Health Department was going to be monitoring the activity of that chain so that we would not have septic problems, so that we would not have messes, so that we would not have littering, and that was a comfort to those of us who represent that area. When a restaurant septic system, not in my District but in an adjacent district near me, was polluting the surrounding environment, Dr. Gofstein shut the restaurant. It was sad for the owners but good for the community.

When there was illegal dumping in my District and no one would do anything about it, he did. I won't forget that. I appreciate that. I think he stands for something when he puts his foot down for something like that, and he will get my vote and I hope he will get the votes of a lot of other people on this Board. One other thing, we mentioned calls. I've gotten calls too. I have heard in my years of being on this Board, that the people in his Department don't like him, and I say this for want of really using stronger language, I have gotten calls from nurses,

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MRS. GOLDSTEIN: (Continuing)...from dental hygienists, from other members of his staff saying, "hope you support him, he's been a very decent Health Director." I hope he gets most of our support tonight; at least enough to get confirmed. Thank you.

PRESIDENT SANTY: Thank you, Mrs. Goldstein.

MRS. SAXE: Thank you, Madam President. Mr. Stork and I must have similar pieces of paper because his documentation goes back to October 1, 1969. Mine, I'm going to read from the Corporation Counsel's, signed by Ronald M. Schwartz under the direction of Paul D. Shapero. It is written on October 15, 1969. "In reply to your letter dated October 1, 1969, concerning the group major medical policies contemplated for employees pursuant to Public Act 401 of the General Statutes of the State of Connecticut, we wish to advise you that we see no impediment in your Department's authority either to select and insure or enter into contracts of insurance for the foregoing. Our opinion is predicated upon the view that since such fringe benefits qualify for reimbursement from the State, your special situation unlike other City departments has created a new and separate procedure. This opinion is limited solely to fringe benefits under the foresaid Statute as it applies to the Department of Health." In case all of you don't know what 481 is, it's a Public Act which was put into place at that time so that all of the Schools, public and parochial, could have health services, and it is something that nothing this City can do; it's a mandate from the State, except pay for the services which are reimbursed then 100% from the State at the end of each fiscal year.

In 1972, we have other information that came as a pension plan and it was written by a Mr. Sheehan who is the manager of this. And that too is documented saying that 8% would be appropriate for the contribution of those within this plan. In 1972, we have again information from a Mr. Sheehan about the same pension plan which is being discussed and has upset everybody. Whether you call the pension plan a deferred income, annuity plan or a pension plan, the end results are the same. We are castigating this man for something that is wrong on our part. If we took the time to get the information, we would not be doing what we are doing tonight. I am very upset with us, and I certainly hope that Dr. Gofstein who has been a good administrator, who has put a deferred annuity plan into possession for these 481 people, which is far better than most plans that are in the City, should be again returned to his office, and if we have cause to go after him, my suggestion is do it the way the Charter told us to do it, and you can read that on page 14, followed by the information on page 16. Thank you.

PRESIDENT SANTY: Thank you, Mrs. Saxe.

MR. DZIEZYC: Thank you, Madam President. I'm going to speak in opposition to Dr. Gofstein's re-appointment. My reason for not supporting his re-appointment hasn't had any coverage in this meeting tonight or in the Press lately. Two and a half years ago, Dr. Gofstein submitted a proposed resolution to the Board of Representatives authorizing the filing of a grant to the Office of Adolescent Pregnancy Programs. Dr. Gofstein never once mentioned in his back-up material to the Board of Reps that this grant would use our tax funds to provide abortion counseling and referral to all pregnant teen-agers in the Program, or that there was no provision made for parental knowledge or involvement in adolescent pregnancy testing, contraceptive fitting, or education or abortion. Dr. Gofstein was well-aware that if he spelled-out these facts, the Board of Reps would never approve this application. He even used a letter from St. Joseph's Hospital endorsing a different project, young parents project as an exhibit for this grant application.

APPOINTMENTS COMMITTEE (continued)

MR. DZIEZYC: (Continuing) St. Joseph's was not informed that their letter would be used as an exhibit. Young parents project has nothing to do with abortion. When St. Joseph's Hospital was informed by the Connecticut Right-to-Life Group that this application if implemented, would involve the City...

MRS. McINERNEY: Excuse me, Mr. Dziezyc, could the Members of this Board just give Mr. Dziezyc some courtesy while he's making his remarks. Continue.

MR. DZIEZYC: By the Connecticut Right-to-Life Group that this application, if implemented, would involve the City in abortion counseling, in abortion referral to all pregnant clients, Sister Daniel Marie, St. Joseph's Administrator wrote Mayor Clapes that St. Joseph's Hospital does not endorse such a grant application, and is in opposition to it. We would never have known what the grant contained if the Connecticut Right-to-Life Groups hadn't alerted us. This program would have cost the City \$576,000 in money or in-kind services and \$681,000 of Federal tax money. My constituents and myself don't want any of our tax money used to promote abortion; the killing of the unborn. When the human cry of all the organizations was heard in opposition to this program, the application was quietly withdrawn. Therefore, in good conscience I cannot support a man who uses these tactics and I urge rejections of Dr. Gofstein's re-appointment.

I have also some other information. This is in regard to the letter that Alice Perry wrote to Dr. Gofstein on April 6, 1981, in regard to the sewer septic tank approval. She states that, "I realize that you do have a printed memorandum which you use for your field inspections, but this is not what I am referring to. I am advising a form that will be handed to every applicant. This form will advise the applicant from the first day he applies for a permit of what the requirements are, and what he must furnish your department, what are the requirements he must meet to receive a permit. I recall again to your attention, the case of Timko vs Cherkowski. This case which I have previously submitted to you, holds that a local Health Director's issuance of a permit to install a septic tank system is an administrative act. This case states that all that is required of the Health Department is that it look to see if the plan submitted conforms to the Public Health Code. As the Court held, the role of the defendant, local Public Health Director in the present situation is a very limited one. It is to state in writing whether proposed sewage disposal facilities conform with appropriate regulations. If, in fact, the proposed facilities do conform, his role is purely administrative. It becomes his duty to so state that the proposed facility conforms to the Connecticut Public Health Code and Regulations.

Unfortunately, a rash of cases recently have been filed against the local Health Department the City of Stamford Law Department has been given the duty to defend. These cases tend to follow the previously quoted descriptions from the Timko case. The procedure of the local Health Department whereby everytime an applicant produces certain requirements, is handed an additional list of requirements to have met which he did not know about previously, and so on ad infinitum must stop. The present practice could possibly subject you to a 1983 action from the Federal courts. This procedure must be revised, simplified, standardized so that the applicant may have clear right and responsibilities. There must be a clear time for decision.

APPOINTMENTS COMMITTEE (continued)

MR. DZIEZYC: (Continuing) On the subject of a clear time for decision, the following pertains, if after the initial application in early viewing of the site, it is clear that the particular parcel is not suitable for a sub-surface sewage disposal system, then clearly in writing tell the applicant so and deny the permit. Do not tell the applicant, 'Well, the property does not look suitable, but I'll consider it,' and let him on to filing 7 or 8 sets of plans. The applicant has a right to know, initially, early in the procedure if a particular parcel is just not suitable for a private septic system. There is no such thing as a Constitutional right to privately dispose of sewage on one's own parcel of land. If on these parcels you deny the application early in the procedure, it would be very defensible in court, but stringing the applicant along through 7 or 8 plan considerations and treating his application as forever in the state of being considered and never giving him a definitive answer, is an unacceptable procedure."Abuse of powers, I would say. That's what creates it.

Now the abuse of powers. Many speakers say that the builders are against Dr. Gofstein's appointment. The above remarks from the Corporation Counsel's office, point out and why and who pays for all this; the homeowner pays for these unnecessary reinspections. On reinspections, the builder has to perform extra work and he gets charged. Sometimes it's \$8,000 extra for something that could have been approved or denied immediately. Thank you.

MRS. McINERNEY: Thank you, Mr. Dziezyc.

MR. ESPOSITO: Move the question. Seconded.

MRS. McINERNEY: We'll take a vote on Moving the question, please. Use your machine.

PRESIDENT SANTY: Has everyone voted? The Motion on the Floor is to Move the question. Has everyone voted? The Motion to Move the question has FAILED. 24 yes, 14 no, and 2 not-voting.

MR. GAIPA: I am going to be a little bit different. I'm not going to be emotional. I'm going to be very objective. I don't know Dr. Gofstein personally and I didn't have the opportunity to sit in on his Appointment Committee interview. I'm trying to approach this from the stand-point of having spent 30 years in personnel work, most of it in the selection of managers and executives. I would like to point out a few basic premises here: 1. The position we are talking about concerns a salary of over \$60,000 a year which puts it probably in one of the highest paid positions in the entire State of Connecticut, and as such, since we are paying this type of salary, we should expect anyone, anyone in this position to have a competent knowledge of public health, to be dedicated to upholding the health and sanitation laws of the Community, to have integrity; these are all 'givens' that anyone being considered for the job should have and if he is in that position, should exercise. In thinking through this appointment, I tried to compare it to many of the appointments I was involved in for one of the largest corporations in the world, and I said to myself, if I went to my superior who happened to be the president of the company, and said, "I'm in favor of promoting or appointing a person to a position that pays over \$60,000, that involves the management and the inspiration and the setting of the example for over 100 people, that involves a very significant budget of many thousands of dollars and that impacts on thousands of our fellow employees; can I appoint this person if his benefactors say he has an abrasive personality that is hard to control and hard to live with?" All I can say is if I made such a proposition, I would have been retired a lot earlier than I have been. On that basis, Ladies and Gentlemen, trying to be objective about

APPOINTMENTS COMMITTEE (continued)

MR. GAIPA: (Continuing)...this, I don't see how any of us can sell the City of Stamford short in a position, a key position, the highest paid position in the City, it will be shortly, I understand Dr. Jones has resigned; the highest paid position in the City, we should get the finest person that we can locate in the whole country. And my information is there are many, many people with M.D.'s, Masters of Public Health degrees, and good experience that would love to come to Stamford despite the kind of routine they would have to go through to get appointed. Thank you.

PRESIDENT SANTY: Thank you, Mr. Gaipa.

MR. BLAIS: Thank you, Madam Preisent. As part of our responsibilities of the Legislative Body of the City of Stamford, as members of the Legislature of the City of Stamford, we've been asked to consider the re-appointment of our Health Director, Dr. Gofstein. The gyrations and motions, the goings-on that have since emulated from this consideration, have astounded me. We've had this man before our Appointments Committee, but was that Committee's scrutiny balanced? Did they spend time exploring the good that Dr. Gofstein has done for the City, or did they spend time looking after criticisms, on finding excuses not to appoint him? I really question whether they were objective. Most of the criticism I've heard of Dr. Gofstein tonight and subsequent tonight, have centered on either things that are the responsibility of subordinates, the actual inspectors such as the plastic spoon caper, or his personality. I don't believe that Dr. Gofstein got the job on his personality, and I don't believe we want him on his personality. We want him on his qualifications. The man is honest, very honest, and he's good. And here we go tonight, he has built the Stamford Health Department. He has gotten millions of dollars to the City that may be we would not have otherwise gotten.

Yes, he does get a relatively high salary for the City, but for his profession, it is not all that high. I ask each and everyone of you tonight, do we want to sacrifice the benefit of the City for other gratifications or do we want to put a vote in favor of good government and I submit to you that a vote for Dr. Gofstein is a vote for good government.

PRESIDENT SANTY: Thank you, Mr. Blais.

MRS. McINERNEY: Thank you, Madam President. As I indicated earlier, I have tried repeatedly to go on as much documentation as possible regarding the re-appointment of the Health Director from as early back as August when I had a telephone call from a gentleman who was quite preplexed by the handling of a situation in his area. It is true that the approach to any issue has to be as objective as possible. It should not be based on emotions. It should not be based on one or two reasons. It should be based on an overall assessment of a person's productivity and his performance in pursuing and safe-guarding a concern for the total health and welfare of our Community.

I am dissappointed over several things that have happened, issues that have come to my attention, issues that have affected the Community at large over the years. There is no question in my mind that the decision that was made on allowing well permits in an area that thrived on well-water to a large water corporation was a health problem; could have been a severe health problem and costly problem to the people in the area that would have been affected. I am upset that it was a

APPOINTMENTS COMMITTEE (continued)

MRS. McINERNEY: (Continuing)...State order that corrected or is partially correcting the septic problem which has existed at Smith House for over 5 or 6 years. I am disturbed that last year I received phone calls from my constituents in the North Country who read with disdain a woman's problem with receiving heat from an apartment complex; a story that was reported with a picture of her grandchildren and herself on the front page of the Advocate. As you remember, I think it was in December or January. It was during the very terrible cold winter months of last year. I am disturbed that there is documentation dating back to 1971, giving to the Health Director regarding salt in wells in the East Hunting Ridge Road area. I am also disturbed by a suspension of a permit which was given to a developer in my area based on the fact that a copy of the building permit plans as required on item #9 was not properly given to Dr. Gofstein when, in fact, I have a letter from the State Department of Health Services, the State of Connecticut, Bureau of Health Promotion and Disease Prevention, indicating that that same permit that was withdrawn because of lack of plans would not come up before the State Health Services due to the fact that there were legal problems since that septic was planned to go on adjacent leased property.

I am disturbed by a letter from a young woman dated November 3, to this Board, indicating that in regards to tenants, tenants have no rights, that if they pay surcharges for fuel which provides heat and hot water, that if violations occur between the hours of 8 and 4 Monday through Friday, everything is handled, but on weekends, evenings and holidays, they are left to go uncovered and that an emergency crew is dispatched only when deemed necessary by Dr. Gofstein. It goes on to say that during last November's cold spell on or before Thanksgiving, 55 families were without the luxury of heat and hot water for 3 days straight. I found Dr. Gofstein's indifference and arrogance upon being advised of this on-going problem appalling. The letter is signed from a Mrs. Lucas from Hoyt Street. We know the problems of Hoyt Street. I can remember Leonard Hoffman complaining about the problems at Hoyt Street. I remember Diane Raymond complaining about the problems at Hoyt Street. I remember writing an ordinance on this Board requiring boiler inspection to alleviate the problem. I also was very upset today to get a letter in mail with no return address, just mailed to me with a 20 cent stamp on which I owe postage; 17 cents. It's my understanding that a good portion of the Representatives of this Board have to pay 17 cents to the postoffice, and it is a copy of Dr. Gofstein's letter to Mrs. Santy, and a copy of the Minutes of the Stamford Health Department in 1970, and a copy of a request to Mayor Giordano in '69 to allow him to receive a pension. Mrs. Saxe has indicated that both she and Mr. Stork had documentation regarding the pension.

As I read the letter from the General Assembly Office of Legislative Research, pension may include the cost of fringe benefits including pensions; the word "may." However, the amount of pension costs reimbursed to the town for an employee should be proportional only to the amount of the employee's salary that is reimbursed by the State and not to any other compensation. I think that spells it out. I am not saying that it was anyone's fault; probably an oversight somewhere along the line, but I do feel and I know that when funding is given, and improperly given, often times we are asked to repay what was taken. The question of "don't worry about it, he hasn't used the money anyhow, it's just sitting someplace and we can handle that problem" is a very light way of handling the problem which is quite serious because it does have ramifications for the City. It questions everyone of our grants obviously, or our taking of the money from the State.

APPOINTMENTS COMMITTEE (continued)

MRS. McINERNEY: (Continuing) The allegations, or the lack, the thing that really has made it virtually impossible for me to support Dr. Gofstein this evening, is the fact that to this point, after repeated tries, no one has been able to get concrete documentation on his personnel files. We do not know what is in those files. We, each one of us, have "war stories" to tell. War stories that were originating with our constituents, witness the stories Mrs. Goldstein has said. I think it's important for people to realize that, yes, federal funding was brought into the City, yes, we have WIC, yes, we have SHAPE, yes, we have the hypertension clinic, but 15 years ago regardless of who sat in the office of Health Director, those federal monies were not available for such programs. I do remember, due to the courageous efforts of one of my fellow colleagues, that abuses and corrections were made to the distribution of the WIC funds. I remember seeing that program on the front page also last year or the year before.

It's very difficult to sit in judgement and assess an over-view of a person's performance when you do not have a complete volume of the necessary documentation to make a decision on. I cannot support the man. I have not made up my mind decidedly yet which way I will finally vote, but until such time as we can have what I feel is necessary to make a proper judgement, I will not vote for Dr. Gofstein.

PRESIDENT SANTY: Thank you, Mrs. McInerney.

MR. BLUM: Move the question. Seconded.

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question. We'll proceed to a vote on Moving the question. We'll use the machine. Mr. Zelinski, do you have a question?

MR. ZELINSKI: Just a Point of Information. How many speakers are left to speak, please? For the first time.

PRESIDENT Santy: There are 6 first-time speakers left to speak.

MR. ZELINSKI: Thank you.

PRESIDENT SANTY: We are voting on Moving the question. 27 votes are necessary. Has everyone voted? We're voting on Moving the question. The Motion to Move the question has LOST. 21 yes, 17 no, 2 not-voting.

MRS. HAWE: Thank you, Madam President. I am not going to take up too much of the Board's time. I think Mrs. McInerney has eloquently presented a case as did Mr. DeLuca, Mr. Gaipa, and Mr. Stork. I just want to say a few words because I want it absolutely clear what my position is on this very important appointment.

I, like Mr. Wider, respect someone who says no regardless of who you are or how much money you have. I do not, however, respect someone who does not respect anyone's right to have a view other than his own; who treats people with disdain and disrespect, and who, most importantly, who uses his offices to solve the problems of the City when and if it suits him. We don't have to settle for second best in Stamford, and for this reason, I am voting against this re-appointment. Thank you.

PRESIDENT SANTY: Thank you, Mrs. Hawe.

APPOINTMENTS COMMITTEE (continued)

MR. WIEDERLIGHT: Move the question. Seconded.

PRESIDENT SANTY: A Motion has been made and Seconded to Move the question. We'll use the machine for a vote. We are voting to Move the question. Has everyone voted? The Motion on the Floor is to Move the question. Has everyone voted? The Motion to Move the question has LOST. 19 yes, 17 no, 1 abstaining, and 2 not-voting. Next to speak for the first time, Mr. Dudley.

MR. DUDLEY: I'll pass.

PRESIDENT SANTY: Mr. Dudley passes.

MRS. PERILLO: Thank you. I'm sorry Mr. Blais left the Floor because I'd like to respond to him on interviewing Dr. Gofstein in the Appointments Committee. We interviewed him for over two hours, or tried to anyway. Mr. DeLuca and I tried to get some of these complaints and problems straightened out that we had received. They were documented and we tried to get them straightened out or get some answers to them that evening to no success. I feel it was a wasted evening interviewing Dr. Gofstein.

PRESIDENT SANTY: Thank you, Mrs. Perillo. To speak for the first time, Mr. Hogan.

MR. HOGAN: Since it is too early, Madam Chairman, I pass. I was going to Move the question.

MRS. GERSHMAN: Thank you. After listening to the questions raised by Mrs. McInerney and Mr. Tony Conti, Mr. Bonner and some of the others, I think even now there are still more questions which must be answered and these allegations must be cleared up before we can, even if we vote for Dr. Gofstein affirmatively, accept him affirmatively. I would, therefore, Move once again, to Return this to Committee with the thought that if it is Returned to Committee, that an investigative committee be appointed.

PRESIDENT SANTY: Mrs. Gershman, it has to be Moved to Reconsider because it has already been voted on. Well no, reasonable debate has incurred, we can entertain that Motion to Return it to Committee. Is there a Second? There is a Second. We will now discuss Returning it to Committee.

MR. DeLUCA: Yes, I would have to agree with Rep. Gershman. There seems to be a lot of unanswered questions. I, personally, know myself with everything that seems to be out in limbo and so many questions that remain to be unanswered, I would hate to be re-appointed by a mere two or three votes and have a cloud of suspicion over my head. Comments to the effect that let's re-appoint him and settle the differences about the annuity plan are ludicrous. I think by sending this back to Committee, getting all the answers to the questions that we have would be in the best interest of the Community and general public and to this Board. Thank you.

PRESIDENT SANTY: But at this time, after confirming the Parliamentarian, that Motion is out-of-order at this time. You have to Move to Reconsider and then after we vote on Reconsideration, then you can Move to Return it to Committee.

MRS. GERSHMAN: May I so Move to Reconsider at this point?

PRESIDENT SANTY: It has to be some....continue on with the debate. That Motion is out-of-order. There's no Motion on the Floor to Return it to Committee. We will now proceed to the first-time speakers on the main Motion.

APPOINTMENTS COMMITTEE (continued)

reappointed
 MRS. MAIHOCK: A number of people in north Stamford were introduced to Dr. Gofstein when we were faced with the problem with the Connecticut American Water Company being given a permit by Dr. Gofstein to draw exploratory wells in the Barge Reservoir. It took Mayor Clapes to resolve the situation and have the permit reelected. It left a lasting concern among many residents. I have received many calls from people in my District, and I have received some for Dr. Gofstein, but those who stated they are against the re-appointment of Dr. Gofstein make it very difficult for me to vote an unqualified affirmative vote. I believe also that Mrs. McInerney's concern about the pension problem should be resolved and clarified. I particularly feel it should be solved because in the Advocate on December 4, 1982, was a comment by Anthony Pezenechie of the State Education Board's Grant Processing Bureau, who said that he would like very much to hear from the City of Stamford if, in fact, this pension is correct and proper. Thank you.

PRESIDENT SANTY: Are there any first-time speakers left? I think, Mr. Livingston, you are a first-time speaker.

MR. LIVINGSTON: Yes, I'd like to Move the question, Madam President. Seconded.

PRESIDENT SANTY: A Motion made by Mr. Livingston who is the last first-time speaker to speak to Move the question. Is there a Second? Several Seconds. We'll move to a machine vote. We're voting on Moving the question. There are no further first-time speakers to speak. Has everyone voted? We are voting on Moving the question. There are no first-time speakers left to speak. We have a whole list of second-time speakers.

MR. GAIPA: Madam Chairman.

PRESIDENT SANTY: Mr. Gaipa, there's a Motion on the Floor. We're voting now. Has everyone voted? The Motion to Move the question has PASSED. 29 yes, 8 no, 1 abstaining and 2 not-voting. We are now going to Move the question and that Motion is to confirm the appointment of Dr. Ralph Gofstein, Director of Health, bearing in mind that the Committee report was 4 to 1 to deny that appointment.

MR. STORK: Thank you, Madam President. I'd like to Move for a Roll Call vote, please. Seconded.

PRESIDENT SANTY: A sufficient number for a Roll Call vote. All in favor, say Aye. Opposed? You have a Roll Call vote. Is there anyone who would like a list of names? I will allow a few minutes to come up and pick up your Roll Call vote sheet. If anyone needs a Roll Call sheet, please come forward. We want to proceed with this vote as soon as possible. We are now going to proceed to a Roll Call vote. I would please ask all the Representatives to take their seat. Ms. Summerville, will read the Call. The Motion on the Floor is to confirm the appoint of Dr. Ralph Gofstein Director of Health. A yes vote confirms him, a no vote not. The Appointments Committee voted 4 to 1 to deny but is a favorable recommendation. A simple majority is necessary for confirmation; majority of those present and voting.

MS. SUMMERVILLE called the Roll Call vote. (Sheet attached to Minutes)
 (Mrs. Signore absent for vote and not participating)

PRESIDENT SANTY: I would ask the two Tellers, Mr. Wiederlight and Mr. Franchina, to come forward with their tally. Dr. Gofstein is CONFIRMED by a vote of 19 yes, 16 no, 4 abstentions and 1 not-voting. Does that conclude your report, Mr. Dixon?

APPOINTMENTS COMMITTEE (continued)

MR. DIXON: That concludes my report, Madam President.

MR. PERILLO: Point of Information, Madam President.

PRESIDENT SANTY: Yes, Mr. Perillo.

MRS. GUROIAN: Madam President, Point of Information: How many people voted?

PRESIDENT SANTY: 39.

MR. PERILLO: Does this contract confirm him as of tonight or back to July? You're talking about 6 months' difference here.

PRESIDENT SANTY: Right, that's something I would hate to say at this time. I would assume it would go back to July.

MR. PERILLO: You'd better get a legal opinion.

PRESIDENT SANTY: We will get an opinion on that. Mrs. Guroian, what is your point?

MRS. GUROIAN: If 39 people voted, it needs 20 votes to pass?

PRESIDENT SANTY: It just needs a majority of those present and voting.

MRS. GUROIAN: They voted to abstain; an abstention in that case, it's a no vote.

PRESIDENT SANTY: I'm sorry, Mrs. Guroian, the Parliamentarian and I agree and I have a Corporation Counsel ruling that we just need a simple majority. Is there any further discussion on that? To repeat Dr. Gofstein is confirmed by a vote of 19 yes, 16 no, 4 abstentions and 1 not-voting.

MR. BLAIS: Point of Information.

PRESIDENT SANTY: Yes, Mr. Blais, what is your Point of Information?

MR. BLAIS: (Inaudible)

PRESIDENT SANTY: Yes, we did. The Appointments Committee was done in two-parts; Mrs. Signore completed her report.

MRS. GUROIAN: Madam Chairman, are you still maintaining that 39 people voted?

PRESIDENT SANTY: Yes.

MRS. GUROIAN: Then put it in the Minutes that 39 people voted and 19 yeses constituted a majority. I only ask that that be in the Minutes, that's all.

PRESIDENT SANTY: Mrs. Guroian, the Chair has stated that Dr. Gofstein received 19 yes, 16 no, 4 abstentions, 1 not-voting. The Record clearly states that. There were 39 present on the Floor.

MRS. GUROIAN: Madam Chairman, all I am asking is, you have ruled that 39 people voted; 19 yeses constituted a majority. Now that's what you told me a little while ago. I would just like that, I am only asking that that statement be reflected in the Minutes. That's all. I am not saying you're wrong or anything like that, I want that statement to appear in the Minutes. That's all. That's my prerogative.

APPOINTMENTS COMMITTEE (continued)

PRESIDENT SANTY: Mrs. Guroian, 35 people voted; 19 yes, 16 no. 35 present voted on that appointment. We will now go right on to the Public Works Committee, Mr. Flounders.

MR. DZIEZYC: Excuse me, Point of Information.

PRESIDENT SANTY: Yes, Mr. Dziezyc.

MR. DZIEZYC: The four abstentions have to be recorded as a vote as they were here and voting on the Floor as an abstention.

PRESIDENT SANTY: Mr. Dziezyc, we're going on to the next Committee. It has been clearly stated several times; the decision of the Chair is made. We will continue with the Public Works Committee.

MRS. GUROIAN: Madam Chairman, I ask again, will you be...

MR. BOCCUZZI: Madam Chairman, Point of Personal Privilege.

PRESIDENT SANTY: Excuse me, I think this is getting out-of-hand at this point. What is your Personal Privilege, Mr. Boccuzzi.

MR. BOCCUZZI: If Mrs. Guroian wants to challenge the Chair, I think she should do it. She should not infer that you have to do something.

MRS. GUROIAN: The meeting is out-of-order. That is not a Point of Personal Privilege.

MR. BOCCUZZI: If you have decided what the vote is, and if she doesn't agree to your vote, she should challenge the Chair.

MRS. GUROIAN: I am not saying I don't agree.

PRESIDENT SANTY: Mrs. Guroian, you're not speaking. First of all, Mr. Boccuzzi, a Point of Personal Privilege is something against your character or your attendance at a meeting, so that's not a Point of Personal Privilege. Thank you, a Point of Order.

MRS. GUROIAN: All I am asking at this point, will the abstentions be recorded? All you said..

PRESIDENT SANTY: Yes.

MRS. GUROIAN:..Now is that there were 19 yes and 16 no...

PRESIDENT SANTY: 4 abstentions and 1 not on the Floor, Mrs. Guroian. We will continue with the Public Works Committee. If you have any further difficulty, you can challenge the ruling of the Chair. No challenge.

APPOINTMENTS COMMITTEE (continued)

PRESIDENT SANTY: Yes, Mr. DeLuca. Is that a Point of Order, Mr. DeLuca?

MR. DeLUCA: It's a Point of Order and I'd like to do something I normally don't do to my esteemed Chairperson or President, I'd like to challenge the ruling and if I lose on the challenge of the ruling, I'd like to request a written opinion from the Corporation Counsel. Seconded.

PRESIDENT SANTY: The ruling of the Chair has been challenged. What is the ruling that you're challenging? The fact that I stated that he had 19 yes, and 16 no?

MR. DeLUCA: I feel that the 4 of the abstentions is really a vote, as a no.

PRESIDENT SANTY: Mr. DeLuca, the Chair has stated...

MR. DeLUCA: Be included as part of the 39 people voting.

PRESIDENT SANTY: Mr. DeLuca, and I haven't got a Second to that Motion; you can challenge the Chair if you'd like, but, there's several Seconds. The situation here and we have voted month after month on Appointments; it's a majority of those present and voting. Dr. Gofstein's appointment is no different from any other appointment, but there's a Second to challenging the Chair. Is there any discussion on that?

MR. LIVINGSTON: Point of Information.

PRESIDENT SANTY: Yes, Mr. Livingston.

MR. LIVINGSTON: I would like to hear what our Parliamentarian has to say about this.

PRESIDENT SANTY: I would too. Since we have already conferred, and I think I am stating Mr. Hogan's remarks; Mr. Hogan?

MR. HOGAN: Thank you, Madam Chairman. Since we are voting under Robert's Rules of Order, and since we do not have any special procedure for voting on the nominees, therefore, the basic requirement of a majority vote prevails and the word majority simply means more than half. It means more than half of the votes cast by persons legally entitled to vote excluding blanks or abstentions at a regular or properly called meeting. So, the blanks and the abstentions are excluded. There are 35 people voting.

PRESIDENT SANTY: Thank you, Mr. Hogan. For your opinion, we are now discussing the challenge of the ruling of the Chair that Dr. Gofstein has been confirmed.

MRS. GOLDSTEIN: I totally support what you said, Madam Chairman. The only time those abstentions would be counted in that regard is if we needed a majority of the whole, and then we would have needed 21 votes or in this case, 20 because Mrs. Signore is off the Floor. The abstentions are excluded from the total; it says so in black and white in Chapter 13 under Voting, and it is really wrong to challenge you in this regard. This is a matter of fact; not of opinion.

PRESIDENT SANTY: Thank you, Mrs. Goldstein. Mr. Tarzia, we're discussing challenging the ruling of the Chair.

APPOINTMENTS COMMITTEE (continued)

MR. TARZIA: Thank you, Madam Chairman. I may not be a Parliamentarian, but I believe many members of this Body were under the impression that an abstention is a no vote. Now, if you say you have 39 people voting, my request is that we get a legal opinion on this. Thank you.

PRESIDENT SANTY: We are discussing on challenging the ruling of the Chair. We'll move right to a machine vote on challenging the ruling of the Chair.

MRS. GUROIAN: It seems to me that according to what the Parliamentarian has said that when you declare the vote, if you declare there are 39 people voting; 20 is not a majority. If you declare that only 16 plus 19 have voted which makes 35 or whatever, then 35 have voted and the abstentions are not recorded because you consider them as not-voting. You can't have it both ways. That is why I asked the question. If you're ruling that 39 people voted, then 20 is not a majority. If you're ruling that 35 people voted, then 19 is a majority. But you cannot have your cake and eat it too. You cannot say 35 people voted, but the abstentions are being recorded. That's ridiculous.

PRESIDENT SANTY: Mrs. Guroian, are you finished? Mrs. McInerney, you're next. Mrs. Guroian just received your cake.

MRS. GUROIAN: But I can't eat it, I'm like you. I can't eat, I'm diabetic.

MRS. McINERNEY: Madam President, on page 7 of the Rules of this Board, item #4A, on all questions to approve an appointment to any Board or position submitted by the Mayor, the voting shall be by open vote. In all elections or appointments by the Board, if more than one candidate, or more than one slate of candidates be nominated for any position, the voting shall be by Roll Call vote. In all elections, the candidates receiving the most votes shall be elected. If there is a tie, the vote shall be declared "no election", and the Board shall proceed to vote again without balloting, instruct the Clerk or any other member, to cast one vote for his election.

I am afraid that the candidate has received the most votes and is elected.

PRESIDENT SANTY: Thank you, Mrs. McInerney. We're discussing challenging the ruling of the Chair. Since there are no other speakers, we will move right to a machine vote. A yes vote sustains the Chair. I would ask you all to take your seats and vote challenging the ruling of the Chair. The Chair has ruled that Dr. Gofstein is confirmed by a vote of 19 yes and 16 no. A yes vote sustains the Chair; a no vote disagrees with the ruling of the Chair. Has everyone voted?

The ruling of the Chair has been sustained. 25 yes, 10 no and 5 not-voting. We will now proceed to the Public Works Committee Report.

PUBLIC WORKS COMMITTEE - Co-Chairmen Alfred Perillo and Burtis Flounders

MR. FLOUNDERS: Thank you, Madam Chairman. May I go on now? It's anti-climactic.

PRESIDENT SANTY: Yes, Mr. Flounders. Mr. Flounders and his Committee have worked very hard in the last week or so, in fact, several months with these ordinances that are very important, and I know we want to enjoy our cake, but I would ask you to please, as quickly as possible, take your seats and keep your talking to a minimum.

PUBLIC WORKS COMMITTEE (continued)

MR. FLOUNDERS: The Public Works Committee met on Tuesday, November 30. All members of the Committee were present; Reps. Bonner, Boccuzzi, Blais, Perillo, Roos, Saxe and myself.

- (1) REQUEST FOR RE-PAVING OF DERWEN STREET, RUTZ ROAD, GLEN AVENUE, AND DeLEO DRIVE. Submitted by 15th Dist. Rep. Paul Dziezyc. Held 7/12. Report made 8/2 that DPW will submit their report and request appropriation. Held 9/20, 10/4 and 11/8/82.

HELD IN COMMITTEE pending the receipt of the necessary papers to effect the appropriation machinery.

- (2) FINAL ADOPTION - PROPOSED ORDINANCE AMENDING SECTION 21-49; AND ORDINANCE 462 ENTITLED "DISPOSAL OF SLUDGE, ETC., CHANGE IN DISPOSAL FEE." Submitted by DPW Comm. Spaulding. Held from 5/24 to 9/13. Approved for publication 9/20/82. Held 10/4 and 11/8/82.

Above also referred to Legislative and Rules Committee.

PRESIDENT SANTY: Excuse me, Mr. Flounders, one moment. We are now on #2 under Public Works, for final adoption proposed ordinance amending section 21-49, and I hope you are all in your seats and paying attention in case there are any questions. Mr. Flounders, I'm sorry, continue.

MR. FLOUNDERS: This ordinance was approved in the Committee by a vote...

PRESIDENT SANTY: I'm sorry again, Mr. Flounders, but there is so much talking. I would ask all the Representatives to take their seats as quickly as possible. This is important legislation, very, very, important; it's just as important as the last Committee report. Please give Mr. Flounders your attention.

MR. FLOUNDERS: Does this mean I miss my cake?

PRESIDENT SANTY: Ms. Summerville is going to serve you your cake. You can eat it too, Mr. Flounders. I'm sure you have everyone's attention at this time; you can continue.

MR. FLOUNDERS: This item #2, disposal of sludge ordinance, was approved by the Committee by a vote of 4 to 3; I so Move for its adoption. Do I have a Second?

PRESIDENT SANTY: Is there a Second to the final adoption of #2 under Public Works? Several Seconds. Is there any discussion?

MRS. McINERNEY: Yes, Madam Chairman. I am going to vote against both proposed ordinances 2 and 3. I feel very strongly that through the statements that came down with both of these ordinances, the reason or the purpose for repealing the existing ordinance for change in replacement of the fee system based on actual weight of disposed septic tank or cesspool contents would best serve, and this is from the documentation, the City's interest in increasing return on revenues. This new fee system amounts to nothing more or less than a hidden tax increase to all the homeowners in Stamford living in the "C" tax district.

Several years ago, the Finance Board shifted from the "A" and "B" tax district base to the overall base for the entire City on the sanitary sewage system costs. The "C" tax district homeowners receive no direct benefits from the City sanitary sewer collection and treatment facility and system. For the most part, they

PUBLIC WORKS COMMITTEE (continued)

MRS. McINERNEY: (Continuing)...utilized the facility on an average of once every two to five years, depending on the typography of their property, and the size of their family when their septic tank is cleaned. Yet, they are and have been for the last few years taxed on a yearly basis for service not received. Without a doubt, the City will be the only one to benefit from the new proposed fee system, not the homeowners in the "C" District who will only receive in effect another tax increase. The increase in proposed fees will be passed directly on to the residents. The sewer portion of Stamford will not pay any of the proposed additional taxation caused by the new fee system, only the "C" tax district homeowners who have already been paying into the City coffers for a service not provided them, nor I might add, for a service which the City presently has no intention to ever extend to the residents in the north area.

Charging for sanitary sewer system costs each year through the general tax rate across all tax districts is and has been double taxation for those residents not receiving the service, and adding yet another tax through a fee system for septic and cesspool disposal fees for cleaning adds further insult to those taxpayers and amounts to nothing less than triple taxation.

As I stated earlier, the only one to benefit from this change will be the City. The City coffers will increase while the poor homeowner looks for ways to exit the City of Stamford and its high cost of double and triple taxation. It is unfair to allow the City tax to tax all districts for unsanitary sewer system costs, and more unfair, to allow an ordinance change such as this to pass. I would like to indicate that in 1981, my colleague, Rep. Fauteux, submitted a letter to the Board of Finance regarding the sanitary sewer system cost, and it was supported by Representatives from the 13th District, Darer and Flounders, 14th District, Corbo, DeLuca, 16th District, Goldstein, Wiederlight, 18th, Santy, Signore, 19th, Maihock, Loomis and 20th McInerney and Fauteux. We felt back in 1981, that we were unfairly being taxed. I submit to you, Madam President, that this unfair condition will continue to the people in those districts. Thank you.

PRESIDENT SANTY: Thank you, Mrs. McInerney.

MR. DeLUCA: I agree with some of the comments made by Rep. McInerney. I believe that its time to start instituting programs where the user begins to pay for services.

MR. FLOUNDERS: Point of Information.

PRESIDENT SANTY: Yes, Mr. Flounders.

MR. FLOUNDERS: This particular ordinance which Rep. McInerney's spoke so eloquently about has nothing to do with increasing fees. It's a change in the method of determining the fee. We voted, I'm sorry to interrupt you, Rep. DeLuca, but this is all confused. This Board voted last October to change the fee from \$ 7.50 to \$25.00 per thousand gallons. It is academic tonight to argue against a fee increase since no fee increase is being considered. It is merely changing the responsibility for determining the fee from the City Engineer's office to the scales.

PRESIDENT SANTY: Thank you, Mr. Flounders for the clarification. Mr. DeLuca, you continue with your remarks.

PUBLIC WORKS COMMITTEE (continued)

MR. DeLUCA: In fact, that's what I was going to point out. All they are doing is changing the method where as before, the person with the truck that pick ups the sludge would just go in and submit a permit and just goes right through. Now that we have the scale, the mechanism to weigh the vehicles, all we are doing is just changing the procedure from just a blanket permit to bring your sludge in and dump it and dispose of it; now we are going to weigh the truck before and after, and then base the fee on that there. In fact, it is going to be like it says, a \$25.00 fee and anything over 100 gallons be \$ 2.50 and anybody that has any under a 100 gallons will be exempt from the fee. It's just a change of procedure, and, therefore, I think we should pass this without any problem this evening.

PRESIDENT SANTY: Thank you, Mr. DeLuca. Any further speakers?

MRS. McInerney: Yes, in response to both Mr. DeLuca and Mr. Flounders, I feel that this increase from \$ 7.50 to \$25.00 obviously will be passed on to somebody who is a user, and users that I know are the people who live in my district and they are also, as I indicated, people who are being taxed for a service that they don't receive from another portion of the City, and I am very sorry we are all forced to make our decision based on our opinions of how we assess the situation, and I'm going to vote no on both of those items.

PRESIDENT SANTY: Thank you, Mrs. McInerney. Before we go any further, there was a Secondary Committee on this. Mr. Conti, did L&R meet?

MR. CONTI: L&R did not meet on this.

PRESIDENT SANTY: Thank you.

MR. FLOUNDERS: Thank you, Madam Chairman. I can't stop Rep. McInerney from voting against this, but I would not like her to vote against this for the wrong reason. Once again, we are not increasing the fee. The increase in fee from \$ 7.50 to \$25.00 occurred in October of 1981. This, as we have said three or four times now, this merely changes the method of determining the fee. A more equitable method for determining the fee.

PRESIDENT SANTY: Thank you, Mr. Flounders. There being no further speakers we will move right...

MRS. McINERNEY: I understand what you are trying to tell me, Mr. Flounders, however, a truck usually holds more than one household, and ^{it} would be interesting to see how they are going to determine the weight per household in those districts requiring this service, and I will not change my mind.

PRESIDENT SANTY: Thank you, Mrs. McInerney. We will proceed to a vote since there are no further speakers. The Motion on the Floor is final adoption, item 2 under Public Works, proposed ordinance amending Section 21-49 and Ordinance 462 entitled "Disposal of Sludge, etc., change in disposal fee." This is an ordinance. It requires 21 votes for passage. We will now vote on final adoption of this ordinance. Please use your machine. Has everyone voted? The ordinance is ADOPTED 24 yes, 6 no, 1 abstaining and 9 not-voting. Mr. Wiederlight has left the meeting. There are now 39 members present.

PUBLIC WORKS COMMITTEE (continued)

MS. SUMMERVILLE: Point of Information, Madam President. Mr. Tarzia has left the meeting.

PRESIDENT SANTY: Mr. Tarzia has left the meeting, and there are now 38 members present. Ms. deGaetani has also left the meeting. There are now 37 members present.

- (3) FINAL ADOPTION - PROPOSED ORDINANCE DELETING SECTIONS 21-47 AND 21-48 ENTITLED "DISPOSAL OF SEPTIC TANK CONTENTS, PERMIT REQUIRED, AND ISSUANCE OF PERMIT." Submitted by DPW Comm. Spaulding 5/19/82. Held from 5/24 to 9/13. Approved for publication 9/20. Held 10/4 and 11/8/82.

Above also referred to Legislative and Rules Committee.

MR. FLOUNDERS: Item 3 is related directly to the ordinance just passed. This is the ordinance that changes the system upon which the actual weight of the disposed septic tank contents. This implements the ordinance just passed. I Move for approval. Seconded.

PRESIDENT SANTY: Is there a Second? Several Seconds. Is there any discussion? No discussion. L&R, did you meet on this, Mr. Conti? No, they did not meet, the Secondary Committee. We are now going to move to a machine vote on the final adoption of item 3 under Public Works, proposed ordinance deleting Sections 21-47 and 21-48 entitled "disposal of septic tank contents, permit required, and issuance of permit." Please use your machine. Has everyone voted?

MS. SUMMERVILLE: Point of Information, Madam President.

PRESIDENT SANTY: Yes, Ms. Summerville?

MS. SUMMERVILLE: Has Mr. Zelinski left the meeting?

PRESIDENT SANTY: Mr. Zelinski is still here; he is not on the Floor to vote.

The ordinance, #3 is ADOPTED. 27 yes, 5 no, 1 abstention and 7 not-voting.

- (4) FINAL ADOPTION - A PROPOSAL TO RE-WRITE CHAPTER 18, ARTICLE II, DIVISION 2 (SECTIONS 18-60 THRU 18-66 "PERMITS - EXCAVATION AND CONSTRUCTION") - concerning STREET OPENINGS; also DELETING SECTION 18-67 WITH THIS PROVISION BEING INCLUDED IN PROPOSED SECTION 18-64. Approved for publication 9/20/82. Held 10/4 and 11/8/82.

Above also referred to Legislative and Rules Committee.

MR. FLOUNDERS: The Committee voted 4 to 3 to approve this ordinance with the proviso that this ordinance eliminate the moratorium....(end of Tape Side #4)

AK

HMM:MS

PUBLIC WORKS COMMITTEE (continued)

(Beginning of Tape Side #5 -- some dialogue of Reps. Flounders and Santy lost at this point.)

PRESIDENT SANTY.....then we'll go back to the Main Motion.

MR. FLOUNDERS: I'd like to call the Board's attention to one leading line that should be included in this amendment which is not there.

PRESIDENT SANTY: Has everyone got this amendment on their desks; if not, we would try to get you a copy so you will know what you are voting on.

MR. FLOUNDERS: At the bottom of the first page of the ordinance, it says... this is in the final paragraph: "Every permit issued under the provisions of this Article shall expire on a date set by the City Engineer, but in no event later than November 1st..", the November 1st in this instance should be changed to November 15th. This was an inadvertent omission. That ties in with the November 15th, which, under the amendment, is the beginning of the period during which no permits, except emergency permits, will be issued.

PRESIDENT SANTY: Has everyone got that change in the original ordinance? Please continue, Mr. Flounders.

MR. FLOUNDERS: I Move for adoption of the amendment. Seconded.

PRESIDENT SANTY: We're discussing the amendment as proposed.

MR. BOCCUZZI: The night of the Public Works Committee meeting, this was discussed at long length, as Mr. Flounders so stated. It seemed that this was one of the biggest bones of contention with the contractors, that they should be told that they couldn't work X amount of days, or months, without getting the approval of one, two or three persons, whatever it would take, any one of one, two or three people. I don't feel that the Board should be legislating rules and laws that prevent people from working. I am not going to accept the statement that the City spends a lot of time going around repairing cold patches a great deal of their time. The City has no right to go around repairing cold patches from contractors. Every excavation in this City requires a permit, and every permit has a contractor's name on it, every contractor has a bond that he has to put up. The City does not have to repair these cold patches. All they have to do is to notify the contractor that if they don't do it, there is a bond that could be pulled where we would get the money to do it. I don't think that is the reason for putting this particular amendment back into the ordinance, and I really don't think that we should be saying that you can't work this month or next month. I think the contractors themselves have been very clear, when they came before the Public Works Committee, that this was the big problem with this ordinance, and that the Committee's recent vote was to take that particular section of the ordinance right out.

PUBLIC WORKS COMMITTEE (continued)

MR. DeLUCA: Just a question to Mr. Flounders. During the past year, or past several years, how many permits were issued during this period of time that Mr. Spaulding is suggesting?

MR. FLOUNDERS: During this period, how many permits were issued? I'm sorry, I don't have the precise number. There were many permits issued. They were emergency permits.

MR. PERILLO: Maybe I can help you. According to the excavators who were before us, and the Commissioner of Public Works, Surwilo took out six permits; C&P took out one permit; and Testa took out two permits, which made it a total of nine permits. That's not counting utilities now. Just private jobs.

MR. FLOUNDERS: Mr. Perillo is absolutely correctly as regards to private contractors. The bulk of the permits taken out, however, are taken out in the name of the utility companies. I might also say, and that's the number that we do not have, that the statement that I made to which Mr. Boccuzzi responded....

MR. PERILLO: I think the Commissioner told us 1,200 permits were taken out for the year at \$5.00 a permit which brought in the \$ 6,000. Remember? So there were 1,200...

MR. FLOUNDERS: Yes, I remember, but that wasn't the question. I was asked how many permits were taken out during this particular period. Yes, there were 1,200 permits taken out in the year.

MR. DeLUCA: Now if only nine permits were issued between Nov. 1st and April 1st, I don't see where it would be any hardship on anybody if we were to close down during this period of time. With only nine permits, we can't be talking about depriving that many people of work, and I would hate to see this whole ordinance go down because of something like this. Maybe we can make an amendment to this where we can say, that from Dec. 15th to March 15th, as a compromise, and we can get this ordinance passed this evening and it would make our case up-state more beneficial to the City, because if we cannot support our own Commissioner of Public Works and pass an ordinance that is going to give him the tools to present a good case up-state, then we are not saying much for our administration, we are not helping him out at all. Once again, I believe something should be done, and as a compromise, I would like to make an amendment that no permit should be issued between December 15th and March 15th except for emergency situations.

PRESIDENT SANTY: You are amending the amendment, the same words except no permits shall be issued between December 15th. The only word you are changing in the amendment is instead of November, it is December 15th. Seconded. We will now speak to Mr. DeLuca's amendment.

MR. DUDLEY: I Move the Question. Seconded.

PRESIDENT SANTY: We'll use the machine as the voice vote is not definitive. Up for yes; down for no. Two-thirds' vote needed to Move the Question. 37 present; we need 25 votes. DEFEATED with 19 yes, 11 no, 10 non-votes. We will discuss Mr. DeLuca's amendment.

MRS. SAXE: During the meeting, and Mr. Perillo was very good at putting things exactly in succinct order, and he probably can help me with this, but but contractors do not open the streets at all during the month of December, and this is a courtesy that they have given to the City over the years. However, they already have the right to finish anything that they have started in November, so they can work through to December 1st. But as a courtesy, not as a courtesy, but as a written law, we've changed from November 1st to December 1st on this ordinance that Mr. Flounders just gave us, and we also can go through to April 1st, so we're getting sticky wicket over 15 days.

MR. FLOUNDERS: I can't, in good conscience and with a sense of responsibility, as much as I would like to get this ordinance through since we are working with fees in this ordinance that were initiated in 1916, I don't really know the implications. I think there are very, very, very few people or companies, including the utilities, who work in December at all, except in emergencies. Now, when I use the word "emergency", I am not suggesting that there are one or two emergencies. There are many. There are dozens. Many of the emergencies have to do with the City itself, correcting its own problems. The statement that I made earlier, concerning the City running around fixing these cold patches was not meant to be negative or denigrate the contractors at all. The City is busy running around fixing its own cold patches, the cold patches that it, itself puts in. Everyone in the business knows, I am told, that you simply do it if you can't avoid it, dig street excavations in the winter months. If you can't avoid it, you do it, and you put in the cold patches, but everyone seems to understand that this is not a desirable practice to the extent that it can be avoided. The Commissioner has already reduced the period of no non-emergency activity from five months to four months. I frankly and sincerely do not know the implications of reducing it by another month into mid-December. I think that might be a problem; I am not sure.

MR. BLAIS: My recollection of our last Public Works Committee meeting was we voted down a similar section of an ordinance because of two different reasons in my opinion. The first reason is that the ordinance, or this whole moratorium period, would (a) foster the delay of repairs until the later months on the part of the people excavating streets, and therefore the moratorium that is designed to keep the streets in good repair would actually foster disrepair because of contractors delaying repairs until the moratorium month because they don't need a permit to go back and fix a cold patch. The second thing is with this moratorium which I'll call it for lack of a better word, or non-working period, is purported to do is to keep the streets in good repair and make sure that cold patches are properly repaired. However, the City already has a mechanism called a bond permit that if properly administered by the Public Works Department would preclude contractors from taking off without properly fixing the street repairs. I would urge my colleagues not to vote for this amendment at this time, and allow the Public Works Committee more time to study it.

PUBLIC WORKS COMMITTEE (continued)

MR. BONNER: Normally I would support the Commissioner in his request for this type of activity, and in practically all of this amendment, I strongly support him. The difficult months are generally January and February. I don't really believe the change from November to December really helps the situation. I would say if there is a change to be made, it would be made to exclude the months of January and February, but I don't believe that December should be added in there. Normally they don't do much work during the Christmas holidays, anyway, but the only two months that I believe would be a problem would be January and February at the most, and then emergencies could be done during that period of time, but I would not favor the change to December over the change to November. However, I would like to speak on the whole issue when it comes back to the November 15th to March 15th item.

MR. DZIEZYC: Flounders said that there are not many permits issued during the winter months, so why do we have to have any period at all in there, because an emergency, and one other thing, who is going to determine what an emergency is when the contractor comes in and says he's got an emergency, or they're going to send out an inspector to see if it is an emergency or not, and spend more time? I disagree with having a moratorium at all. We should have permits issued throughout the year.

MR. ROOS: There is one thing we haven't mentioned very much and that is we are not talking about nine permits, we are talking about a great number because these permits are issued in the name of the utilities, which is about the only time that much digging is done in the winter. I would agree with us going into December from November because evidently it's when the frost is in the ground and things are moving that your patches come apart. I think that we could go from December to April with safety, and I would support that, but there is one thing to remember, we are not talking about nine patches, we're talking about not nine diggings but a good many, and they come through the utility.

MR. DZIEZYC: One point I forgot to bring out. New buildings, during the winter time, if a person wanted to open up his building, and in order to do any permit digging up the street, he has to get a permit for the emergency, and we are going to refuse it, so the proprietor can't move in for a couple or three months.

MR. FLOUNDERS: I think I have to respond. In his earlier statement, he said who is to say what an emergency is. I'd like to read how an emergency is defined in this amendment.

PRESIDENT SANTY: You are speaking on the main motion, but we are on the amendment of Mr. DeLuca, amending your amendment. We will now vote on Mr. DeLuca's amendment. Has everyone voted? DEFEATED, with 26 No, 6 Yes, and 8 non-votes.

We will now go back to Mr. Flounders' amendment. Mr. Flounders, did you wish to speak now?

MS. SUMMERVILLE: Point of Information. We now have 36 present. Mr. Owens has left the meeting.

PUBLIC WORKS COMMITTEE (continued)

PRESIDENT SANTY: We now have 36 members present. I would like to remind the members that Fiscal Committee report is next and we need two-thirds of 36, or 24, to pass all the Fiscal items. Bear that in mind as we continue with Mr. Flounders' report.

MR. FLOUNDERS: Referring back to Rep. Dziezyc's comments about who is to say what an emergency is, it is defined in this amendment as "any broken utility service which is leaking, or would cause any individual or property injury or harm". Now that is an emergency and that is the nature of most of the openings that are made during that period. The hope is that - by the way, as a Public Works Department policy, permits last winter were approved, in that case, by the Commissioner himself; it worked well; there were no problems; nobody was put out of work, and this year because of the concern that relying on one person, i.e., the Commissioner, to make the approval, the approval mechanism has been broadened from just the Commissioner to the City Engineer or his designee.

MR. BLAIS: I would Move this Back to Committee. Seconded.

A very similar proposal last week in our Committee meeting was defeated by the Committee, and since this does not really deviate from the motion that was defeated from the proposed ordinance, I think that our Committee should have a chance to study this further.

MR. FLOUNDERS: To Rep. Blais' point, I started out this discussion, perhaps he was out of the room. I stated what the committee voted on, how it voted, and then subsequently the results of my discussions with the Commissioner, and the reasons for including this moratorium period at all, having to do with the available cold patch material, nothing to do with contractors' performance on bonds, or anything else. Not only is it our experience as a City that we are talking about, the cold patches that we put in are no better or worse than the cold patches put in by anyone else. The idea is, to the extent possible, to keep the number of cold patches used to a minimum within reason.

MR. WIDER: I looked at this amendment, and when I look back over the weather now, I don't think that the amendment is really needed. I don't see why we pay a Public Works Commissioner if he can't make the decision and if he can't look at the weather and see if it is permissible to do that work, so frankly I do not see the necessity of passing this amendment. I would rather not even see it, because I think we would be hurting people who would like to work during these winter months.

MR. DZIEZYC: Rep. Flounders said that the Commissioner said there are hardly any construction permits done during the winter months; but the builders send a man in to get the permit and he spends sometimes 6 or 7 hours trying to find someone to permit them to tear up the streets and therefore I propose that we vote against sending it back to committee, and that we defeat it on the floor.

MR. DeLUCA: I have to recommend against sending this back to committee. I'm sitting here and I'm listening to some of the comments; that the builders, at the committee hearing, were against any kind of a moratorium because we are going to deprive them of making a living; some people would have to be laid off, and we're really deleting this here, which seems to protect the builders, and yet almost an hour ago, we were voting for the reappointment of Dr. Gofstein where the builders were saying they were being harassed by Dr. Gofstein, were against Dr. Gofstein, and yet we were told were threatening to pay for campaign funds for

PUBLIC WORKS COMMITTEE (continued)

MR. DeLUCA (continuing)...people running for reelection, if Dr. Gofstein was defeated. It makes me wonder if people are against this amendment because of the Commissioner, or what the primary reasons are. Once again I believe that Commissioner Spaulding does have the intelligence, and I think that is why he is looking for a time constraint here when you can go out there and issue permits. I get a little confused. On one hand you are saying the builders didn't know what they're talking about, and on the other hand, we are going to defend the builders and their request. I still say we should vote on this ordinance tonight, it is something that is long over-due. This I believe has been sitting in committee since around July or August. It behooves us to pass on this tonight to strengthen our case upstate.

MR. BOCCUZZI: I just couldn't let that one go by, Gabe. I have to agree with you. You know people supported Dr. Gofstein, weren't listening to the builders, but you were listening to them, and now you are not going to listen to them. I would just say this, we don't have to return this to committee, the Public Works Committee worked many months. Mr. Perillo and Mr. Flounders called many meetings. They had public hearings on the proposal. We discussed it for many, many hours. The Public Works Committee already pulled out an amendment part of the ordinance that was similar to this with a different date, and a change in who would decide to give the permit and what an emergency is. What the committee said, those who were in favor of the ordinance, was they could support the ordinance without the time in there that prohibited people from working, and I really think that sending this back to committee will have the same outcome. The committee will probably pull it out and come back on the floor. I think if you want this amendment in there, keep it on the floor, approve the amendment, and approve the ordinance. I don't think it is going to do anything to return to committee.

MR. BLUM: I'd like to ask Mr. DeLuca. He keeps mentioning the State. We don't want to make fools of ourselves to the State, and I do remember in the previous question, it was also talked about the State, and about harassment. Well, sometimes laws make harassment. We're sitting here today making laws.

MRS. SIGNORE: Move the Question.

PRESIDENT SANTY: There are no further speakers so we don't have to Move the Question, and we'll go straight to the vote. Please use the machine. Has everyone voted? DEFEATED: 30 No, one Yes, one Abstention, and 8 Non-Voting.

We are voting on Flounders' amendment. We have 35 members present. Use your machine on Mr. Flounders' amendment. Has everyone voted? DEFEATED: 16 Yes, 16 No, one Abstention, and 7 Non-Votes.

We will go back to the Main Motion and there are 5 speakers.

MR. DONAHUE: The one area that concerns me about the passage of this ordinance involves my understanding that as a matter of course, when permits for street openings are issued, there is some advice and consent between the City Engineer's office and the Department of Traffic and Parking. In the past, as many as four permits have been issued for the same intersection in Stamford. In the past, streets that were not supposed to be closed to traffic, have been closed to traffic. As we all know, we do have a traffic problem in this City,

PUBLIC WORKS COMMITTEE (continued)

MR. DONAHUE (continuing)...and it is the Department of Traffic and Parking who has the say in how good traffic will flow and what areas should be considered when street permits are opened. But more than that, the City Engineering Department considers the depth of the excavation, the construction of the excavation, the reconstruction of what was in place before work is complete, but there are other things that are very important to the City: the time of day the excavations will be allowed to be open, the proper signing, the presence of a policeman at an open manhole or an open work area, will it be covered at night, will it be lit, also the conformance to the uniform traffic code; these things are not considered. I think it is important whereas this is done as a matter of course, to include it in the ordinance, and therefore I would suggest the following amendment; after the first paragraph where it says "obtain a written permit to do so from the City Engineer"; I would add the following amendment: "Said permit shall not be granted without the prior review and approval of the Director of Traffic and Parking or his designee", and I so Move that amendment. Seconded.

PRESIDENT SANTY: Any speakers on Mr. Donahue's amendment?

MR. FLOUNDERS: Would Mr. Donahue be so kind as to write his amendment?

PRESIDENT SANTY: Yes, I always ask that of the members, to submit their amendments in writing so we can have them in front of us.

MR. DONAHUE: I have it written ^{here}, Madam President.

PRESIDENT SANTY: Do you want to read it slowly, please?

MR. DONAHUE: Page 1 of the ordinance, first paragraph which ends with the sentence "install or remove curbing and driveways or perform other construction which will alter any sidewalk, street, or public square in the City without first having obtained a written permit to do so from the City Engineer," and the amendment would read, one line; "Said permit shall not be granted without the prior review and approval of the Director of Traffic and Parking or his designee."

PRESIDENT SANTY: We are now discussing Mr. Donahue's amendment.

MR. WIDER: This ordinance seems to be very much incomplete. I wonder did the Committee finish its work with it, and if they haven't, I'd Move it Back to Committee. I so Move.

PRESIDENT SANTY: There is no Second to the Motion. We will hear the speakers on Mr. Donahue's amendment.

MR. ROOS: I have one thought on that amendment. There have been comments made that a lot of time is involved to get somebody in Public Works to approve this opening, and they also have to go and find another department in Traffic to get an approval; it's going to be a further delay. My thought is that this is going to hinder the issuance of permits perhaps too much.

MR. BLUM: I'd like to ask one question of Mr. Donahue. Does this pertain to sidewalks also?

PUBLIC WORKS COMMITTEE (continued)

MR. DONAHUE: Yes, if you read what the ordinance states. I also, if I may, Madam President, at this point, Mr. Roos has brought up a point that I think has been answered already. As a matter of course, the discussion and review of these things are done, except if we are going to pass an ordinance requiring a permit, this wording should be included in there, because from this point on, it will be included in the future.

MRS. SAXE: Do you have a copy, Mr. Donahue, of Sec. 18-61 of the Ordinances?

MR. DONAHUE: As a matter of fact, I don't have 18-61, but I do have 18-60 which is regards to the permit.

MRS. SAXE: It is the same information as shown, and I don't know that 18-61 doesn't say exactly what you said.

MR. DONAHUE: I am led to believe that is not the case, Mrs. Saxe.

MR. FLOUNDERS: Yes, it is here. It says "Every construction permit shall state the purpose of the proposed construction." It is right on the same sheet of paper.

PRESIDENT SANTY: We will move to a machine vote on that amendment. Has everyone voted? APPROVED: 20 Yes, 12 No, 1 Abstention, and 7 Non-Votes. Mr. Rybnick is leaving, and we now have 35 members present. Mr. Dixon has left, leaving 34 members present.

We will now move to a vote on the final adoption of the ordinance with Mr. Donahue's amendment as just approved. Has every one voted? DEFEATED: 20 Yes, 11 No, 9 non-votes. We need 21 for passage.

MS. SUMMERVILLE: I voted, but I voted late.

PRESIDENT SANTY: Mr. Flounders, do you want to continue with your report? Ms. Summerville, we will have to watch this machine very carefully. Ms. Summerville has voted yes, that changes the vote. The ordinance has been ADOPTED, 21 Yes, 11 No, and 8 not voting. I give plenty of time for you to check your votes on the voting board; make sure hereafter. It's important that you're on the floor when we're voting. #4 has been adopted.

- (5) THE MATTER OF THE STREETScape PROGRAM ON ATLANTIC STREET. Determine which individual, agency, or department is to blame for removing newly-constructed sidewalks and curbing for the redesign and replacement of same. Develop rules, guidelines, and/or legislation to prevent the recurrence of a similar incident. Submitted by Reps. Philip Stork and David Blum 11/18.
HELD IN COMMITTEE.

MR. FLOUNDERS: The Committee took no action on this and we would like to request clarification as to exactly what is wanted, what action is expected of the committee.

MR. BOCCUZZI: Madam President, Point of Information, on this last vote we took on the previous ordinance, was that ordinance with the recommendation of the Public Works Committee with the dates taken out as to when permits could be issued?

PUBLIC WORKS COMMITTEE (continued)

PRESIDENT SANTY: On adoption of the ordinance as presented to us without Mr. Flounders' amendment, without Mr. DeLuca's amendment, but with Mr. Donahue's amendment.

MR. BOCCUZZI: And with the moratorium out, that was the recommendation of the Committee, don't forget. That's the way the vote it.

MR. FLOUNDERS: No, it isn't, that's why I raised my hand, and you wouldn't let me speak. I was going to, because the vote had already started, what we approved was the original ordinance without the amendment. There was no motion to eliminate.

PRESIDENT SANTY: The motion as stated by Mr. Flounders was the adoption of the ordinance.

MR. DUDLEY: I Move for a Reconsideration. Seconded.

PRESIDENT SANTY: You were on the Prevailing Side, Mr. Dudley? All right. All in favor of Reconsideration, say Aye? Opposed? Not clear. We will use the machine. Has everyone voted? We are voting on reconsideration of the last vote. DEFEATED: 16 No, 15 Yes, 1 Abstention, and 8 Non-Votes.

MR. ZELINSKI: Point of Information, on this last vote, did you ask if a Secondary Committee had a report on that, or not, and if so, then wouldn't it make it legal or illegal.

PRESIDENT SANTY: No, because it's not a funding item. Mr. Conti sat on all of them but they did not meet and discuss it.

MR. BOCCUZZI: Are you ruling that that ordinance passed, then?

PRESIDENT SANTY: Yes, I am, because Ms. Summerville said she voted and it did not record on the machine. I had to go along with that. She said she used her machine, and she said she voted yes.

Now, on #5, Mr. Flounders, it is staying in committee and it will be re-submitted in Steering; and then you can speak to the two originators, Mr. Stork and Mr. Blum for further directions.

PRESIDENT SANTY: Will everyone please take their seats? Are there 21 people here? Mr. Flounders, we are now on your committee report, we are going back to #4. Ms. Summerville is not sure now whether she voted or she didn't vote, so she would now like to make the statement that that vote should not have counted in that last count, as she might have been too late, there's a question in her mind.

MS. SUMMERVILLE: Keeping in honesty, and the way the print-out reads, it seems as if I cast my vote after you had called the vote, so because of that, Madam Chairman, I am willing to say I'll gracefully admit that maybe my vote was registered improperly but after you called the vote, that's when I announced it.

PUBLIC WORKS COMMITTEE (continued)

PRESIDENT SANTY: Thank you, Ms. Summerville. I think it's important here, and Ms. Summerville and I are up here so busy trying to write names down, please take your seats when we have the votes. No, we can't re-vote on it. But that ordinance has been defeated by only 20 Yes votes; we need 21.

MR. FLOUNDERS: We can't correct it and re-vote?

PRESIDENT SANTY: We did vote to Re-consider and that was defeated, and you can only re-consider once during the evening. We'll ask the Parliamentarian for his opinion.

PARLIAMENTARIAN HOGAN: The CHAIR is right in its ruling. A Reconsideration was called for and passed earlier in the evening and a motion can only be reconsidered once at any one session.

MRS. SAXE: My question is if the Chair has ruled that the Motion has passed because of a vote, how can she retract that?

PRESIDENT SANTY: Because I had ruled that it had not passed, and one vote was not made, but the read-out does not concur with what Ms. Summerville did in her vote, and she is willing to state that she did not vote in time, so the Chair had to rule that the vote of 20 was not passing. It needed 21.

MR. BLAIS: In view of the fact that you had an erroneous assumption on the original vote, does that not invalidate the original reconsideration?

PRESIDENT SANTY: Will the Parliamentarian give us his opinion on that?

MR. FLOUNDERS: I agree with that!

PARLIAMENTARIAN HOGAN: Madam Chairman, people may agree with it, but Robert's Rules is very explicit. Once the vote is announced, it is final. And I will remind that the Chair had called the vote.

MR. FLOUNDERS: I admit that I am not a parliamentarian and I admit that I am tired and I admit that it is late, however, the vote to reconsider was an invalid vote if indeed there is no recorded approval. The person who voted to move for reconsideration thought that he was on the Prevailing Side but he was not. So therefore there was no proper reconsideration, so therefore we can take the vote on the ordinance all over again.

MRS. GUROIAN: Madam Chairman, the vote was announced as having been defeated. The Chairman then said in view of the fact that the vote had not been recorded on the machine, she ruled that the vote was to be counted. How she now rules that her ruling was wrong, I don't know.

PRESIDENT SANTY: Mrs. Guroian, the vote was written on the machine. Ms. Summerville's vote did not register at that time.

MRS. GUROIAN: But you ruled that you would count the vote. Nobody challenged that ruling. You can't challenge your own ruling.

PRESIDENT SANTY: I am not challenging my ruling. It was a discussion of the recording of the machine vote, whether Ms. Summerville's vote appeared on the print-out. Announcing the vote, or making a correction is not a ruling.

PUBLIC WORKS COMMITTEE (continued)

MRS. GUROIAN: Nobody challenged that ruling. You ruled that you would count that vote. You can't challenge your own ruling.

PRESIDENT SANTY: I did not challenge my own ruling. There was no ruling. We had a discussion and examination of the vote as recorded, or not recorded. Based on Ms. Summerville's statement, I added her Yes vote, which changed the total.

MRS. GUROIAN: You're challenging your own ruling. You can't change your own ruling. It has to be challenged.

PRESIDENT SANTY: I am changing the vote because Ms. Summerville said...

MRS. GUROIAN: If you could change your ruling, you could do that all night long. You don't have that right.

PRESIDENT SANTY: As I said, it was a correction of the announced vote, immediately after, and there was no ruling actually. If you had said then that you disagreed with me, I would then have ruled, and you could have challenged that. I made no ruling that I am aware of.

MRS. McINERNEY: Madam President, is she challenging the Chair, or is she making a comment?

PRESIDENT SANTY: Are you making a comment, Mrs. Guroian? What are you doing at this point?

MRS. GUROIAN: I'm commenting on the fact that the ruling cannot be changed by the person who made the ruling.

PRESIDENT SANTY: Then you can challenge the "ruling" that Ms. Summerville made when she said she did not vote in time and it should not have been recorded.

MRS. GUROIAN: That is not the one I am challenging. You had the right to include her vote in there. That ruling stands. Now if you want that ruling challenged, it should have been challenged at the time the ruling was made. Not an hour later. People who voted on that vote are no longer here.

PRESIDENT SANTY: I asked for a parliamentary ruling, and will ask Mr. Hogan if he has anything further to say that will clarify this.

PARLIAMENTARIAN HOGAN: My statement stands, Madam Chairman, that your original call was final.

PRESIDENT SANTY: Mr. Flounders, will you continue with your report? No. 5 is Held in Committee. What about #6?

- (6) FINAL ADOPTION - PROPOSED ORDINANCE AMENDING ORD. #80.21 SUPPLEMENTAL, SEC. 5, "PERMITS AND FEES", CHANGE IN FEE SCHEDULE. Repeals Ord. 80.21, and sets new fees. Submitted by DPW and Corp. Counsel Fraser 7/20/82. Approved for Publication 9/20/82. Held 10/4 and 11/8/82.

Above also referred to LEGISLATIVE AND RULES COMMITTEE.

HELD IN COMMITTEE.

PUBLIC WORKS COMMITTEE (continued)

MR. FLOUNDERS: This was voted approve 4-3 and I so Move. Seconded.

PRESIDENT SANTY: Did we receive this in the mail? Is this a committee report, Mr. Flounders?

MR. FLOUNDERS: 4-3. Yes.

MRS. McINERNEY: For some reason, I apologize. I thought this particular ordinance was held last month and therefore I wasn't prepared for it coming up for final adoption; but through you to Mr. Flounders, I have a question because we are now regulating permits for wood stoves. Would you please tell me how that is going to be approved or enforced? Are we going to require that every store that sells wood stoves to send a receipt, or how is that actually going to work?

MR. BOCCUZZI: I have a Point of Information, first, this may all be unnecessary. Mr. Flounders, we didn't vote on that one. Wasn't that the one you were supposed to get some information about circuits and bring it back to us? We didn't vote on that one.

PRESIDENT SANTY: Mr. Flounders has given his report that you, the Committee, voted 4-3 for approval.

MR. FLOUNDERS: I left my votes either at home, or I lost them somewhere. Who has the vote? I guess he may be right on this.

MR. PERILLO: There is no report on #6.

MR. FLOUNDERS: I know there was some information to get on this. And I checked the information and it's on the total number of circuits, Mr. Boccuzzi.

PRESIDENT SANTY: The first question is this, Mr. Flounders, did the Committee vote on this?

MR. FLOUNDERS: Apparently not. Yes.

PRESIDENT SANTY: So there is no Committee report on this. So you are going to Move for adoption without a Committee report?

MR. FLOUNDERS: Only by explaining that the one question that was raised had to do with the number of circuits. The charge is \$5.00 each; and the question was asked if you're going from 6 circuits to 12 circuits, do you pay for 6 or 12 circuits. The answer is you pay for 12 as you did in the old ordinance on a lower fee because the 12 circuits have to be inspected and so while this is a renovation ordinance, the number of circuits installed at the time are the number paid for.

PRESIDENT SANTY: Mr. Flounders, I think the proper motion at this time would be a motion to bring it out of committee. If the committee did not take a vote, then basically this ordinance is still in committee, so the proper motion would be to bring it out of committee.

MR. FLOUNDERS: I Move to bring it out of committee. Seconded.

PUBLIC WORKS COMMITTEE (continued)

PRESIDENT SANTY: We are now addressing bringing this out of committee. Is there any discussion?

MR. BOCCUZZI: I would rather not bring it out of committee because there is an increase in the circuits, and if we are going to charge from the original first circuit all over again, even though it is a new board, I think maybe we should discuss if we really want \$5.00, or maybe \$3.00, or something like that. In all due respect, I would rather have it back in committee and get it squared away for next month.

PRESIDENT SANTY: We will vote on bringing out of committee. Please use the machine. Has everyone voted? DEFEATED: 16 no, 12 yes, 12 non-votes. It will stay in committee, Mr. Flounders.

I think at this point we should have a Roll Call, Attendance Vote, to determine how many are present.

CLERK ANNIE M. SUMMERVILLE called the roll: 13 absent, 27 present.

ABSENT are: Reps. Flounders, Owens, Tarzia, DeLuca, deGaetani, Gaipa, Livingston, Franchina, Dixon, Zelinski, Blais, Rybnick, Wiederlight

PRESIDENT SANTY: We have 27 present. Fiscal Report, Mr. Esposito, please? We need 21 votes for each fiscal item.

MR. DZIEZYC: Point of Information. If we have 27 members, how many votes do we need for additional appropriations?

PRESIDENT SANTY: Additional Appropriations require two-thirds of those present but not less than 21 for approval.

FISCAL COMMITTEE

MR. ESPOSITO: Fiscal met on Wednesday, December 1, 1982. Present at that meeting beside myself were Reps. Flounders, Hawe, Roos, Franchina, and Livingston. The items that were approved for the Consent Agenda were: #1, #3, #4, and #8. (#2, #6, #7, #10 did not go on Consent due to requests by various members from the floor of the Board.)

- (1) \$ 2,377.00 - BOARD OF RECREATION - Code 650.3644 BUSING - Additional Appropriation per Mayor Clapes' request 9/7/82. Board of Finance approved 11/10/82. See back-up material supplied by this department.

Above also referred to PARKS AND RECREATION COMMITTEE.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE (continued)

- (2) \$ 9,300.00 - WELFARE DEPARTMENT - Code 510.1110 SALARIES - Additional Appropriation per Mayor Clapes' request 11/1/82, to fund one Caseworker position (cut by Finance Board during budget procedure); Mr. Defino's request 9/20/82. Board of Finance approved 11/10/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

MR. ESPOSITO: Fiscal voted 6 in favor, none opposed, and I so Move on Item #2. Seconded. The reason for this is two-fold. There has been a person who has been out ill and will not be returning. In addition to that, there has been an extensive increase in the caseload. In November, 1980, there were 166 people in the caseload applying for welfare; in November of 1981, there were 242; and in November of 1982, there were 450. So that there has been a doubling in the number of caseload in the past year. They are so far behind in work that they are currently not in compliance with State Statutes and there is the possibility that we could lose reimbursement from the State, so that they are looking for this additional caseworker so that they may catch up. There is no way of knowing whether or not the caseload is going to go down; the fact of the matter is that it is higher now than it's been in a long time. Usually this time of year, it goes down, and in July it peaks. At this point, it has peaked in November.

PRESIDENT SANTY: Ms. Rinaldi, will you give the report for the secondary committee on this item?

MS. RINALDI: Our Committee concurred by a vote of 3-2.

MRS. CONTI: I assume that this is a new position that is being created? This was not something that was cut in the budget?

MR. ESPOSITO: Yes, that is correct. It is new, at an annual salary...no, that's wrong, it WAS cut. I'm sorry. At an annual salary of approximately \$15,000, a range of \$14,600 to \$18,100.

MR. BOCCUZZI: I didn't quite get the first part of your report, saying somebody was sick and they weren't coming back?

MR. ESPOSITO: There was a woman who works in the Welfare office who was mugged in downtown Stamford, and seriously injured, and apparently she is not coming back, so that there has been someone from the staff replacing her, and they have hired a temporary to replace the person on the staff who has replaced her. The fact is she is not coming back. The caseload has doubled and they are in desperate need of help.

MR. BOCCUZZI: My question is this person, although she is not coming back, is getting paid?

MR. ESPOSITO: She gets paid, but not from the salary account of the Welfare Department. She gets paid in a separate salary account from which they take sick pay and sick leave.

MR. BOCCUZZI: Then where is the money from her salary going?

FISCAL COMMITTEE (continued)

MR. ESPOSITO: It is going to the person who is filling her position; and that person's position is being filled by a temporary person, so they have hired someone to come in on a temporary basis, a temporary employee, Office Temps.

MR. BOCCUZZI: Just a moment, the temporary person is still going to be there after they hire this new person?

MR. ESPOSITO: Yes, that's why they are looking for additional \$9,300.00.

MR. BOCCUZZI: In other words, they are increasing the staff?

MR. ESPOSITO: Right.

MRS. GERSHMAN: I spoke with Mr. Defino in the Welfare Dept., and he said that the problem^{is} that they cannot follow up on the checks. They give checks and then they do check-ups, and they can't do the check-ups, so they just sort of hand out the checks, because of the shorthandedness. So this person would help alleviate that problem and make them in compliance with State regulations.

MR. WHITE: I don't mean to be facetious or anything here, but just out of curiosity, somebody gets mugged downtown, and so you add another worker on the staff is what it amounts to. Is this the one-to-one relationship that I see here? In other words, you are increasing staff, right? So a mugging downtown has nothing to do with an increase in staff, does it, or doesn't it? I don't quite follow the situation.

MR. ESPOSITO: In an indirect manner. She is an experienced worker. They had to bring in an office temporary who is not experienced and therefore it takes more time for that person to function. You lost an experienced employee from the department, and to replace her, you had to bring in an outsider. In a small department like that, where the caseload has doubled, that can affect productivity in an indirect way.

MRS. SIGMORE: I just don't understand this. How can you bring in an office temporary to replace a caseworker?

MR. ESPOSITO: We are trying to engage a temporary worker to fill the place of the person who was a victim of the violent crime but that will not be enough. Each caseworker is carrying roughly 100 cases each, as of Sept. 1, 1982. The Assistant Supervisor, the one who was mugged, who usually carries a caseload as well, is out on extended sick leave.

MR. WHITE: So when this new person gets experience, presumably you will have one added person with experience now, so you still increase your staff. Why don't they just come in for an increase in staff?

MR. ESPOSITO: Well, that's what it is.

MS. SUMMERVILLE: Paul, what guarantee did the persons coming before your committee give you that this person is not coming back to her position? I mean, it seems to me what we are hearing are assumptions. Have you a guarantee that that person has officially terminated her employment?

FISCAL COMMITTEE (continued)

MR. ESPOSITO: There is no guarantee that she is not coming back? If she does come back, the temporary worker would be let go, and still leave the additional person. Above and beyond the fact that you have an Assistant Supervisor, who is out on Sick Leave, they still need an additional person and that is what they are requesting.

MS. SUMMERVILLE: The additional person is not to replace the injured person (Mr. Esposito said "No"), so it has nothing to do with the injured person.

MR. ESPOSITO: Indirectly, but not directly.

MS. SUMMERVILLE: My final question. Has the injured person given any indication that she will no longer be....

MR. ESPOSITO: No.

MS. SUMMERVILLE: So as far as we're concerned, she is still employed.

MR. ESPOSITO: That's right.

MRS. McINERNEY: I Move the Question. Seconded. CARRIED.

PRESIDENT SANTY: We will have to use the machine. Has everyone voted? We need 21 votes on every item on this Fiscal Agenda. DEFEATED: 16 Yes, 10 No. Mr. Esposito, do you wish to continue?

- (3) \$ 505.00 - WELFARE DEPARTMENT - Code 510.2510 AUTOMOBILE MAINTEN- TENANCE. Additional Appropriation per Mayor Clapes' request 11/1/82; Mr. Defino's request 10/14/82 (this line item cut by Finance Board at budget time). Board of Finance approved 11/10/82.

APPROVED ON CONSENT AGENDA.

- (4) \$ 7,500.00 - WELFARE DEPARTMENT - Code 510.3641 MOVING & STORAGE - Additional Appropriation per Mayor Clapes' request 11/4; Mr. Defino's request 11/1/82. Board of Finance approved 11/10/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (5) \$ 60,000.00 - THIRTEENTH CHARTER REVISION COMMISSION - Code 130 (vari- ous line items) - Additional Appropriation to fund Com- mission's work for F/Y 1982-83, per Mayor Clapes' request 11/2/82; and Commission's Co-Chairmen McCabe and Cacace 10/25/82. For various line items. Board of Finance approved 11/10/82.

Above also referred to CHARTER REVISION COMMITTEE.

FISCAL COMMITTEE (continued)

MR. ESPOSITO: Fiscal voted 5 in favor, one opposed, on item #5, and I so Move. Seconded.

PRESIDENT SANTY: The report of the secondary committee, Charter Revision? You did not meet? We need a Suspension of the Rules to waive the report. Moved. Seconded. CARRIED UNANIMOUSLY.

We will now vote on the Main Motion. Any discussion?

MRS. PERILLO: I would like to ask a question of the Committee. Fund for Professional Legal Services. This is going to be outside legal service?

MR. ESPOSITO: Yes.

MRS. PERILLO: I think we voted to put some attorneys on there; are they not qualified to do this, or do we need outside legal service?

MR. ESPOSITO: In our discussion with the Charter Revision Commission, both a month ago when they appeared before the Committee and just recently this evening, they have indicated that they may require some outside legal help. The necessity for legal services and legal consultants goes beyond the expertise and/or the time of the Commissioners presently on the Charter Revision Commission. The \$60,000 that we approved, or that the Fiscal Committee approved, was left as a blanket \$60,000 and is not appropriated to any specific line item to give the Commission some discretion as to how they are going to spend the money. It is estimated that they are going to need approximately \$25,000-\$30,000 in secretarial services alone. They are going to need about \$7,000 in photo-copying when they get to the final reports, in making copies of the final charter. It is estimated they are going to need and they don't know exactly how much of it is, but they are going to want about \$25,000 in an account that they can draw from for all kinds of consultants, whether that be a professional researcher who is going to research non-legal issues, whether that be for another professional consultant, or for legal consultants. We agreed with them not to hamstring them by putting into their budget specific line items that they would have to draw from because their turn-around time is so short. They have to give us a report in May. If they find out in March that they need a legal consultant and they don't have enough in that line item, they have to go through the budget process for a transfer and that takes time, and that could have a very definite negative effect on their ability to function, so we agreed with them to give them \$60,000; and there are a number of people on that Commission who have been fiscal conservatives throughout their careers of politics in Stamford; all of those members on that Commission are highly-respected members of this community, and we, on the Fiscal Committee, felt that they could be entrusted with this money and would use it wisely and possibly even give us back \$30,000.

MRS. PERILLO: Thank you very much, Mr. Esposito.

MRS. GUROIAN: Substantially, I agree with what Mr. Esposito said. I would like to emphasize the fact that the reason for the \$60,000 appropriation, and not for a lesser appropriation is that because of time restraints, they will not have time to go through the budget process again. Most of the members of the Commission, or many of them, do not feel as ^{though} they are going to spend the \$60,000, but enough has to be appropriated to them to get the job done

FISCAL COMMITTEE (continued)

MRS. GUROIAN (continuing)...properly. As it stands now, I don't think much, if any, money is going to go for legal consultants help. Some of it, I expect, will go in the process of writing the charter and having it reviewed et cetera, et cetera, et cetera. They have been approached by several groups, and they have approached several groups, for legal help and editing help from professionals on a non-payment basis. Hopefully these people will be able to do it without having to be paid, and some of the money can be returned; but the reason for that full amount is because in the event that they need it, they do not have time to come through the process again, and I urge my Fellow Representatives to give them the money so that at least they have the money to do the job as best they can.

MR. DONAHUE: I'd like to Move the Question. Seconded. Carried.

PRESIDENT SANTY: We will use the machine to vote on \$60,000 for the Charter Revision Commission. Has everyone voted? APPROVED with 25 Yes votes, Zero No, Zero Abstain, Zero Non-Votes.

(6) \$ 10,559.00 - STAMFORD YOUTH PLANNING AND COORDINATING AGENCY - Code 792 (various line items) - Additional Appropriation per Mayor's request 11/1/82 and SYP&CA request 10/26. Board of Finance approved 11/10/82.

Above also referred to HEALTH AND PROTECTION COMMITTEE.

MR. ESPOSITO: This is an Additional Appropriation; however, the money has already been given to the City of Stamford from various sources including the State DCYS, the Town of Darien, and Health and Human Services grant. All SYPCA is asking for now is the power to appropriate this money that already has been given to the City of Stamford. Fiscal voted 5 in favor, none opposed, with one abstention, and I so Move. Seconded.

MR. DZIEZYC: I Move that the report of Health and Protection's secondary committee report be waived. Seconded. CARRIED.

MRS. CONTI: I would like to read from the Board of Finance minutes on this. It says: Stamford Youth Planning and Coordinating Agency request for additional appropriation in the amount of \$10,559 covering various accounts Code 792 and request for authorization to transfer the sum of \$4,562, which funds are required in order to implement the transfer of the SYPCA from the administrative supervision of the Committee on Training and Employment (CTE) to the City administration. The additional funds requested representing a grant from the State Dept. of Children & Youth Services. Now, what then is the status of these employees, Are they now City employees, Classified, or unclassified, or what is the situation?

MR. ESPOSITO: No, they are un-classified.

MRS. CONTI: Where is that written in stone?

MR. ESPOSITO: They're not classified. They would have to be given classified status, and they were not given classified status.

FISCAL COMMITTEE (continued)

MRS. CONTI: According to Gallant, Mednick and Gallant, anybody that is transferred into the City automatically, from a grant, becomes a Classified employee of the City.

MR. PERILLO: You don't want to believe everything they said.

PRESIDENT SANTY: Mr. Esposito, do you have any further comments.

MR. ESPOSITO: No.

MRS. CONTI: I would urge that we return this to Committee to find out exactly what the status of these employees would be. I so Move. Seconded.

PRESIDENT SANTY: We will move to a machine vote on returning Fiscal #6 back to committee. Has everyone voted?

MR. STORK: Before you announce the vote, I would like to change my vote from a Yes to a No.

PRESIDENT SANTY: Thank you, Mr. Stork. The tally shows 15 yes and 7 no, and it will be corrected to show 14 Yes and 8 No. APPROVED TO RETURN TO COMMITTEE.

(7) \$ 2,360.00 - ZONING BOARD - Code 107.1110 SALARIES - Additional Appropriation per Mayor's request 11/1/82 to fund salary increase for contractual employee (Zoning Analyst) for 81/82 and 82/23:

4/20/81 - 6/30/82	\$ 400.00
7/ 1/82 - 6/30/83	<u>1,960.00</u>
	\$2,360.00

Current salary is \$23,540. To be increased to \$25,500.
(Board of Representatives denied requests 7/82 and 9/82)
Board of Finance approved 11/10/82.

Above also referred to PERSONNEL COMMITTEE.

MR. ESPOSITO: This contract expired on April 20, 1982. The Zoning Board has agreed to renew Mrs. Brady's contract for another year at a salary increase of 8.3% and that is the reason for the \$2,360 additional appropriation. Fiscal voted 6 in favor and none opposed and I so Move. Seconded.

MR. STORK: I make a motion to waive the secondary committee report. Seconded. Carried unanimously.

MR. BOCCUZZI: When the Zoning Analyst was hired, wasn't it supposed to be for two years or something like that?

MR. ESPOSITO: Three years.

MR. BOCCUZZI: Is this part of the three years, or does this make it four years?

FISCAL COMMITTEE (continued)

MR. ESPOSITO: I believe this is the third year.

MR. BOCCUZZI: This is the third year?

MR. ESPOSITO: Yes, beginning April 20, 1982, April 21, 1982.

MRS. GERSHMAN: I must support this and I hope that we all do. Margaret Brady has added an enormous amount to the efficiency of the Zoning Board. Her research is impeccable. She has done excellent work, and I think that a lot of the Master Plan is so well-done due to her. We really must support this.

MR. DONAHUE: Just to say very quickly that I agree with Mrs. Gershman, and this Board approved renewal of this contract last year along with an authorizing resolution. This money should be appropriated right now. She is a very valuable individual.

PRESIDENT SANTY: We will move right to a machine vote. Has everyone voted? We need 21 votes for passage. APPROVED with 22 Yes votes, 3 No votes.

- (8) \$ 3,790.00 - REGISTRARS OF VOTERS - Code 101.3140 PRIMARY EXPENSE - (9/8/82 Primary Election - both parties) - Additional Appropriation requested by Mayor Clapes 11/1/82, and Registrars 10/12/82 to fund increases in electrician rates, telephone charges, rates of pay for custodians. Board of Finance approved 11/10/82.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (9) \$ 10,000.00 - FINANCE and PERSONNEL DEPARTMENTS - Group 24.1110 - SALARIES (plus a transfer of \$4,370 from Personnel to Finance salary accounts) - Additional Appropriation to fund BENEFITS MANAGER POSITION and effect her transfer from PERSONNEL DEPT. to FINANCE DEPT., per Mayor's and S. Bernstein's letters 11/2/82. Board of Finance approved 11/10/82.

Above also referred to PERSONNEL COMMITTEE.

MR. ESPOSITO: This is for the Benefits Manager position, and Fiscal voted 5 in favor, one opposed, and I so Move. Seconded.

MR. STORK: I make a Motion to waive the secondary committee report. Seconded. CARRIED UNANIMOUSLY.

PRESIDENT SANTY: Any speakers for #9 Fiscal? We'll move right to a machine vote. Has everyone voted? APPROVED with 22 Yes, 2 No votes.

FISCAL COMMITTEE (continued)

MRS. CONTI: I would like to Move to Reconsider Returning Item #6 to Committee. Seconded.

PRESIDENT SANTY: All those in favor of reconsidering, please say AYE. Opposed? Will the No votes please raise their hands? We will Reconsider. Carried.

Do you want to speak to it, Mrs. Conti?

MRS. CONTI: Actually, my main consideration here was, and I think it was clarified in the minutes that I read from the Finance Board, that by approving this, we are actually taking these people, these grant employees into City employment, and I think we all have to decide whether we want to do this. That is the question, not the amount of money involved. It is whether or not we want to take grant employees and make them City employees and I don't want to do that. Thank you.

MR. ESPOSITO: I'm not sure I agree with Mrs. Conti. They are City employees whether we pass this or not. If we defeat this, they are still City employees. They are grant employees. They still remain grant employees because they're getting most of their, half their funding, from the State. The decision to take them out of CTE and put them into the City account was Mr. Marra's decision, and solely Mr. Marra's decision. The City has the right to do that because CTE was a grantee contractor and the City had the right to renew or not renew that contract, and the City took its option not to renew that contract as of June 30th. They are therefore City employees regardless of what we do with this tonight. This is to take a count and allow them to spend the money that they have already received in their budget from the various sources listed.

PRESIDENT SANTY: We have a motion on the floor. We are reconsidering \$10,559 that was sent back to committee.

MRS. McINERNEY: Through you I would like to find out if this is the same group of employees that we approved medical benefits for last month, to Mr. Stork?

MR. STORK: Yes, I believe so, Mrs. McInerney.

MRS. McINERNEY: Was that approved by this total Board? Right? O.K.

MRS. GUROIAN: Move the Question. Seconded. APPROVED.

PRESIDENT SANTY: Please use the machine to vote on \$10,559, Fiscal #6, being reconsidered at this time. Mr. White, you voted in Mr. Zelinski's place, Mr. Zelinski having left? Will Mrs. McEvoy change the record to show Mr. White voting in Mr. Zelinski's place? Mr. White, you didn't vote in two seats, did you, Mr. White?

MR. WHITE: I guess I did, I voted, and then my knee hit Mr. Zelinski's switch.

PRESIDENT SANTY: The motion is DEFEATED: 13 Yes, 12 No, and 2 Non-Votes. (Note: Print-out shows Mr. White voted Yes in his own position, and his knee voted no in Mr. Zelinski's position, showing a tally of 13 yes, 13 no, and 2 non-votes.)

FISCAL COMMITTEE (continued)

MR. BOCCUZZI: I make a Motion we ADJOURN.

PRESIDENT SANTY: Before we consider that, Mr. Boccuzzi, we have a Resolution to change the December meeting, our January meeting, changing our Steering, I think that's important, to allow enough time for the committees to meet during the holiday season.

MR. BOCCUZZI: All right, I make a Motion we take up the Resolution out-of-order at this time. Seconded.

PRESIDENT SANTY: Mr. Boccuzzi, you're making a Motion now to consider #3 under RESOLUTIONS.

MR. BOCCUZZI: I retract my motion. Never mind.

PRESIDENT SANTY: And the seconder takes it back. Fine. Thank you both. We don't have a motion on the floor. Mr. Esposito, will you continue with the rest of the Fiscal items, please?

(10) \$ 5,000.00 - COMMISSIONER OF FINANCE - Code 240.5120 PROFESSIONAL AUDITING SERVICES - Additional Appropriation per Mayor Clapes' request and Comm. Marra's request 11/8/82 - to fund a review of the City's tax reporting obligations. Board of Finance approved 11/10/82.

Above also referred to PERSONNEL COMMITTEE.

MR. ESPOSITO: This is a request for the City to have Arthur Young & Co. investigate whether or not we are abiding by I.R.S. regs on certain types of expenses. The request is for \$5,000. Fiscal voted 6 in favor, none opposed, and I so Move. Seconded.

MR. STORK: I make a Motion to waive secondary report. Seconded. CARRIED UNANIMOUSLY.

PRESIDENT SANTY: Any discussion on #10?

MRS. GUROIAN: Through you to Mr. Esposito, what exactly is it that they expect the auditors to do?

MR. ESPOSITO: They want to find out if the way the City is reporting on Social Security and withholding taxes, for example on Car Allowance, and Clothing Allowances, and so on, is in conformance with I.R.S. regulations. I.R.S. has not contacted us about this, has not indicated there is a problem, but the Finance Commissioner feels that before I.R.S. decides to, that they want to find out from tax experts; he indicated that there are no experts in the field on staff now that could conduct this review, and he wants to find out from experts, for example Arthur Young, if indeed we are in compliance, and if not, to have them recommend appropriate action how we can be in compliance to avoid any further problems with I.R.S.

MRS. GUROIAN: There is some question in my mind whether that shouldn't be part of their annual audit to begin with. Second, why do they have to ask the tax experts at the auditing firm? Why don't they ask the I.R.S.? For free?

FISCAL COMMITTEE (continued)

MR. ESPOSITO: Because once you ask the I.R.S., you alert them to the problem. Not only that, I.R.S. is also likely to give you an opinion that will benefit them and not necessarily benefits the City.

MRS. GUROIAN: That's not true either.

MRS. McINERNEY: I Move the Question. Seconded.

PRESIDENT SANTY: The Question is NOT moved. We do not have 21 votes. We will continue with debate. Next to speak is Mr. White.

MR. WHITE: Look, I don't think you should ask the I.R.S. directly because any studies that have been done on the I.R.S. indicate that they are a fairly unscrupulous group of people (laughter) .. no, in all seriousness, their job is to return money to the Federal treasury, and you are very likely to get answers from them in a situation like this, which indicate that you are going to have to pay money to them that you ordinarily might not have to do so if you got another opinion and pursued another line of reasoning, so I would urge the support of this particular item.

MR. BLAIS: First of all, it is not clear in my mind that this should not be part of the routine audit that we pay A.Y. & Co. for every year, when we pay them a substantial amount of money. Second, taxpayer assistance for I.R.S. is mainly a telephone operator booth, either in Hartford or in Boston, in our case it is Hartford, that has nothing to do with audit compliance, and there is very little chance, unless they discover fraud, that they are going to take any action resulting from any questions that the City asks; so, therefore, I think that we could save ourselves \$5,000 by #1, requesting Arthur Young to give us an opinion as far as the audit report; and #2, verify that opinion with I.R.S.

PRESIDENT SANTY: We will use the machine. Has everyone voted? This is for \$5,000 for the Commissioner of Finance. We have just one more item. Item #10 is DEFEATED with 9 Yes votes, 17 No votes.

- (11) \$ 94,496.00 - AFSCME/MAA/AFL-CIO ADMINISTRATORS' UNION - CAR ALLOWANCE and GAS REIMBURSEMENT F/Y 1981/82 and 1982/83 - Additional Appropriation for contractual obligation per Mayor's request 11/5/82; Labor Negotiator Barrett's and Budget Director Frank Harrison's letters. Per Sec. 8.3 of Labor Contract. Board of Finance approved 11/10/82.

Above also referred to PERSONNEL COMMITTEE.

MR. ESPOSITO: Fiscal voted to cut that by \$3,000.00 so the final total should be \$91,496.00. Fiscal voted 4 in favor and 2 opposed, and I so Move. Seconded.

MR. STORK: I make a Motion to waive the secondary committee's report. Seconded. Carried Unanimously.

MRS. PERILLO: I would like to ask through you to Mr. Esposito, have you checked on anyone out on Sick Leave getting this appropriation, car allowance and gas allowance? Are any of them included in this? You have no idea?

MR. ESPOSITO: No, we did not.

FISCAL COMMITTEE (continued)

MRS. GERSHMAN: Is this union mandated, through you, to Mr. Esposito?

MR. ESPOSITO: This is the result of the Fact-Finding Report which was approved by this Board in October, 1981, which provided for the car and gasoline allowances for those M.A.A. employees who use their own cars.

MRS. GERSHMAN: Would it be possible to get a copy, instead of these department numbers, of departments?

MR. ESPOSITO: I suppose all we have to do is look in our budget book tonight, that we got tonight, and we can figure out which department each is from. Yes.

MRS. GERSHMAN: Thank you.

MRS. MAIHOCK: Through you to Mr. Esposito, that seems like a very large amount of money, and I just wondered, do you have a prior year's amount for this purpose?

MR. ESPOSITO: Yes, there is \$59,057 for fiscal year 1981/82 that is retro-active car allowance. That was provided in the audit of last year's fund so it has already been accounted for in last year's audit and it will not come from this year's contingency, so more than half of that, approximately 60% of that, will be for fiscal year 1981/82 and only \$15,600 for car allowance for this fiscal year.

MRS. GUROLIAN: Through you to Mr. Esposito, do you know how many people we are talking about?

MR. ESPOSITO: Forty persons.

MRS. SIGNORE: Yes, through the Chair to Mr. Esposito, the car allowance per person, is this done on a per mile basis?

MR. ESPOSITO: Car Allowance is on a per month basis, \$100.00 per month. Just a flat \$100.00 per month.

MRS. SIGNORE: And it also says Gas Reimbursement.

MR. ESPOSITO: That's correct. They get gas at the City gas pump at \$1.02 per gal., and that's why we cut that, it is much lower than what we had budgeted for.

MRS. SIGNORE: I just think it's very interesting that there are some people in this City who use their cars on City business, myself included, who are given a car allowance with no gas allowance. We receive \$25.00 a month for the use of our car. I guess it depends upon whether you are fortunate enough to be in a union or have the political clout, that there are 15 of us out there who use our cars, maintain them, insure them, we use them on City business, any liability we absorb ourselves. I just wonder where the equalization is within the City. Thank you, Mr. Esposito.

PRESIDENT SANTY: We will use the machine now for Fiscal #11. Has everyone voted? DEFEATED: 13 Yes, 9 No, 3 Abstentions. 21 votes were needed for passage. Mr. Esposito, do you want to Move the Consent Agenda, please.

FISCAL COMMITTEE (continued)

MR. ESPOSITO: I would Move for approval on the Consent Agenda of Items #1, 3, 4, and 8. Seconded. APPROVED UNANIMOUSLY.

CHARTER REVISION COMMITTEE

No Report.

PARKS AND RECREATION COMMITTEE

PRESIDENT SANTY: There is no one here from the Parks and Recreation Committee.

MR. STORK: Madam President, before Mr. DeLuca left, he gave me his report and asked me if I would give it for him.

MRS. GUROIAN: Point of Order, Madam Chairman, you know a voice vote in a small group like this is really inappropriate. You have no way of knowing whether there were 21 people who said Yes or not. You only have 27 people, 25 people, here now.

PRESIDENT SANTY: Mrs. Guroian, I asked for any No votes, and there were none.

MRS. GUROIAN: It doesn't mean that some people did not vote.

PRESIDENT SANTY: We will go back and use the machine if....

MRS. GUROIAN: You need 21 Yes votes.

PRESIDENT SANTY: The Chair has ruled, Mrs. Guroian. I asked for a voice vote, everyone said Aye. I asked for No votes, and there were no No votes.

MRS. McINERNEY: It is evident to me that if anyone was in opposition to any of the Consent Agenda items, they would at least have raised their hands and brought this before the President's attention.

MRS. GUROIAN: That's not the point. The point is there were some of us who didn't vote at all. I have no way of knowing, and you need 21 Yes votes, I have no way of knowing if 21 people, whether 21 people actually said Yes.

MRS. McINERNEY: Yes, I think sometimes that is the responsibility of a Representative to let their feelings be known to the Body and Chairperson.

PRESIDENT SANTY: Mrs. Conti, you weren't even on the floor, were you?

(MRS. CONTI's voice can be heard here as though from a distance and not using a microphone and it sounds like "that's why I said...." the rest is inaudible. Also, just before President Santy spoke, Mrs. Conti apparently said something, but not understandable, and not having been recognized, or on mike.)

PRESIDENT SANTY: Mr. Stork, do you want to continue with your report?

PARKS AND RECREATION COMMITTEE (continued)

MR. STORK: Parks and Recreation Committee met on November 30, 1982. Present were Committee members Owens, Rybnick, Gaipa, Franchina, and DeLuca; Park Commission members Hickey, Ravallese; Park Supt. Bob Cook; Mark Magliola; Recreation Supt. Bruno Giordano; Rep. Barbara McInerney; and Mary Jane Hogan, Coordinator of the School Sports Program.

At this time I would like to Move Item #1 to the Consent Agenda which is the Annual Police Foot Race.

(1) REQUEST TO HOLD ANNUAL POLICE SPRING FOOT RACE - to be held in conjunction with Athlete's Foot Anniversary Race - March 20, 1983. Sponsored by Stamford Police Dept., Stamford Police Assn., and others.

APPROVED ON CONSENT AGENDA.

(2) LETTER OF 10/25/82 FROM PARKS COMMISSION CHAIRMAN WM. SHECK regarding Terry Connors Rink Fees which Board of Education has indicated inability to pay, which may jeopardize the Rink's self-sustaining fiscal status.

MR. STORK: The Committee voted on #2, 5 in favor and none opposed to Hold in Committee, pending the receipt of additional information.

HELD IN COMMITTEE.

MR. STORK: I Move to the Consent Agenda Item #1 for the foot race. Seconded. APPROVED UNANIMOUSLY. No opposition.

HEALTH AND PROTECTION COMMITTEE

MR. DZIEZYC: Health and Protection Committee met on November 30, 1982, with Mike Wiederlight, Joe Tarzia, and myself attending. All items are being HELD IN COMMITTEE. That's the end of my report.

(1) FOR FINAL ADOPTION - PROPOSED ORDINANCE REGARDING POSSIBLE HAZARDS IN SATELLITE TRANSMISSION FACILITIES - Submitted 4/19/82 by Reps. Guroian, B. Conti, W. Dennis White. Held in Committee 5/3, 5/24, 7/20, 8/30/82. Approved for Publication 7/12/82. Held 9/20 and 11/8/82.

HELD IN COMMITTEE.

(2) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING INCLUSION OF THE CHIEFS OF POLICE and FIRE and THEIR DEPUTIES UNDER THE WORKMEN'S COMPENSATION HEART AND HYPERTENSION STATUTE OF CONNECTICUT SEC. 7-433(c) General Statutes, as submitted by Sherwood R. Spelke, Asst. Corp. Counsel, letter of 9/15/82. Held in Committee 9/20 and 11/8/82.

HELD IN COMMITTEE.

HEALTH AND PROTECTION COMMITTEE (continued)

- (3) FOR PUBLICATION AND/OR FINAL ADOPTION - PROPOSED ORDINANCE, AS AMENDED, FOR BURGLAR AND FIRE ALARM CONNECTIONS TO A CENTRAL CITY TERMINAL - Amending Sec. 3.5 concerning the FEE as submitted by Reps. Gershman, Maihock, Bonner, McInerney; also from Barry Boodman 5/4/82; and Rep. Wiederlight's memo 5/10. Held in Committee 5/24, 8/2, 8/24, 9/20, 10/4 and 11/8/82.

HELD IN COMMITTEE.

- (4) FOR PUBLICATION - PROPOSED ORDINANCE PROHIBITING THE 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 9/20, 10/4 and 11/8/82.

HELD IN COMMITTEE.

SPECIAL COMMITTEESHOUSE COMMITTEE

No Report.

COLISEUM AUTHORITY LIAISON COMMITTEE

MRS. GERSHMAN: I have given you a written report of the Coliseum Authority Liaison Committee, and I would be happy to answer any questions.

PRESIDENT SANTY: There are no questions. Thank you, Mrs. Gershman.

PETITIONS

None.

RESOLUTIONS

MRS. McINERNEY: Considering the hour, 2:10 A.M., and the importance of Item #3 under Resolutions, I would like to have that item considered prior to anything else left on the Agenda, and I so Move. Seconded.

PRESIDENT SANTY: All those in favor of taking #3 out-of-order and considering it now, please say Aye. Opposed? No Opposition. Carried Unanimously.

We are now considering setting the date for the January, 1983 Meeting and December Steering. The Regular January meeting will be held Monday, January 10, 1983, instead of January 3rd. The Steering Committee Meeting will be on Monday, December 27, 1982. It has been Moved and Seconded. Any discussion? All in favor, please say Aye. Opposed? No Opposition. CARRIED UNANIMOUSLY.

RESOLUTIONS (continued)

MRS. HAWE: I make a Motion that we ADJOURN. Seconded.

PRESIDENT SANTY: Those in favor of Adjourning, please say Aye. Those Opposed? Will the No votes please state their names: Stork and Bonner. Two no votes. CARRIED.

- (1) SENSE-OF-THE-BOARD RESOLUTION COMMENDING KAREN RYAN FOR OUTSTANDING SCHOLASTIC ACHIEVEMENT - proposed by Reps. B. Conti & G. Guroian 10/27.

Meeting adjourned before this item considered.

- (2) SENSE-OF-THE-BOARD RESOLUTION COMMENDING SHERRY FIELDS FOR OUTSTANDING SCHOLASTIC ACHIEVEMENT - proposed by Reps. Betty Conti and Grace Guroian 10/27/82.

Meeting adjourned before this item considered.

- (3) SETTING THE DATE FOR THE JANUARY, 1983 MEETING, ALSO DECEMBER STEERING:
Regular January Meeting: Monday, January 10, 1983.
Steering Committee Meeting: Monday, December 27, 1982.

See Page 75 of these Minutes. This item considered and APPROVED out-of-order on the Agenda.

- (4) SENSE-OF-THE-BOARD RESOLUTION COMMENDING JOHN "SHARKEY" LAURENO on his community services - proposed by Robert "Gabe" DeLuca.

Meeting adjourned before this item considered.

ACCEPTANCE OF THE MINUTES

Monday, August 30, 1982	Special Meeting) Meeting adjourned
Monday, November 8, 1982	Regular Meeting) before these 2 items
) considered

ADJOURNMENT:

Upon Motion duly made and Seconded, the Meeting adjourned at 2:17 A.M., and the members leaving by 2:30 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

AK:HM:HM