

MINUTES OF REGULAR BOARD MEETING

MONDAY, MAY 6, 1985

18th Board of Representatives

Stamford, Connecticut

A regular monthly meeting of the 18th Board of Representatives of the City of Stamford was held on MONDAY, MAY 6, 1985, in the Legislative Chambers of the Board in the Municipal Office Building, Second Floor, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order at 8:40 P.M. by President Sandra Goldstein, after both political parties had met in caucus.

INVOCATION was given by the Rev. Philip Senete, Asst. Pastor of Miracle Faith Outreach, 91 Hope Street, Stamford, Connecticut:

"Let us pray. Heavenly Father, we thank You tonight for this occasion, and we all look to You right now asking your blessing on this meeting tonight. We thank You for our Mayor, Lord. We thank you Lord for this governing body. We ask your grace and your guidance concerning the business at hand, that we will go through this business in a proper orderly fashion, and Lord, make the proper decisions concerning our great City.

"We thank You, Lord, for our life, health, and strength tonight. We thank You for each member dedicated to the work that is appointed unto them, and we ask your blessing upon each and everyone that are here tonight, in Jesus' name. Amen."

PLEDGE OF ALLEGIANCE TO THE FLAG was led by President Sandra Goldstein.

ROLL CALL was taken by the Clerk of the Board, Annie M. Summerville. There were 38 Present and 2 Absent. Absent were Reps. Lyons and Owens.

The CHAIR declared a QUORUM.

MACHINE TEST VOTE was conducted by the President, and the machine was found to be in good working order.

MOMENTS OF SILENCE:

For the late ANN DALY CONSIDINE, the mother of our Police Chief John Considine. She died April 23rd at St. Joseph's Hospital. She was 91 years old and lived at Fairfield Court. She was a communicant of St. John's Roman Catholic Church, having lived in Stamford most of her life. Submitted by Rep. Annie M. Summerville.

For the late MIRIAM D. ESCOTT, wife of Barry Escott, and mother of Michael, Robert, and Stephen. She was a resident of Stamford for over twenty years. She was a most beautiful person inside and out, who was compassionate and was sensitive to other people's needs. Submitted by Rep. Claire Fishman; also Rep. John Zelinski.

For the late MARY LOU NICKEL of Country Club Road. She was the wife of Bruce Nickel and the mother of four young college-aged children. She was active in the community and in church affairs. Submitted by Rep. Barbara McInerney.

Rep. James Dudley requested a Moment of Silence for all our Country's veterans as we approach Memorial Day, and special prayers for the POWs and the MIAs.

For the late MARIE DOLLY D'ELIA of West Hill Circle, wife of Emedio, known to every one on the West Side as Al. She will be sorely missed. Submitted by Rep. Robert Skovgaard.

Rep. David Blum requested a Moment of Silence for those veterans who passed away in a war called the Vietnam War, and for those who returned and are now being honored after ten years. Also for those who died in the Holocaust, 50 million people slaughtered, including six million Jews, and others from many nations.

For the late SAM J. ERVIN, whose work during the Watergate Crisis helped reaffirm that this is a country of laws and not a country where individual men make their own decisions for the rest of us. Submitted by Rep. David Martin.

For the late SEAN ROMAN, age 17, a junior at Stamford Catholic High School; with sympathies to his family and to his school. What makes this even sadder is that this family lost their other child last year through cancer. Submitted by Rep. Mary Jane Signore; also by Rep. Maria Nakian who hopes this family survives this double tragedy that has hit them.

Rep. Jeremiah Livingston supports Rep. Blum's statement, with one addition and that is the U. S. Marines who were slaughtered in Lebanon.

STANDING COMMITTEES

STEERING COMMITTEE - Chairwoman Sandra Goldstein

It was Moved and Seconded to Waive the Reading of the Steering Committee Report. CARRIED, voice vote.

3. MINUTES OF REGULAR BOARD MEETING MONDAY, MAY 6, 1985

3.

STEERING COMMITTEE REPORT

The Steering Committee met on Wednesday, April 17, 1985, in Conference Room II in the Board of Education Administration Building located on Hillandale Avenue. Prior to the start of the meeting, the Council of Churches and Synagogues was present at 7:00 p.m. to present a status report on the Shelter for the Homeless. The Steering Committee meeting was called to order at 7:45 p.m., at which time a quorum was present, by Chairwoman Sandra Goldstein.

PRESENT AT THE MEETING:

Sandra Goldstein, Chairwoman	David Martin	Lathon Wider
John Boccuzzi	Barbara McInerney	Jeremiah Livingston
Donald Donahue	James Dudley	John Schlechtweg
Mildred Perillo	Claire Fishman	Audrey Maihock (& guest)
Alfred Perillo	Ruth Powers	Pat Wen, Advocate
Dennis White	John Mallozzi	Len Gambino, WSTC
Mary Lou Rinaldi	Maria Nakian	Sherry Dorfman
Annie M. Summerville	David Blum	Anne Kachaluba

1. APPOINTMENTS COMMITTEE

ORDERED ON THE AGENDA were seven of the thirteen names appearing on the Tentative Steering Agenda. ORDERED HELD IN STEERING were the names of: Thomas Gillick for Planning Board, Regina Longo for Commission on Aging, Claire Friedlander, Zoning Board of Appeals - Alternate, Dennis Griesing, Coliseum Authority, Elinor P. Roberts for Traffic Hearing Officer. ORDERED ON THE PENDING STEERING AGENDA was the name of Kenneth Lundmark for the Transit District.

2. FISCAL COMMITTEE

ORDERED ON THE AGENDA were all 25 items appearing on the Tentative Steering Agenda.

3. LEGISLATIVE AND RULES COMMITTEE

ORDERED ON THE AGENDA were all nine items appearing on the Tentative Steering Agenda and one item that appeared on the Addenda to the Tentative Steering Agenda and that item was For Publication - proposed ordinance concerning advertising on City property.

4. PERSONNEL COMMITTEE

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

5. PLANNING AND ZONING COMMITTEE

ORDERED ON THE AGENDA were all five items appearing on the Tentative Steering Agenda. ORDERED OFF THE PENDING STEERING AGENDA was the item for a report from the Zoning Board re; comprehensive rezoning time frame.

6. PUBLIC WORKS AND SEWER COMMITTEE

ORDERED HELD IN STEERING was the proposed resolution approving the transfer of Riverbank School from the Board of Education to the City. ORDERED ON THE PENDING STEERING AGENDA were two items: Proposed resolution approving the transfer of Belltown School from the Board of Education to the City and proposed resolution authorizing condemnation of sanitary sewer easements through and under property of Lila M. Macrides, Ronald D. and Sharon D. Sigel, and John J. and Mi Soon Erglis for the purpose of completing sewer system known as Section 16-2A.

4. MINUTES OF REGULAR BOARD MEETING MONDAY, MAY 6, 1985

4.

STEERING COMMITTEE REPORT (continued)

7. HEALTH AND PROTECTION COMMITTEE

ORDERED ON THE AGENDA was the one item appearing on the Tentative Steering Agenda and one item appearing on the Pending Steering Agenda and that item being For publication, proposed Ordinance amending Ord. No. 206 regarding fire alarm system. ORDERED OFF THE ADDENDA to the Tentative Steering Agenda was the Sense-of-the-Board Resolution in support of proposed State House Bill HB7387 re municipal control of handguns.

8. PARKS AND RECREATION COMMITTEE

No items appeared on the Tentative Steering Agenda.

9. EDUCATION, WELFARE AND GOVERNMENT COMMITTEE

ORDERED ON THE AGENDA from the Pending Steering Agenda was the item concerning the bi-monthly report from Smith House Skilled Nursing Facility. ORDERED OFF the Pending Steering Agenda was the matter of the Smith House Skilled Nursing facility program review report.

10. HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

No items appeared on the Tentative Steering Agenda.

11. URBAN RENEWAL COMMITTEE

No items appeared on the Tentative Steering Agenda.

12. ENVIRONMENTAL PROTECTION COMMITTEE

ORDERED ON THE AGENDA was the one item appearing on the Tentative Steering Agenda.

13. TRANSPORTATION COMMITTEE

ORDERED HELD IN STEERING was the one item appearing on the Tentative Steering Agenda and that being the proposed ordinance concerning revisions to Ordinance No. 492 concerning regulation of traffic and parking.

14. HOUSE COMMITTEE

No items appeared on the Tentative Steering Agenda.

15. CHARTER REVISION AND ORDINANCE COMMITTEE

No items appeared on the Tentative Steering Agenda.

16. COLISEUM AUTHORITY LIAISON COMMITTEE

No items appeared on the Tentative Steering Agenda.

17. LABOR CONTRACT LIAISON COMMITTEE

No items appeared on the Tentative Steering Agenda.

18. RESOLUTIONS

ORDERED ON THE AGENDA were two resolutions appearing on the Addenda to the Tentative Steering Agenda and they being: Sense-of-the-Board resolution regarding the policy of revenues denied from carts operated by the concessionaire at the E. Gaynor Brennan Golf Course and the Sense-of-the-Board resolution honoring Sgt. John Forlivio being chosen policeman of the year. Suspension of the Rules was approved to place a Sense-of-the-Board resolution providing for four (4) month lease extension for the Homeless Shelter at Rice School on the Agenda.

ADJOURNMENT

There being no further business to come before the Steering Committee, upon a motion made, seconded, and approved, the meeting was adjourned at 9:10 p.m.

SG:ak

SANDRA GOLDSTEIN, CHAIRWOMAN
STEERING COMMITTEE

PRESIDENT'S ANNOUNCEMENTS

PRESIDENT GOLDSTEIN reminded the Board that she has called a Meeting of the Committee As A Whole of the Board, in conjunction with the Fiscal Committee of the Board of Representatives to hear the H-O-K Consultants (Hellmuth, Obata & Kassenbaum) speak regarding the scenarios for a possible new municipal office building. The Mayor will be there, as well as Mr. Ray Butler, and the consultants. The meeting will begin at 7:30 P.M.; and the Board, as well as the community, will be receiving notification of our Special Meetings for next week to consider the 1985/86 Operating and Capital Projects Budget.

APPOINTMENTS COMMITTEE

CHAIRWOMAN PERILLO reported that the Appointments Committee met May 2, 1985 at 7:00 P.M. at Hillandale Avenue. Present were Reps. Gabe DeLuca, John Boccuzzi, Anne Summerville, Robert Austin, and Chairwoman Millie Perillo. She Moved to the Consent Agenda Items 2, 3, 4, 5, 6, and 7.

Chairwoman Perillo said Item #1, Mr. Greenberg for the Board of Tax Review did not appear at the meeting so he is being Held in Committee.

BOARD OF TAX REVIEW

Term Expires

(1) <u>MR. EDWIN GREENBERG</u> (R) 677 West Hill Road Held in Steering 3/11/85	Re-Appointment	Dec. 1, 1989
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HELD IN COMMITTEE

STERLING FARMS GOLF AUTHORITY

(2) <u>MR. FRANK NOTO</u> (D) 1123 Shippan Avenue	Re-Appointment	Jan. 1, 1987
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APPROVED ON CONSENT AGENDA; Rep. Dudley did not participate.

(3) <u>MR. EDMUND CALLAHAN</u> (D) 457 Pepper Ridge Road	Re-Appointment	Jan. 1, 1987
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APPROVED ON CONSENT AGENDA; Rep. Dudley did not participate.

SEWER COMMISSION

(4) <u>MR. JOSEPH RINALDI</u> (R) 34 Donald Road	Re-Appointment	Dec. 1, 1985
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APPROVED ON CONSENT AGENDA; Reps. Signore and Santy Abstained.

APPOINTMENTS COMMITTEE (continued)PERSONNEL BOARD OF APPEALSTerm Expires

- (5) MS. MARGARET D. NORTHRUP (D) Replacing P. Norgren Dec. 1, 1988
3153 High Ridge Road who resigned

APPROVED ON CONSENT AGENDAHEALTH COMMISSION

- (6) DR. WARREN BRANT (R) Replacing Kim Williams Dec. 1, 1987
One Strawberry Hill Court

APPROVED ON CONSENT AGENDAE. GAYNOR BRENNAN, SR., GOLF COMMISSION

- (7) MR. EDWARD BANKOWSKI (D) Replacing T. Langan. Dec. 1, 1989
203 Hubbard Avenue

APPROVED ON CONSENT AGENDA

MRS. PERILLO Moved for approval of the Consent Agenda Items #2, 3, 4, 5, 6, and 7. Reps. Santy and Signore Abstained on #4, Mr. Rinaldi. Mr. Dudley wished to be recorded as not voting on Item #2 and #3, Mr. Noto and Mr. Callahan, respectively. Seconded. CARRIED, voice vote.

FUSCAK COMMITTEE

MR. DONAHUE stated the Fiscal Committee has held on-going meetings over the past two weeks. They met to make recommendations for tonight's meeting on May 2, 1985 with Reps. David Martin, Livingston, Rybnick, McInerney, Lyons, Rinaldi, Mallozzi, and Donahue in attendance. He Moved to the Consent Agenda Items #2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, and 24. The secondary committees, where required, made the proper motions.

- (1) FOR PUBLICATION - PROPOSED ORDINANCE PLACING PROCEEDS FROM THE SALE OR DISPOSAL OF CAPITAL ASSETS IN THE NON-RECURRING CAPITAL FUND. Submitted by Rep. David Martin (D-19) 3/11/85. Board of Finance approved 3/12/85. Held in Committee 4/1/85.

Above also referred to PLANNING AND ZONING COMMITTEE.

FISCAL COMMITTEE (continued)

MR. DONAHUE stated Item #1 is for publication and the Committee hopes to hold a public hearing this month. Everyone has received a revised ordinance based on some of the questions that were raised last month. The research has been done by Bill Hennessey and he has found that under State Statutes, the Board of Representatives would have authorization to approve or disapprove this fund from being used to fund various capital projects. It was placed on the Consent Agenda as the Committee was unanimous in recommending publication so the item could go to an hearing. Seconded to approve publication.

MRS. CONTI said she felt there was a problem there, after examining the ordinance from all sides. When the City sells something, it goes into the General Fund generally, and this reduces taxation. Any money in the General Fund reduces the taxes for the forthcoming year. If this money is put into a Capital Non-Recurring Fund, the interest will accrue to the Capital Non-Recurring Fund. If it were in the General Fund, the interest would also offset the taxes. For this reason, she does not feel she can support this, as the taxpayers will possibly be over-taxed.

MR. DONAHUE said that if money is placed in the Capital Non-Recurring Fund, to offset future capital projects, the City would not have to sell as many bonds at whatever interest rate might be prevalent at any time in the future. This, too, would help the taxpayers. This should go to publication and to a public hearing, and come back with a report hopefully to the whole Board.

MR. BURKE said what bothers him is the fact that recognizing the fact that the money is going into the General Fund would reduce the taxes, he would submit that very possibly it would increase the spending. He would rather see it where it could not be spent as readily.

MR. DAVID MARTIN said Mr. Burke is dead right as that is exactly the point. We should not cannibalize our long-term assets in order to get some short-term thrills when tax-time comes around. That's what this is for, and we should take it to publication.

THE PRESIDENT called for a machine vote on Fiscal Item #1. APPROVED with 33 Yes, Zero No, 1 Abstention, and 4 Non-Voting.

- (2) \$ 3,400.00 - WELFARE DEPARTMENT - Code 510.1230 COLLEGE TUITION - Additional Appropriation request to cover reimbursement to two employees pursuing college degrees. Requested by Mayor Thom Serrani 3/28/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE (continued)

- (3) \$265,000.00 - WELFARE DEPARTMENT - Code 510.3601 CASH RELIEF -
Additional Appropriation request to cover deficit.
Expenditures from this account are 90% and 100%
reimbursed by the State of Connecticut. Requested
by Mayor Thom Serrani 3/28/85. Board of Finance
approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA

- (4) \$200,000.00 - WELFARE DEPARTMENT - Code 510.3610 GENERAL HOSPITALS
IN-PATIENT - Additional Appropriation requested to
cover deficit for in-patient bills; 90% reimbursable
by the State of Connecticut. Requested by Mayor Thom
Serrani 3/28/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA

- (5) \$ 17,000.00 - WELFARE DEPARTMENT - Code 510.3611 GENERAL HOSPITALS
OUT-PATIENT - Additional Appropriation requested to
cover expected deficit; 90% reimbursable by the State.
Requested by Mayor Thom Serrani 3/28/85. Board of
Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA

- (6) \$ 9,000.00 - WELFARE DEPARTMENT - Code 510.3623 PRESCRIPTION DRUGS
AND MEDICINE - Additional Appropriation requested to
cover expected deficit; 90% reimbursable by the State.
Requested by Mayor Thom Serrani 3/28/85. Board of
Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE (continued)

- (7) \$ 3,600.00 - WELFARE DEPARTMENT - Code 510.3641 MOVING AND STORAGE - Additional Appropriation requested to cover projected deficit for second half of fiscal year 1984/85. Expenses mandated by State law, not welfare-related, and are not reimbursable by the State. Requested by Mayor Thom Serrani 3/28/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (8) \$ 16,500.00 - WELFARE DEPARTMENT - Code 510.5130 PROFESSIONAL MEDICAL CARE - Additional Appropriation requested to cover deficit; 90% reimbursable by State. Requested by Mayor Thom Serrani 3/28/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (9) \$ 157,900.00 - WELFARE DEPARTMENT - SMITH HOUSE SKILLED NURSING FACILITY - Code 521.1201 OVER-TIME AND HOLIDAY PREMIUM - Additional Appropriation requested to cover this account. Requested by Mayor Thom Serrani 4/9/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (10) \$ 2,231.00 - HEALTH DEPARTMENT - Code 550.1230 COLLEGE TUITION - Additional Appropriation for college tuition for two nurses, a sanitarian, and a secretary as mandated by the nurses' contract and the MEA contract. Requested by Mayor Thom Serrani 3/29/85. Board of Finance approved 4/11/85.

Above also referred to HEALTH AND PROTECTION COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (11) \$ 1,000.00 - TOWN AND CITY CLERK - Code 210.1110 SALARIES - Additional Appropriation to cover replacement for Assistant Registrar of Vital Statistics on sick leave. Requested by Mayor Thom Serrani 4/11/85. Board of Finance 4/11/85.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE (continued)

- (12) \$ 80.00 - TOWN AND CITY CLERK - Code 210.2652 EQUIPMENT SERVICE CONTRACT - Additional Appropriation requested to cover contracts for Reader Printer and cash register. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

APPROVED ON CONSENT AGENDA.

- (13) \$ 300.00 - TOWN AND CITY CLERK - Code 210.2911 RECORD BOOKS - Additional Appropriation requested for new subject holder for deeds. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

APPROVED ON CONSENT AGENDA.

- (14) \$ 5,400.00 - TOWN AND CITY CLERK - Code 210.2912 INDICES - Additional Appropriation requested for indexing and reproducing of Land Records. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (15) \$ 200.00 - TOWN AND CITY CLERK - Code 210.2911 POSTAGE - Additional Appropriation requested to cover funds needed to finish the year. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

APPROVED ON CONSENT AGENDA.

- (16) \$ 650.00 - TOWN AND CITY CLERK - Code 210.2923 PHOTO-COPYING - Additional Appropriation requested to purchase map paper to be needed before the end of the year. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

APPROVED ON CONSENT AGENDA.

- (17) \$ 100.00 - TOWN AND CITY CLERK - Code 210.2930 STATIONERY AND SUPPLIES - Additional Appropriation requested to cover supplies due to increase in volume of business. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE (continued)

- (18) \$ 3,700.00 - TOWN AND CITY CLERK - Code 210.3150 ELECTION EXPENSES -
Additional Appropriation requested to cover election expenses and to purchase IBM computer for Absentee Ballots and other office functions. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (19) \$ 3,000.00 - TOWN AND CITY CLERK - Code 210.5430 FEES - HUNTING LICENSES - Additional Appropriation requested to cover decrease in budget per action of Board of Representatives. Licenses are sold, funds go into the General Fund, and \$1.00 per license is retained and balance transmitted to the State. Requested by Mayor Thom Serrani 4/11/85. Board of Finance approved 4/11/85.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (20) \$ 55,998.00 - PUBLIC WORKS DEPARTMENT - Code 310.1110 SALARIES -
(Transfer) Request to transfer the following; salary account underfunded during budget allocation process. Requested by DPW Deputy J.E.Canavan 4/3/85. Board of Finance approved 4/11/85.

Transfer From:

330.1110 Engineering Bureau Salaries	\$15,000.
332.1110 Building Bureau Salaries	32,000.
332.1130 Bldg. Inspection Bureau - Part-Time Salaries	8,998.
	<u>\$55,998.</u>

Transfer To:

310.1110 Bureau of Highways and Maintenance Salaries	<u>55,998.</u>
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Above also referred to PERSONNEL COMMITTEE.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE (continued)

\$ 14,522.00		
(21) \$-17,076+00	-	<u>SALARY INCREASE FOR PERSONNEL DIRECTOR PER DECISION OF PERSONNEL BOARD OF APPEALS HEARING HELD ON 1/14/85.</u>
		Decision on 3/14/85. This increase to bring current salary to \$53,605 which would place him in line with raises given to other municipal administrators. Requested by Paul Pacter, Finance Commissioner 4/1/85. Board of Finance approved 4/11/85.
	1982/83 City - Code 994.9202 Retro Pay	\$ 8,569.
		\$ 5,953.
	1984/85 Code 270.1110 Salaries	-\$8,507.-
		\$14,522.
		-\$17,076.-

Above also referred to PERSONNEL COMMITTEE

MR. DONAHUE said the Fiscal Committee has recommended by a vote of 6 in favor, none opposed, and one abstention, that the same action be taken on this position as they have taken on five other positions in recent months. For that reason, the total amount of Item #21 would be reduced from \$17,076 to \$14,522. The \$8,569 for Retro Pay would stay the same as appears on the agenda. 1985/85 would be reduced by \$2,554, and \$5,953 would be funded on this line.

The Fiscal Committee recommends the funding of the proposed salary increases that they have approved by the Board of Finance for fiscal year 1982/83 and 1983/84. An appropriate amount will also have to be funded for the 1984/85 fiscal year, with an additional \$22,554 remaining in Committee, thus requiring no action on the proposed salary increase for the current fiscal year. The Committee does this to show good faith effort to provide salary increases for non-union administrators, who have not been granted pay raises for three years.

At the same time, however, the Committee is working toward adopting an acceptable pay plan for these individual employees with the cooperation of the Personnel Commission, due to concern about the validity of any action taken under Section 6.6 of the Merit Rules. This recommendation is consistent with action taken by the Board on proposed increases for the Assistant Director of Personnel, Deputy Commissioner of Public Works, Tax Assessor, Parks Superintendent, Recreation Superintendent.

A joint meeting of sub-committees of this Board will meet in this regard with the Personnel Commission on May 16, 1985; and Mr. Donahue Moved to approve the amended version for \$14,522.00.

MR. DUDLEY said the Personnel Committee concurs. Seconded.

MR. DeLUCA asked if this included any steps beyond Step 7, which has never been approved.

MR. DONAHUE responded that the increase authorizes a salary of \$51,051, which he believes is the max for Step 7. He does not have that in front of him, but he could look it up.

FISCAL COMMITTEE (continued)

MR. DeLUCA said he would appreciate having this information, as the last time he voted against all the other raises that were given these non-union administrators for the simple reason that some of the increases were beyond Step 7. He has a serious hang-up about approving anything beyond Step 7 in view of the fact that Section 6.6 has never been approved. He gets a charge out of the statement about showing good faith. It is about time a little good faith were shown to the taxpayers. Union contracts have received 7% and 9% to show good faith, even though inflation goes up 3% to 6%. It is time to stop showing good faith and be concerned about the legality of it. RULE 6 COMPENSATION, 6.2 ADOPTION specifically requires approval by the Mayor and by the Board of Representatives after a proposed pay plan has been submitted by the Personnel Commission. This has not been complied with. We keep saying there will be meetings on 6.6, but this has been going on over a year since Mr. DeLuca brought it up, but in the meantime nothing is being done, yet raises are going through anyway. When is all of this going to be finalized.

MR. DONAHUE said he has a working draft of 6.6 and a meeting on the 16th will be held to discuss that. He feels a proposed draft would come forth soon to be voted upon. He still doesn't have the answer to the other question.

MRS. McINERNEY said 1982/83 was 9% increase, which was \$4,059 retroactively. 1982/83 up to 6/30/83 was Grade 14, Step 8, that was retroactive, and was \$369. 1983/84 was Grade 14, Step 9, retroactive, \$9,837. 1984/85, which is being funded partially tonight, is Grade 14, Step 10, and that total amount is \$16,771.

MR. DeLUCA said once again if we are going to be on Step 7 and he would recommend this in view of the PBA ruling in favor of Mr. Bernstein, that it is time one of these cases went through the courts to resolve the problems. He urges the Board to vote against this increase because of the question of the legality of 6.6. As he has reiterated before, by approving any Steps beyond 7, you can rest assured the MAA (AFSCME) will come in for Steps 8, 9, 10, 11, 12, and 13 also, and the taxpayers are going to be ripped off again.

MR. DONAHUE said Researcher Sherry Dorfman has just handed him some information, which is the sheet he was just looking for, but this is Grade 14, Step 7. The top step is \$53,604, so we are not approving funding to the top step. We are approving, he believes, \$51,051.

MR. BOCCUZZI made a Point of Information, asking if it was not stated that the appropriation was cut by a certain amount, but isn't that amount staying in committee and not being actually cut. Isn't Mr. Donahue holding that?

MR. DONAHUE said yes, in the statement he read, the remaining money would be held in committee, as they have done in the past, and the adjustment would be made on the agenda at Steering.

MR. DAVID MARTIN said the reason the Fiscal Committee held that money, and it is very important that this be in the record, is that the Committee is not convinced of the validity of Rule 6.6 of the Merit Rules and that is why they are holding some of the requested funds for this year's increase.

FISCAL COMMITTEE (continued)

MRS. PERILLO Moved the Question. Seconded. CARRIED, voice vote.

THE PRESIDENT called for a machine vote on Fiscal Item #21 to approve \$14,522.00 and to hold in committee the sum of \$2,554. DEFEATED with 21 Yes, 13 No, 4 Abstentions. (two-thirds needed)

- (22) PROPOSED RESOLUTION TO APPROVE ISSUANCE OF BONDS FOR \$9,943,675.00 (NINE MILLION NINE HUNDRED FORTY-THREE THOUSAND SIX HUNDRED AND SEVENTY-FIVE DOLLARS) to finance cost of certain capital projects in the CAPITAL PROJECTS BUDGETS for the Fiscal Years 1983/84, as amended, and for 1984/85, as amended. \$77,000.00 for Capital Project 114.136 for four (4) Mini-buses for Commission on Aging are to be financed by grant. Requested by Mayor Thom Serrani 3/25/85. Board of Finance approved 4/11/85.

APPROVED ON CONSENT AGENDA.

- (23) \$139,317.00 - DEBT AND CONTINGENCY - Code 900.8202 BAN (Bond Anticipation Notes) INTEREST EXPENSE - Additional Appropriation request to cover interest at 4.88% on FOURTEEN MILLION DOLLARS (\$14,000,000) of BANS to be issued 4/11/85 for period 4/11/85 to 6/30/85, to mature on 7/17/85. Requested by Finance Commissioner Paul Pacter 4/1/85. Board of Finance approved 4/11/85.

APPROVED ON CONSENT AGENDA.

- (24) \$ 9,988.79 - DATA PROCESSING DEPARTMENT - Code 245.1110 SALARIES - Additional Appropriation requested to fund retirement expenses for accumulated sick days for employee. Requested by Mayor Thom Serrani 4/9/85. Board of Finance approved 4/11/85.

Above also referred to PERSONNEL COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (25) PROPOSED RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF CHILDREN AND YOUTH SERVICES TO ACCEPT FUNDING FOR THE STAMFORD YOUTH PLANNING AND COORDINATING AGENCY (SYPCA). Submitted by Mayor Thom Serrani 4/12/85.

MR. DONAHUE said it was the unanimous recommendation of the Fiscal Committee to approve this resolution. Seconded.

MRS. CONTI does not favor this resolution since we seem to have so many groups doing the same thing in Stamford at the expense of the taxpayers and she feels this is one of those groups. She is opposed to it.

THE PRESIDENT called for a voice vote. CARRIED with 2 No votes: Rep. Conti and Rep. Malinck.

FISCAL COMMITTEE (continued)

MR. DONAHUE Moved for the acceptance of the Consent Agenda items. Seconded. These are Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, and 24. CARRIED by voice vote.

LEGISLATIVE AND RULES COMMITTEE

MR. MORRIS said the L&R Committee met on Monday, April 29, 1985, in Conference Room I at the Board of Education Building. Present were Committee members Jim Dudley, Audrey Maihock, Terrence Martin, Marie Nakian, Ruth Powers, John Zelinski, and Scott Morris. Also in attendance were Reps. Robert "Gabe" DeLuca, David Martin, and Dennis White. Renee Kahn, Director of the Historic Neighborhood Preservation Program, Joe Webber, an associate of Ms. Kahn, Daniel Wiener, Esq., President of the Stamford Boys' Club, Alphonsus J. Donahue, Jr., President of Radio Stamford, Inc., Attorney Geo. Petro, Mr. Murray Beaver of the Stamford Citizens Action Group (StamCAG), and Wm. J. Hennessey, Jr., Esq., Asst. Corp. Counsel.

At this time Mr. Morris Moved #3 to the Consent Agenda.

MR. MORRIS said Item #1 is being held by the committee by a vote of 7-0. Also Item #2 is being held by a vote of 7-0.

- (1) FOR FINAL ADOPTION - PROPOSED ORDINANCE DELETING SECTION 14 of ORD. 80.7 SUPPLEMENTAL. This concerns the waiver of building permit fees on buildings that serve non-profit or eleemosynary institutions. Submitted by Reps. D. Martin, S. Morris, R. Skovgaard, M. Nakian, T. Martin, R. Powers, and A. Maihock 1/4/85. Held in Committee 2/4/85 and 3/4/85. Approved for publication 4/1/85.

HELD IN COMMITTEE.

- (2) PROPOSED RESOLUTION REGARDING THE POLICY OF PERMIT FEE WAIVERS. Submitted by Reps. Maria Nakian and Ruth Powers 4/1/85.

HELD IN COMMITTEE.

- (3) FOR PUBLICATION - PROPOSED ORDINANCE ESTABLISHING A NINETY-DAY (90) WAITING PERIOD FOR THE GRANTING OF ANY PERMIT FOR THE DEMOLITION OF ANY BUILDING OR STRUCTURE. Submitted by Reps. M. Nakian, S. Goldstein, C. Fishman, and J. Mallozzi 1/9/85. Held in Committee 2/4/85, 3/4/85 and 4/1/85.

APPROVED ON CONSENT AGENDA.

LEGISLATIVE AND RULES COMMITTEE (continued)

- (4) FOR PUBLICATION - PROPOSED ORDINANCE REQUIRING THE EXTERMINATION OF RODENTS AND VERMIN PRIOR TO THE DEMOLITION OF BUILDINGS AND STRUCTURES. Submitted by Health Director R. Gofstein 1/28/85. Held in Committee 3/4/85 and 4/1/85.

MR. MORRIS said no action was taken on Item #4 as that was incorporated into Item #3. It will no longer be on the agenda.

- (5) PROPOSED RESOLUTION AND LEASE FOR APPROVAL OF LEASE BETWEEN THE STAMFORD BOYS' CLUB, INC. AND THE CITY OF STAMFORD FOR PREMISES LOCATED ON THE EAST SIDE OF STILLWATER AVENUE FOR THE TERM OF TWENTY-FIVE (25) YEARS, commencing on the first day of the first month after approval of lease by the Board of Representatives, at an annual rent of One Dollar (\$1.00). Submitted by Asst. Corp. Counsel J.E.Smyth 12/28/84. Planning Board approved 12/18/84. Board of Finance approved 1/10/85. Held in Committee 2/4/85, 3/4/85, and 4/1/85.

MR. MORRIS said the Committee approved this item 5-1 and he so Moved. Seconded.

MRS. MAIHOCK is opposed to this lease as she feels 25 years is an inordinately long lease for such purposes and that it is not in the best interests of the City.

MR. SKOVGAARD said the long term of the lease is necessary because of the long-term improvements contemplated by The Stamford Boys' Club under the lease, and these are substantial. The garage structure will be improved. They will be taking over the insuring of the property.

MRS. McINERNEY asked if the Acting Risk Manager had studied the lease.

MR. MORRIS said Yes.

THE PRESIDENT called for a voice vote on this item. APPROVED with two No votes: Mrs. Conti and Mrs. Maihock.

- (6) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING ALLOCATION OF FUNDS FOR WORKS OF ART IN MUNICIPAL BUILDINGS CARRYING OUT PROVISIONS OF CONNECTICUT GENERAL STATUTES 7-122b. Submitted by Mayor Thom Serrani 3/5/85.

MR. MORRIS said the L&R Committee approved this item 3-0-2. He so Moved. Seconded.

MRS. MAIHOCK said she has a problem with this proposed ordinance as there is no provision for the maintenance and care of this art, which may be subject to graffiti or vandalism damage which is so prevalent these days. She was shocked to see in Veterans' Park that the beautiful monuments there have been defaced. Unless there is some provision for custodial care, the City will be obligated to pay for this expense and that might not be acceptable to all of the Representatives.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. WIDER said if these are to be placed on City property, then the City does have responsibility for their maintenance, whether we like it or not.

THE PRESIDENT called for a voice vote on Item #6. APPROVED with 2 No votes: Mrs. Conti and Mrs. Maihock; and 2 Abstentions: Mrs. Nakian and Mrs. Perillo.

- (7) FOR PUBLICATION - PROPOSED ORDINANCE REGARDING THE DEFERRAL OF ASSESSMENT INCREASES DUE TO THE REHABILITATION OF HISTORIC STRUCTURES.
Submitted by Rep. Maria Nakian 4/1/85.

MR. MORRIS said Item #7 on the Agenda "For publication - proposed ordinance concerning the abatement of taxes on structures of historical or architectural merit", this was the way that the ordinance as introduced to us, was titled. The Committee voted 6-0 and he so Moved. Seconded.

MRS. MAIHOCK said she must disagree as she did not approve that item. She would like that noted by the Chairman for that meeting of the committee. There was one clause that she felt should be clarified and that was in respect to the Board of Representatives, that they would have a choice of "may" or "shall" seek the opinion of someone from an historic committee. She feels it should be "shall" as she does not feel most of the Board is that well-informed.

MR. MORRIS said at the Committee meeting, they voted, on Page 2, to substitute "shall" for "may", on line 1; and on line 2, page 2, to substitute the word "designated" for "any". He Moved for approval of both amendments. Seconded.

THE PRESIDENT called for a voice vote on the amendment that the last word on line 1 on page 2, "may" is deleted and "shall" is substituted. Moved. Seconded. CARRIED, voice vote.

MR. MORRIS Moved that on line 2, page 2, the third to last word "any" is deleted, and the word "designated" is substituted. Seconded.

THE PRESIDENT called for a voice vote on the amendment just articulated by Mr. Morris. APPROVED, voice vote, with Mr. Skovgaard in opposition.

MR. BURKE said the ordinance is on the abatement of taxes on structures of historical or architectural merit. His agenda says "deferral of assessment increases....", now, is this one and the same thing; and if not, what is the difference and why.

MR. MORRIS said it is one and the same thing. Corporation Counsel submitted this ordinance to the Board with the differing title than you see on your agenda and he apologizes for any confusion that may have resulted.

MR. ZELINSKI was going to bring up the same point. He is not a lawyer, but there is a big difference between the abatement of taxes and the deferral of assessment increases. He Moved this be held in committee. Seconded.

LEGISLATIVE AND RULES COMMITTEE (continued)

MRS. NAKIAN said when she first submitted this for the agenda, it was for the deferral of taxes. Bill Hennessey, when he was writing up the ordinance, felt that the deferral of taxes was a very complicated procedure dealing with State law, and it would be a much better way to do it by using the abatement of taxes. The reason she wanted it published tonight is that this, so to speak, is the carrot on the stick, that really provides the incentive to owners of old buildings to preserve them. Since they approved the first amendment with the 90-day waiting period, it was felt that the two ordinances should be discussed at a public hearing at the same time. This is only for publication, but it really was that the two aspects of the preservation of buildings could be discussed together. The point is well-taken that it is not a deferral of assessment.

MR. SKOVGAARD said also that the deferral of taxes on the increase would not do the abatement, in whole or in part, to provide incentive to maintain buildings at a current level of historical significance as opposed to improving them in their value. This would keep structures in at least as good shape as they are now, which is also, in and of itself, an important factor. It is, therefore, unnecessary to return to committee.

MRS. CONTI agrees with the previous speakers in that there is a great difference in deferral of increased assessments and abatement. It should be straightened out in committee. Also, there is no length of time as to how long this abatement should last. Seemingly, a person could buy a building and have the taxes abated forever. If they are going to fix up the building within a reasonable length of time, it should be back on the tax rolls. She would like the Committee to look at that, too.

MR. BURKE made a Point of Information. Is it possible, parliamentarily speaking, to ask for a Suspension of the Rules so that this particular item could be put on the agenda as given down by Mr. Hennessey, and as expected.

THE PRESIDENT said what the Board is voting on is the ordinance with the title concerning the abatement of taxes on structures of historical value, even though the Agenda states the deferral of assessment increases, which is because the Committee made that change. It is not going to be the deferral.

MR. BURKE said he is worried that the ordinance says one thing and the Agenda says something completely different.

THE PRESIDENT said what is important is what the Board is passing tonight and that is what the Motion was.

MR. BURKE said if that is the President's ruling, fair enough.

MR. DAVID MARTIN said although the ordinance has a lot of merit, the draft which was sent out (received 3/28/85) had several eligibility requirements that were not incorporated into the ordinance and he feels those requirements are very important and should be addressed. The floodgates should not be opened to everyone who feels their property is significant. It should be held and have those incorporated, before it is published.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. ZELINSKI said from a procedural standpoint, the Steering Committee, in its wisdom, put on the Agenda, under Legislative and Rules, "the proposed ordinance regarding the deferral of assessment increases due to rehabilitation of historic structures." Tonight if we are going to be voting on an ordinance entitled "abatement of taxes", but there appears to be a large difference between the two.

If the Board desires to vote on the abatement of taxes, then it would seem proper to have a Motion on the floor to Suspend the Rules to take up an item not on the Agenda. Technically speaking, the abatement of taxes is not on the Agenda. Can this be clarified?

THE PRESIDENT said she does not think that is necessary, and it is off the topic. The Motion being spoken to right now is Mr. Zelinski's Motion to Return to Committee.

MR. WIDER Moved the Question. Seconded. CARRIED, voice vote.

THE PRESIDENT called for a machine vote on the Motion to Return to Committee #7 as amended, for further study as articulated tonight. APPROVED with 22 yes, 14 No, 1 Abstention, and 1 Non-Voting. Mrs. Nakian will be recorded as voting No on Item #7.

MR. SKOVGAARD Moved to Suspend the Rules to take up an item not on the Agenda. The Motion specifically concerns the Board considering an ordinance concerning the abatement of taxes on structures of historical or architectural merit as was considered by the Committee. Seconded.

THE PRESIDENT said it is not out-of-order to ^{make a motion to} consider something not on the Agenda.

MRS. CONTI said the President ruled it was on the Agenda.

MRS. SANTY repeated that the President ruled it was on the Agenda.

THE PRESIDENT said she had. However, a Motion was just made that if this Board wants to consider this, they can.

MRS. SANTY requested a parliamentary ruling on this whole thing. First, she really questions the Chair's ruling about the two items mentioned. The item that the Board should be voting on here legally is the item that is on the Agenda, not what is in the members' hands that was voted on by Committee. This Agenda is set up by the Steering Committee and that is the Agenda that should be acted upon by this Board. To change that would violate the Rules of this Board and she would like a ruling on that from the Parliamentarian. Mr. Skovgaard, who made the Motion, is the Parliamentarian. Is there an Assistant Parliamentarian?

THE PRESIDENT said she would clarify this. The error was on the Agenda. The ordinance that came to the Board was a proposed ordinance regarding the deferral of assessment. That was changed to read "abatement" and therefore what is before the Board is the abatement. Several other questions came up, and now the entire matter is before the Committee for next month. The Chair believes that Mr. Skovgaard has a right to say that, but the Chair would prefer it if Mr. Skovgaard would withdraw his Motion and the matter goes back to Committee.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. SKOVGAARD said he did not hear the Chair's ruling previously to the effect that it was properly on the Agenda, and in light of that ruling, and in light of the fact that it is back in committee, he will withdraw his Motion to take up a matter not on the Agenda.

THE PRESIDENT said the Committee will examine the matter based on the questions that were brought before the Board. Next is Item 8.

- (8) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING THE DISPLAY OF PORNOGRAPHIC MATERIAL IN VIEW OF MINORS. Submitted by Rep. James Dudley 3/11/85.

MR. MORRIS said the Committee voted to approve, as amended, 5-0 and he so Moves. Seconded.

MRS. CONTI said she is very much in favor of this ordinance. It is something that the Board tried to do some years ago. She had the problem in her District, and if it is allowed to go on, it will be in every District. It is time action was taken.

MRS. PERILLO asked who is going to decide what is obscene. What may be obscene to her may not be obscene to someone else. You could have PARENTS' MAGAZINE with a mother nursing a child and that could be obscene to some people. This must be looked at very closely.

THE PRESIDENT called for a voice vote on Item #8. APPROVED for publication with 2 No votes: Mrs. Perillo and Mrs. Goldstein. There were 8 Abstentions: Reps. Summerville, Skovgaard, Livingston, Mallozzi, Zelinski, Rinaldi, Blum and Jachimczyk.

- (9) PROPOSED RESOLUTION, AS AMENDED, AND LEASE CONCERNING THE APPROVAL OF A LEASE BETWEEN RADIO STAMFORD, INC. and THE CITY OF STAMFORD FOR PREMISES LOCATED ON THE NORTH SIDE OF HANOVER STREET FOR A TERM OF THIRTY (30) YEARS, commencing on the first day of the month following the execution of this lease and its approval by the Board of Representatives. RENTAL SHALL BE SIX HUNDRED NINETY-FOUR THOUSAND FOUR HUNDRED AND FIVE DOLLARS (\$694,405.00) over the 30-year period. Submitted by Mayor Thom Serrani 4/9/85. Planning Board approved 4/2/85. Board of Finance approved 4/16/85 subject to appraisal and assurances from Risk Management that coverage is adequate.

MR. MORRIS said the Committee voted to approve, as amended, the Resolution, and the lease, 5-0-2, and he so Moves. Seconded.

MRS. MAIHOCK said Radio Stamford is one of the finest assets of our community. However, while a 30-year lease is of great benefit to Radio Stamford, 30 years is a long lease commitment to our City, particularly when there is no lease cancellation provision apparent to her, available to the City, except if the Tenant defaults in any way. With the fast pace of change taking place in all parts of our City, it is difficult to predict what the future needs of our City might be for this property. Moreover, Page 3 permits Radio Stamford to assign its stock, or substantially all of its assets, to a purchaser in good faith. She made a Motion that at the end of the last sentence in Paragraph 1 on Page 3, the following sentence is to be inserted: "Such assignment shall be approved by the Board of Representatives."

LEGISLATIVE AND RULES COMMITTEE (continued)

MRS. MAIHOCK (continuing) said the sentence would read as follows on Page 3, "Notwithstanding the above, in the event RADIO STAMFORD sells or assigns its stock to a purchaser in good faith, of all or substantially all of its assets to a purchaser in good faith, then this Lease may be assigned to said Purchaser." Mrs. Maihock at this point, which is her Motion, would like the following sentence added: "Such assignment shall be approved by the Board of Representatives." Seconded.

MR. SKOVGAARD said of the many areas of the law which he has very little familiarity with, he must confess, the law concerning the Federal Communications Commission (FCC), is probably very close to the top of the list of the items about which he knows nothing. However, it concerns him that the Board might be stepping on the toes of Federal regulations by dealing with the transfer of stock of a broadcast organization that is governed by the FCC. He would be very loathe to put any kind of sentence in the lease such as this without first knowing if that were the case. In light of that, he feels it is important that it not be placed in there. He does not feel the Board of Representatives is the proper organization to decide who should own stock in RADIO STAMFORD. That is a determination that should be made by other authorities.

MRS. SANTY said she agrees with Mr. Skovgaard and that we are taking legal steps that we have no right to interfere with, and the Board cannot determine to whom RADIO STAMFORD sells its stock to. She urges voting against this amendment.

MRS. GUROIAN said she agrees with Mr. Skovgaard. Just because you lease property doesn't give you the right to dictate to the owner of that property, who or who may not hold stock in his company. That is absolutely ridiculous. One has nothing to do with the other. You are leasing property. You are not buying control into RADIO STAMFORD.

MRS. MAIHOCK said she would like to clarify her intention. She feels that everyone is aware of the integrity of RADIO STAMFORD, but if the City is going to have a lease with another concern, and perhaps she did not word that as exactly as she should have, and perhaps Mr. Skovgaard was right in that respect, but her intention is that she would like to feel that if this passes into other hands, and it is a lease with the City, that the City would have some abilities to perhaps cancel the lease at that point, or renegotiate it if they chose. She wonders if there might be some problem if, for instance, this were to pass to another purchaser, and it may not be given the same thought that it presently had with RADIO STAMFORD. She did not intend to convey the idea that she wanted to dictate to whom RADIO STAMFORD might sell their stock. They can sell it to anyone, but she feels when there is an arrangement with the City of Stamford, the Representatives should have some say as to whom the City deals with.

MRS. NAKIAN said she believes what Mrs. Maihock means is that the Board of Representatives should have approval of the assignment of the lease, not anything to do with the sale. As such, it means that while we are giving a 30-year lease on this property, we are giving it only to WSTC and not to anybody to whom they may, in the future, sell the station.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. BOCCUZZI said if one agrees with what Mrs. Mainock and Mrs. Nakian just said, actually it is saying that you will control RADIO STAMFORD as to where it is going, as without the tower, the radio station is no more. If you control the lease and decide you will not lease to the next person, if indeed they intend to sell it, you are controlling the sale of the station. How could they have a station, if they don't have a tower? What is being done is giving oneself a trump card that one can use to prevent a sale and he does not feel that is the intent of this Board.

MR. JACHIMCZYK said he agrees with Mr. Boccuzzi.

MR. DAVID MARTIN said Mr. Boccuzzi is correct that it is a trump card, but the way Mr. Martin sees it is that the City is making a lease with RADIO STAMFORD and that is an important consideration to some of the people on this Board. There are some people who run radio stations, some organizations he would not make a lease to, and he would not want the radio tower to be operated by one of those organizations. Therefore, it seems Mrs. Maihock's suggestion should be supported. It is a type of trump card, and it does have an element of control, if the tower is important to them, and they have other alternatives, they could construct another tower. It does prevent that tower on City property from broadcasting out of the station what the Board of Representatives does not approve of really. We are making an agreement with WSTC, local owners whom we know, not someone else.

MR. WIDER said that Mr. Martin said it eloquently. The property still belongs to the City, and there would still be people to whom we might not want to lease the City's property. If it is sold, he feels the lease should expire, and at that time, a new lease would be written with the new people coming in, because the conditions may be different.

MRS. CONTI said as she understands Mrs. Maihock's amendment, is that she is concerned that there is a valid lease if there is new ownership. There is no intent to control the station, only the validity of the lease if there might be a new owner.

MR. JACHIMCZYK said if the City or any of its citizens wanted to express approval or disapproval of new ownership would be when the change of license would be before the FCC for approval. He feels going along with Mrs. Maihock would be interfering, one way or another, with Federal regulations regarding radio stations.

MRS. GUROLIAN said she agrees with Mr. Jachimczyk especially in response to what David Martin said. The FCC is the proper regulatory agency. It would be untoward for this Board to set themselves up as a regulatory agency. This is a lease. Mr. Martin said he would not want to lease it some persons or organizations. It is up to the FCC to decide whether the person is proper or not.

MR. BURKE said much of what he feels has been said, except that if we go ahead and approve this type of a thing, we don't have a trump card and we are asking the FCC to play with a stacked deck.

LEGISLATIVE AND RULES COMMITTEE (continued)

MRS. SUMMERVILLE asked what is Mrs. Maihock's intent. Does she want a restriction on this lease as to what kind of station might come in. For instance, WSTC is one thing and WBLB is another. She wants to be sure that Mrs. Maihock's intent is not to control, but to protect the City.

MRS. MAIHOCK said just as Mr. Dudley is trying to produce quality standards for the community, which the community feels is acceptable and good, that is her intent to do this. She is not trying to dictate what type of radio station came in, but she wants to feel that as Representatives of the City, the Board would have some measure of control so that we could be proud and that the best interests of the City are being served by a successor who might take over the radio station.

THE PRESIDENT called for a machine vote on the amendment. DEFEATED by a vote of 5 Yes, 26 No, Zero Abstentions and 7 Non-Voting.

MRS. McINERNEY said the Chairman indicated that we were voting on a lease with approved amendments. She found on her desk this evening, a sheet of paper, hand-written, that indicated proposed amendments to Resolution concerning approval of lease between WSTC and City of Stamford contingent upon incorporation into the lease by Corporation Counsel of all recommendations of the City's Acting Risk Manager, clarifying paragraphs 4, 17, 28 of the proposed lease and of the inclusion of an escalation clause as recommended by the Acting Risk Manager and further contingent upon the agreement that any radio and television interference due to the operation of the transmission tower would be corrected by the engineering department of WSTC. It is unsigned. Does this piece of paper accompany the lease and is ^{it} telling her that amendments are going to be made based on this, or whether the amendments have been incorporated in the body of the lease as it presently stands?

MR. MORRIS said this was the amendment to the resolution they voted on tonight. It was kindly written by Mrs. Nakian at his request, and this is the amended portion of the resolution.

THE PRESIDENT said she understands Mrs. McInerney's point and it is very well taken. Is the amendment in the lease that is on the desks tonight?

MR. MORRIS said the amendment is in the Resolution covering the lease which is on the desks, pending Board approval.

THE PRESIDENT said the Resolution the Board members have is not the same as this, then?

MR. MORRIS said this is the amendment they voted upon tonight to include in the Resolution, and he so Moved. Seconded.

THE PRESIDENT said it has been Moved and Seconded to amend the Resolution as articulated by Mrs. McInerney in her remarks.

LEGISLATIVE AND RULES COMMITTEE (continued)

MRS. McINERNEY said she would like clarification of the items that are going to be incorporated. Is every recommendation in the letter from Lauren Craig, Acting Risk Manager, going to be incorporated in this lease? Mr. Morris said yes, it is. Mrs. McInerney then said the letter should be attached to the Resolution and to the Lease to indicate clearly what the Acting Risk Manager wanted incorporated within this Lease when we vote for final passage, because it may get lost in the shuffle at a future date. And she so Moves. The full body of the letter to John Smyth, Asst. Corp. Counsel, regarding the subject lease between RADIO STAMFORD and the City regarding the premises located at Wardwell Street should be clearly drawn in the Lease, or attached to a copy of the Lease and the Resolution. It should be incorporated totally.

THE PRESIDENT said that will be.

MRS. McINERNEY said that what the President is incorporating is a sheet of paper. What Mrs. McInerney means and said very clearly and strongly is that the letter clearly spelling out all of those items should be attached to that and incorporated as a part of the legal documents.

THE PRESIDENT suggested that the procedure ^{that be} be this Moved and then Move to attach the letter.

MRS. McINERNEY said she would accept that.

THE PRESIDENT said she had a list and wished to determine which ones wished to speak on the amendment and which on the main motion. She queried Mr. Rybnick, Mrs. Nakian, Mr. Dudley on this.

MR. DUDLEY said he did have concerns about the transmission tower interference with televisions and radios, and he believes WSTC has addressed this quite well in the amendment, and he is in favor of the amendment.

MR. WIDER said he is not accustomed to voting on Resolutions and amendments that are not signed by someone. Someone has to be responsible for this when we see it again ten years from today.

THE PRESIDENT stated that she understood this amendment was proposed by the Committee, and Mr. Morris said that it was correct. The President said if it is voted affirmatively by the Board, it is incorporated as a Board action.

MR. SKOVGAARD - his remarks were totally inaudible. "I would so Move" was all that was discernible.

THE PRESIDENT asked Mr. Morris if he could answer Mr. Skovgaard.

MR. MORRIS said yes, that should have been in there and it was not included.

MRS. McINERNEY said that is why it is vital to have that letter of May 1st attached so there can be no doubt in the Corporation Counsel's mind as to what the Risk Manager wanted incorporated in the best interests of the City. She does not know, in retrospect, if it is wise taking these two things separately. Perhaps she should make a Motion at this point to indicate that we should approve the amendment to the Resolution and incorporate the letter

LEGISLATIVE AND RULES COMMITTEE (continued)

MRS. McINERNEY (continuing) dated May 1, 1985 from the Acting Risk Manager as part of the proposed amendment and lease.

THE PRESIDENT said then that would be the new addition to the amendment. There is now before the Board an amendment to the proposed amendment and they will vote on that amendment separately. That amendment will be to incorporate the Risk Manager's letter of May 1, 1985. It has been Seconded. APPROVED by unanimous voice vote.

Now, a vote will be taken on the entire amendment, which is the proposed amendment to Resolution which now includes approval of lease and which includes Mrs. McInerney's approved amendment to the amendment. A voice vote indicated unanimous APPROVAL.

The President they would now go back to the Main Motion which is the Resolution and Lease as amended.

MR. WHITE said he is opposed to this lease and has a number of objections. First is the question of safety. There are certain radiation problems connected with it. The industry standards are somewhat self-serving and are not approved by OSHA or the EPA. There are thousand microwatts, or one milliwatt. The City and the State Government have just accepted the NC standards so you are talking about standards that are relatively high. The basic problem is that some scientists believe that even a small steady dosage of non-ionizing radiation will prove in the long run to be dangerous. Some scientists believe that it will not. Nobody knows whether this will really be dangerous and that takes in both sides. It will take 5, 10, 15, 20 years of studied monitoring before determination can be made if the dosage of very low non-ionizing radiation is dangerous. Some scientists believe that as low as 20 to 30 to 40 microwatts a day, or a steady dosage, will in fact prove to be dangerous. Nobody knows whether it will or not, at this point in time. You will have to wait and see. No one knows, including Dr. Gofstein.

Nobody can say this ^{is} safe, or is harmful. The readings that were taken, from a letter from Dr. Gofstein, indicated that up on Strawberry Hill right by the radio tower by the chain link fence, you are getting dosages of 400 microwatts, and most are lower. The State of Massachusetts has recently set 200 microwatts as a safe dosage of radiation.

Next, there is a question of aesthetics. This is a very congested area. Take a look. It is a four-hundred foot plus tower in an area that is quite congested and backed up to a residential neighborhood. Besides radiation questions, there might be questions of a falling tower. That may be remote, and RADIO STAMFORD is making all efforts to see that this does not happen. In many states, you have to have clearance that if the tower does fall and bounce, and it is guyed, so even if it does, it is supposed to come down in sections, as it were, and straight down, and probably will, if this does happen. It is backed up to Wardwell and Hanover Streets and simply does not belong there. There are aesthetic problems as well. They should go some other place and buy eight or nine, or four or five or six acres up in North Stamford or Pound Ridge, on a hill-top where they are buffered, because as you get away from the tower, the radiation falls off quite precipitously. Small as it is, it falls off quite precipitously. A larger area and a less congested area is preferable. FCC regulations require that you must locate within a certain radius of the center of the town, the Town Hall being designated as the center of town.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. WHITE (continuing) He said we are in the era of de-regulation and those regulations were made in another era. He feels if this were aggressively pursued, in this era of de-regulation and Reagan, they could get an exemption from such. He feels RADIO STAMFORD does not want to spend that kind of money to buy that kind of property, and would face savage opposition in North Stamford or Pound Ridge, if they went up there. The bottom line is there is a syndrome to put it in the East Side as the easiest solution as often the blue-collar neighborhoods are not tuned in to situations like this and not aware of the potential hazards and problems. It used to be the West Side. The City is not obligated to solve WSTC's financial or logistical problems. It just does not belong here for many reasons.

(In going to a new tape, dialogue was lost. The motion being voted on is not heard.)

A voice vote was taken, with a few votes in opposition. The Motion, from notes taken, would be on Mrs. McInerney's amendment, as put on the desks, and to include the May 1, 1985 letter from the Acting Risk Manager, incorporating this material into the resolution and lease.

THE PRESIDENT said they would proceed to the main question which is a proposed resolution and lease concerning the approval between RADIO STAMFORD and the City of Stamford. This will be a machine vote on the proposed resolution and lease as doubly amended. APPROVED with 29 Yes votes, 3 No votes, and 6 Abstentions.

MR. MORRIS proffered his apologies for any confusion that may have resulted with all those amendments.

- (10) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING ADVERTISING ON CITY PROPERTY - submitted by Rep. Gabe DeLuca and Rep. John J. Boccuzzi 4/17/85.

Above also referred to PARKS AND RECREATION COMMITTEE.

MR. MORRIS said the Committee voted to approve Item #10 by a vote of 5-0-2 and he so Moved. Seconded.

MR. SKOVGAARD said that based upon the fact that this ordinance was submitted for a particular purpose to cure what is seen as a potential problem that has arisen concerning advertising on golf carts, specifically, and further in light of the fact that it is the opinion of Corporation Counsel that this ordinance would have no effect on the advertising on City property by a concessionaire, he would Move to re-commit this for further study. Seconded.

MR. DeLUCA said he would not object to this being sent back to committee since Corporation Counsel, or the Assistant Corp. Counsel Bill Hennessey, did revise the ordinance before the Board. He wished to clarify a statement made by Rep. Skovgaard. The intent of Mr. Boccuzzi and Mr. DeLuca was not to zero in on one particular problem. It was the intent to prevent any Pandora's Box from opening up. No innuendos or statements should be made unless one has all the facts. Don't say what our intent is. It is far from the assumption made.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. DUDLEY Moved the Question. Seconded. CARRIED.

PRESIDENT GOLDSTEIN called for a voice vote on Item #10, the Motion being to return to committee. APPROVED unanimously.

MR. DeLUCA requested of the President that they get the revised ordinance as prepared by Bill Hennessey. This is the one on the desk.

MR. MORRIS Moved for approval of Item #3 on the Consent Agenda. CARRIED.

PERSONNEL COMMITTEE

MR. DUDLEY said the Committee met on Wednesday, April 24, 1985, in Conference Room #1 in the Board of Education Administration Bldg. on Hillandale Ave. Present were Reps. Morris, Burke, Jachimczyk, Fishman, Terrence Martin, Blum, and James Dudley. Also present were AFSCME Pres. Hawley Oefinger, Peter Thor of Council 4 AFSCME, Personnel Dir. Sim Bernstein, Mildred Ritchie, Chairwoman of Personnel Commission, Michael Morgan, Chairman of Board of Finance, and Marshall Martin of WSTC.

Item #1 was held as there has been an unfair labor practice filed and a public hearing was not held and this item is being removed from the Agenda.

(1) FOR FINAL ADOPTION - PROPOSED ORDINANCE AMENDING ORD. #531 SUPPLEMENTAL CREATING THE POSITION OF SHAPE DIRECTOR IN THE UNCLASSIFIED SERVICE.

Submitted by Jas. Dudley, Chairman, Personnel Committee 3/1/85. Held in Committee 2/4/85 and 3/4/85. Approved for publication 4/1/85.

HELD - TO BE REMOVED FROM AGENDA AT NEXT STEERING MEETING.

MR. DUDLEY said this was held in committee pending a clarification as to why this position was not classified to begin with, and until it is determined how many employees this will involve city-wide in all departments.

(2) PROPOSED RESOLUTION REQUESTING THAT STAFF ANALYST OF THE BOARD OF FINANCE BE INCLUDED IN DENTAL, HEALTH, HOSPITALIZATION, AND MAJOR MEDICAL POLICIES AVAILABLE TO OTHER CITY EMPLOYEES. Staff Analyst is a permanent part-time position. Requested by Finance Board Chmn. Michael Morgan 1/21/85. Held in Committee 3/4 and 4/1/85.

HELD IN COMMITTEE.

MR. DUDLEY said Item 3 was held pending a written legal opinion as to the effect this may have on any pending law suits with the City.

(3) FOR PUBLICATION - PROPOSED ORDINANCE DESIGNATING POSITIONS CREATED OR FUNDED BY A GRANT, AS UNCLASSIFIED. Submitted by Wm. Hennessey, Asst. Corp. Counsel 2/20/85. Held in Committee 4/1/85.

HELD IN COMMITTEE.

PERSONNEL COMMITTEE (continued)

MR. DUDLEY said that on Item #4, it was determined, after meeting with the Personnel Director and Commission, that a meeting will be set up sometime in June, once the budget process is over, for a total revision of the Merit Rules. There will be an open meeting for all Board members to attend. This item is being held in committee.

MR. DeLUCA said he thought Mr. Donahue, Fiscal Chairman, said this would be discussed May 16th.

MR. DUDLEY said that is only concerning Section 6.6 of the Merit Rules. This will be a total revision of the Merit Rules. We will go through it piece by piece.

MR. DeLUCA said then while Sec. 6.6 will be discussed this month, it will also be discussed and included in the complete consideration of the Merit Rules in June?

MR. DUDLEY said that was correct. Everything will be included in the Merit Rules. This is long over-due and any questions anyone may have will be considered, and it will probably take more than one evening.

- (4) DISCUSSION ON REVISION OF THE NEW PROPOSED MERIT RULES. Submitted by Personnel Committee Chairman James Dudley 3/22/85.

HELD IN COMMITTEE.

PLANNING AND ZONING COMMITTEE

MR. SCHLECHTWEG said the Planning and Zoning Committee had before it this past month 16 petitions, as part of four applications regarding comprehensive rezoning of the City of Stamford. The first order of business focussed on what constituted a valid petition. This question was complex in itself. The main issue was how the 20% requirement in Charter Section 555.2 is computed as that would determine the validity of the petition. In simple, non-legal terms, the net of the question was what was the area affected. Was it 20% of signatures based on the large neighborhood as designated by the Zoning Board application, if you will, or each amendment within that application. For a number of reasons, Corporation Counsel would not render an opinion on this matter, not the least of which was cited to be a possible conflict-of-interest since they might have to defend the Zoning Board on these petitions if decisions are appealed. The name of Attorney Robert Fuller was recommended to the Board. Bob is a partner in the firm of Lovejoy, Hefferan, Rimer and Cuneo, P.C., of Wilton, Conn. He is municipal counsel to both Wilton and New Canaan and has held State zoning positions. He has done extensive zoning work within the State. Bob was interviewed by Leadership and retained.

The Committee held an open hearing to receive comment on the Board's jurisdiction. Comments which were made at this hearing by a number of attorneys from Stamford were consistent with Mr. Fuller's opinion; thus, it was the consensus of the Committee that the Board had jurisdiction to hear the petitions based on 20% of the signatures in the smaller amended areas.

PLANNING AND ZONING COMMITTEE (continued)

MR. SCHLECHTWEG (continuing) Public hearings were held at the Board of Education Administration Building on Hillandale Avenue on April 30th, May 1st, and May 2nd. These hearings were scheduled to begin each evening at 7:30 P.M. Fourteen of the sixteen petitions were heard, two being invalid, not having the required number of signatures.

On May 2, 1985, after all the hearings had been concluded, the Committee met to vote on each petition. Committee members present were Reps. White, Mallozzi, Guroian, Wider, Jachimczyk, Vos, Donahue, and Jack Schlechtweg. This meeting carried through to May 3rd, concluding at 3:00 A.M.

Each Board member should have received tonight, separate motions for each petition, with an attached map. He will be using this format. Does everyone have this material? Fine. Are there any questions at this point?

Because of a possible conflict-of-interest, Mr. Schlechtweg would like the record to note that he is leaving the floor and will not take part in any discussion on Petition #1. Dennis White, Vice-Chairman of the Committee, will give the Committee's report on this petition.

- (1) REFERRAL OF ZONING BOARD ACTION APPROVING, AS MODIFIED, APPLICATION NO. 84-024, THE ZONING BOARD, FOR THE REZONING OF VARIOUS AREAS IN THE EAST SIDE/COVE NEIGHBORHOOD; pursuant to Section 552.2 of the Stamford Charter. Petition received from landowners in the area. Received from Zoning Board Chairman Martin P. Levine 3/29/85. (Received at Board Office 3/29/85.)

MR. WHITE made the Motion that the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change C-I to C-N in the general area of SOUTH SIDE EAST MAIN STREET BETWEEN SEASIDE AND WATERBURY AVENUES and as more specifically shown on the attached map which was one of the proposed amendments in Application No. 84-024, East Side/Cove Neighborhood, be approved. Seconded.

PRESIDENT GOLDSTEIN said it has been Moved and Seconded to approve.

MR. WHITE said the petitioner involves the change in the Zoning Map from C-I to C-N in the general area of the Southside of East Main Street between Seaside and Waterbury Avenues. The petitioner obviously wants to over-turn the decision or the application of the Zoning Board. One person spoke against the change; none in favor. The arguments of those who spoke to over-turn the Zoning Board was first of all, that they in fact wanted to build an extension on the gas station for an additional use, speaking in terms of automotive use such as parts or sale of auto parts, auto body work, etc. They also concentrated on the fact that as far as they were concerned, the lawyer felt that no valid reason for a zoning change had, in fact, been asserted. His point was that the Connecticut Statutes (State) as well as the local zoning regulations clearly indicated that in order to make a zoning change such as this, there has to be a severe and adequate justification, and indeed he saw none. On the other hand, the Zoning Board asserted that as far as they were concerned, that the C-I use in this area was far too intense, given what the development was along this area at the present time with the exception of some development further east and north; that in fact, this area backed up to a solid residential neighborhood and that if the zoning were not changed, we would see extensive

PLANNING AND ZONING COMMITTEE (continued)

MR. WHITE (continuing) office development which would burden the already massive traffic on Post Road and on indeed the Thruway. The Zoning Board felt the C-N was a much more sensible zone, and in fact it allowed for such developments as office buildings which would in fact be one-third smaller, and still office buildings could be built. They also asserted that given the change the petitioner was thinking of using his premises for, that in fact he could get the same thing by going to the Zoning Board of Appeals (ZBA) even with a C-N designation; and very basically, the Committee in a vote of 5 in favor, none against, and 3 abstentions, voted to uphold the Zoning Board's application.

MR. DONAHUE said this area lies between the 7th and 8th Districts on the East Side of Stamford. There has been a definite need to control the density of future development in that area for a number of years and he thinks many of the people in this room are already aware of that. The reasons stated by the petitioner for wanting the zone changed back to its former designation, clearly could be attained by going to the Zoning Board of Appeals for use variance. It is important to note that there are two parcels of land that could be combined there to possibly construct between a 30,000 and 40,000 sq. ft. office building. Mr. Donahue said it is his District and he believes that it is in the interest of that area to uphold the Zoning Board.

MR. MALLOZZI said on this particular application, at the Committee meeting he abstained because he was looking for more information as far as square footage of the entire area of this particular property. He did agree with what has been said that there is a lot of development going on, but let us see what happens when this zone change comes into effect. What is really changing in the area? To tell the truth, if you see the development that already went on there, this application to change to C-N is a little too late. What you are doing is penalizing a small propertyowner with no benefit to the neighborhood and no benefits to the City.

What you are going to have there, and he agrees with Mr. Donahue when he says 40,000 sq. ft. of office space could be put on if these two buildings are combined, but there already is an office building on that property which is 15,000 sq. ft., so the net addition is 25,000 sq. ft., and the person that you are really penalizing is the one at the corner of Houston Terrace and East Main Street. If it is not clearly in the best interests of the City to change a zone, you should not penalize the owner.

MRS. GUROIAN said she begs to strongly differ with Mr. Mallozzi. Whom you are hurting is less the developer and the owner, and more the people who have to buck the traffic on East Main Street, and the people who would abut such a tremendous office building. To maintain that because two mistakes were made and two and three office buildings were allowed to be built over there, that you must go along the same path andacerbate the situation even further, is certainly not in the best interests of the City. If, in fact, they are going to stop the development on East Main Street over there, and it appears that it must be stopped because it is fast becoming a traffic bottle-neck, an incursion on the residential areas that abut these buildings, then now is the time to do it; and the way you do it is to change the zoning. As was stated before, the applicant very clearly stated that he was looking for this change because he wanted a different use of his premises, an additional use of his premises, and that he could get before the Aoning Board of Appeals, even with the zone change. She does not feel that the arguments

PLANNING AND ZONING COMMITTEE (continued)

MRS. GUROIAN (continuing) that were presented were at all strong, and she is well aware of the problems in this area because even though it is in Mr. Donahue's District, it abuts her District, and she would strongly urge that the Board upholds the decision of the Zoning Board.

MRS. McINERNEY said since Mr. Donahue seems to be quite familiar with this area, is she correct in assuming that this change incorporates properties from Seaside Avenue, which might be the motel, all the way down to Waterbury Avenue?

MR. DONAHUE said that was correct.

MR. BOCCUZZI stated that he looked at all these zoning changes. His problem is that it is not that he is for or against a developer. It seems to him that a person who owns a piece of property for many years and pays his taxes to the City of Stamford because of its potentiality, therefore his property is assessed for a larger amount. Say, a piece of property in the middle of town, 50 ft. x 150 ft., is assessed for a lot more money than a piece of property such as he has on Noble Street, because of its potential income. Now, a person owns that property for 20 years and pays that tax on it because of its potential income he could get from it, and because he does nothing with it, but pays the taxes for 20 years, now we come along and we change the zoning so that property's income is no longer as high as it was before, even though he's been paying the taxes, and he gets no benefit now. What happens to the investment he has in taxes to the City? Does he get it back? He loses all the time he pays taxes on the potential use of that property. That is what Mr. Mallozzi meant when he said it hurts the smaller person because a lot of these pieces of property are held by a small person who has been paying taxes on it, but now can't do with it what he could have for the past 20 years. This is a hardship for all those people.

MRS. POWERS said she wants to concur with Mr. Donahue and Mrs. Guroian, and also wants to point out that this area gets the pressure of traffic, not only going into downtown but anything that happens on I-95 between Exits 9 and 10. It is not only East Main St. that gets the pressure, but every little side street where there are residential areas, where there are children walking to school. Relief is needed in that area.

MS. RINALDI Moved the Question. Seconded. CARRIED.

THE PRESIDENT said the Motion is as stated by Mr. White, having been Seconded, on Petition designated as No. 1. This will be a machine vote.

THE VOTING PROCEDURE is according to Section 556.1 and 552.2 of the Charter, as well as Judge Novack's decision of Sept. 16, 1980, 21 votes, either Yes or No to the Motion are needed in order for the Board to take an action. In the absence of 21 votes for or against the Motion, it is deemed that the Board has taken no decision. According to Sec. 552.2, failure to approve or reject shall be deemed approval of the Zoning Board or approval of the Motion, because our motions are all going to be framed in that manner.

If you vote for this Motion, you are supporting the Zoning Board's decision. If you vote No to this Motion, you are not supporting the Zoning Board, you are voting against the Zoning Board's decision and for the appeal.

PLANNING AND ZONING COMMITTEE (continued)

THE PRESIDENT (continuing) All those in favor, vote up for Yes; all those opposed to the Motion vote down for No. The Board has taken no action. The vote is 17 Yes, 18 No, with 1 Abstention, 2 Non-Voting. The proper terminology would be "No action has been taken by the Board on this referral, which, in effect, sustains the Zoning Board's decision."

She asked Mr. Schlechtweg to proceed to Item #2 on the P&Z Agenda.

- (2) REFERRAL OF ZONING BOARD ACTION APPROVING AS MODIFIED, APPLICATION 84-029, THE ZONING BOARD FOR THE REZONING OF VARIOUS AREAS IN THE GLENBROOK NEIGHBORHOOD; pursuant to Section 552.2 of the Stamford Charter. Petitions received from landowners in the area. Received from Zoning Board Chairman Martin Levine 3/29/85. (Received at Board office 3/29/85.)

MR. SCHLECHTWEG said Item #2 is Application 84-029 (the President asked him to turn his microphone on) the Zoning Board's application for rezoning various areas in the Glenbrook Neighborhood (the audio faded out here and was inaudible). If I may, I would like to Move to divide this into 4 parts.

THE PRESIDENT asked if there was a Second to the Motion to divide. Seconded. Voice vote taken. CARRIED, with one in opposition. She requested Mr. Schlechtweg to proceed to Petition No. 2.

MR. SCHLECHTWEG said Petition No. 2 refers to a change in the Zoning Map from M-G to RM-1 in the general area of the EASTERLY PORTION OF NORTH SIDE OF LENOX AVENUE, SOUTH OF THE RAILROAD TRACK. Three people spoke against the change. None opposed. Arguments focussed on current use being appropriate and the new zone would be inappropriate, citing EPB restrictions would not allow condo development. New zone would not allow present owners to expand. Joseph Gambino, a petitioner, cited a hardship, stating that because he might have to expand his business one day, which is not at this time, he would be forced to build now, using a building permit which has already been obtained, for a building which he may or may not use later on.

Mr. Levine, Zoning Board Chairman, gave the rationale of the Zoning Board, and Mr. Schlechtweg will read from his letter of March 29, 1985, which reflected his comments: "This area is adjacent to single-family houses. Access is from streets that tranverse single-family neighborhoods. Low intensity multi-family development here could prevent the intensification of truck traffic. The Zoning Board felt that low-intensity multi-family development here is feasible, and much more desirable than intense commercial or industrial development. The Committee voted 5 in favor, 3 opposed,^{ON} the following Motion: "That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from M-G to RM-1 in the general area of the easterly portion of north side of Lenox Avenue, south of the railroad track, and as more specifically shown on the attached map, which was one of the proposed amendments in Application 84-029 Glenbrook Neighborhood" and he so Moves. Seconded.

THE PRESIDENT said it has been Moved and Seconded to approve the Motion cited by Mr. Schlechtweg. Mrs. Conti is the first speaker.

PLANNING AND ZONING COMMITTEE (continued)

MRS. CONTI said this application puts her constituents between a rock and a hard place. They have always had the industrial zone, but have never had a multi-family zone in the neighborhood. Therefore, those who have spoken to her, and they felt very strongly about it, preferred to keep the industrial zone rather than introduce a new use into the neighborhood, which a multi-family district would be. Others had another opinion. This application is going to find Rep. Guroian and Rep. Conti on different sides, but she will support those who contacted her.

MR. BLUM said this is a portion of Glenbrook-Lenox Road that runs along the railroad. And this is one area, of which there are few and they are getting fewer in the City of Stamford, and that is an industrial area. It is true there might be a few small industries there, but there are some people who rely on industrial jobs, not necessarily offices, not necessarily working in a restaurant, etc. They have strictly what is there now, warehouses. Those are unskilled laborers, more or less. There is a part of the telephone company for storage of their trucks. There is also construction. Mr. Blum does not feel one more M-G to be changed to R-M and not allow small industries in this town, and we are giving away some jobs. For this reason alone, Mr. Blum is not going to support the zoning change.

MRS. GUROIAN said Mr. Blum is not up on his statistics. First, he is not aware of current happenings. Second, the telephone company has not been there for a long time. Glenbrook has a disproportionate share of industrial zoning compared to any other area in the City. Much of the industrial development in Stamford is, in fact, in Glenbrook, and to take away one small parcel, although it is not small in terms of the neighborhood there because combined, it is a nine-acre piece of property. To take away this piece does not in any way preclude industrial use in Glenbrook. There are plenty of other areas that are zoned industrial in Glenbrook that could take up the slack. The fear of some of the residents along Lenox Avenue, the half that she is representing, as opposed to the half that Betty Conti is representing, the fear is that the nine acres will combine and a tremendous office building could be built there, generating 315 parking spaces and the use of 315 cars which could not be accommodated by way of egress and ingress on Lenox Avenue. Lenox Avenue is the last street before you get to the Courtland Avenue Bridge. It has only one exit and you cannot go the other way because there is no bridge to Darien, the Noroton River is there. Everything has to go up to Courtland Avenue, right before you reach the bridge. As Betty Conti stated, she is voting to deny the Zoning Board, and Mrs. Guroian is voting to uphold the Zoning Board. The rest of you can do as you please.

MR. WIDER said for some reason, Mrs. Guroian hasn't checked up the District either. She is as bad as Mr. Blum. Mr. Wider has more commercial space than one of his factories in his District, that is, industrial space, than all the others have in their Districts. Don't claim that until you do some figuring. He did not vote for the change for a reason, which is that in the first place, you have a good building group out there, Atlas Construction. Atlas has given more to Stamford than they got paid for, and he knows that. He knows that from Rogers School when they did that work. There are some good things going out there on Lenox Ave., which they don't realize. He said wait until they get something else.

PLANNING AND ZONING COMMITTEE (continued)

THE PRESIDENT requested the people in the caucus rooms to come out if they wished to vote. Furthermore, Mrs. McInerney has indicated that, with the permission of the Assembly, she would like to be recorded as having voted "Yes" on the Motion to Divide the Question. If there is no objection, she will be so recorded. So done.

The Motion on the floor is that the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from M-G to RM-1 in the general area of THE EASTERLY PORTION OF THE NORTH SIDE OF LENOX AVENUE SOUTH OF RAILROAD TRACK, and as more specifically shown on the attached map which was one of the proposed amendments in application #84-029 Glenbrook Neighborhood be approved. The same dictates of Section 552.2, 556.1, and Judge Novack's Decision apply. All those in favor of approving this Motion, vote up for Yes. Those opposed, vote down for No.

The Motion has been DEFEATED by a vote of 11 Yes, 26 No, and 1 Abstention. The Zoning Board's decision has been overturned. This is Petition #2 of Appl. 84-029.)

MR. SCHLECHTWEG said Petition #3 is a change in the Zoning Map from C-L to R-6 in the general area of the NORTHEAST CORNER OF HOPE STREET AND FAUCETT STREET. Three people spoke against the change. None in favor. Arguments focussed on the valuation of property. After living next door to commercial establishments (Harry Thomas) for many years, and changing the zone in mid-block, the applicants were against this mid-block change. Mr. Levine reiterated the rationale of the Zoning Board dated in a letter of 3/25/85. He will give you some of that: "The Board's chief considerations in changing the C-L zone on Hope St. to C-N and R-6 were traffic generation potential and preventing intense commercial development adjacent to low-rise, low-intensity residential development. The Committee voted 3 in favor, 5 opposed, the following Motion: "That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford be changed from C-L to R-6 in the general area of the northeast corner of Hope Street and Faucett Street, and as more specifically shown on the attached map which was one of the proposed amendments in Application 84-029 Glenbrook Neighborhood be approved." Seconded.

THE PRESIDENT said it has been Moved and Seconded to approve the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to R-6 in the general area of the northeast corner of Hope Street and Faucett Street. As you know, the Board operates always by the use of positive Motions; therefore, even though the Committee voted negatively, the Motion has been framed in the affirmative.

MR. BLUM said the northeast corner of Hope Street and Faucett Street, prior to the Zoning Board's Comprehensive Zoning Plan Change, has always been C-L for as long as Mr. Blum can remember, and he lived on Coolidge Ave. at the corner of Rock Spring Road. He does remember the Feulners when that property, and when Mr. Thomas' property was developed. Mr. Feulner's father had a blacksmith shop away back in the 1930s. After he passed on, that was the end of the blacksmith shop, but during the war it became a machine shop. After the war, it became a woodworking shop, and it has always been in the C-L District. Mr. and Mrs. Feulner, who owned the property adjoining Mr. Thomas' property, would like it to remain C-L for the simple reason that they always felt their property has, and they have been paying on, as Mr. Boccuzzi

PLANNING AND ZONING COMMITTEE (continued)

MR. BLUM (continuing) has said, the higher tax rates. Now, the Zoning Board comes along and undercuts their property, and now de-valuates or makes it less valuable to them. Mr. and Mrs. Feulner would like this Board to over-turn the Zoning Board and have it remain as C-L.

MR. DAVID MARTIN said that at the night of the hearing, the petitioners indicated a willingness to offer some sort of compromise. Previously it was C-L and it has now been zoned R-6, and they were willing to have half of their property, as he understood it, changed to C-N and half go to R-6, which he feels is actually the best solution. At this point, there is no way for this Board to effect that, and so it becomes a matter of either they petition the Zoning Board, if we uphold the Zoning Board; or it falls upon the Zoning Board to take the responsibility of changing this to a better designation, if we were to vote No. Now is the time to vote No. The Zoning Board has the wherewithal to make this change and we should not put the burden on the propertyowners.

MS. FISHMAN said ^{she} supports the petition of the people in her District and supports Mr. Blum in his position as stated.

MR. JACHIMCZYK said there are two problems with this application. One is that the Zoning Board screwed up by making a mid-block zone change when they were trying to straighten out the zoning map. They were trying to use streets as designations between different zones. The other problem is that this piece of property would revert to C-L if this Board voted to turn down the Zoning Board; and there is a potential there that while it is surrounded by R-6 and what used to be C-L is now C-N, this one square corner could become C-L again; and with what goes on in this town with our crazy zoning, one wonders whether or not ^{if} this little section here reverts to C-L by our action this evening that this property could be used to its fullest, and it would further create chaos in this neighborhood. That is his big concern about voting to turn down the Zoning Board's change.

MR. WHITE said if one takes a look at the neighborhood, the Zoning Board's rationale was not all that irrational. A principle of the Zoning Board was, in fact, that they would try, as they tended to up-zone, to try to preserve if possible, in their up-zoning, not necessarily what was in zone place there, but what was in place in terms of the use. You have on the corner here on Hope Street and Faucett Street, two or three very fine old lovely houses that, in fact, back up to a very nice residential quiet neighborhood in Glenbrook there. What the Zoning Board tried to do was to preserve those houses and that type of housing. Go take a look at this neighborhood, it makes a very natural break there. You've got Faucett Street, and you have these two corner lots here, and then you have more intense development but not all of it intense commercially. It was really a very sensible thing that the Zoning Board did here, said Mr. White. It is true that people get hurt in this sort of thing.

If you want to take the argument of the views stated here tonight that people pay taxes, etc., it's a valid argument. If you take that attitude, it means you can never change zoning. Remember now we are into comprehensive re-zoning. It is probably the last time in our lifetimes, he is sure that given the history of Stamford here, it will be another 40 or 50 years by that time, where in fact we will have comprehensive re-zoning again.

PLANNING AND ZONING COMMITTEE (continued)

MR. WHITE (continuing) What the Zoning Board is trying to do here is to bring some sort of order out of a terribly chaotic, bad zoning situation. His complaint is that the Board has not been aggressive enough, and have really been very careful and taken their time about. He feels they have taken too long and been too conservative. In his District in Shippan, they certainly have been too conservative. Some times speculators lose, and sometimes they win, but development usually brings enormous profits.

MR. DeLUCA said the remarks made by Rep. White, especially that sometimes you (a speculator-developer) wins, and sometimes you lose. Mr. DeLuca looked at the comprehensive zoning that took five years to do, and they really screwed things up, from the word go. He is not an expert on zoning, as Mrs. Guroian is the expert here, at least we believe she is and he has confidence that she is, and he himself is not the expert as such. However, looking at things logically and realistically, what has been done leaves a lot to be desired. As a child, he always heard the expression "Jesse James used a gun when he robbed the people", but the Zoning Board is robbing the people here without the use of a gun. Let us cite a few examples. Look at Cold Spring Road, you have nothing but condos up and down the street; it's a miracle that there are still a few single-family homes....

MRS. GUROIAN said Mr. DeLuca was Out of Order.

THE PRESIDENT said she would appreciate if he would keep to the application and Petition #3.

MR. DeLUCA said PETITION #3 causes the people involved to lose a high potential income value. This, to him, is robbing them of a potential income that could make their lives comfortable in their retirement years, and even possibly leave something for their children. That is what the Zoning Board is denying these people, and which we would be doing if we went along with the Zoning Board. He plans to vote against each and every one of these petitions which were recommended by the Zoning Board, and hopefully we have the 21 votes to over-turn every petition and application.

MR. MORRIS Moved the Question. Seconded.

THE PRESIDENT said the vote in in doubt and the machine will be used. Mrs. Perillo will be recorded as voting Yes. Motion APPROVED, with 26 Yes, 9 No, 2 Abstentions, 1 Non-Voting. The Question is Moved.

The vote ^{now} is on the Motion to approve the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to R-6 in the general area of the northeast corner of Hope Street and Faucett Street, and as more specifically shown on the attached map which was one of the proposed amendments in application #84-029 Glenbrook Neighborhood be approved. In favor, vote up for Yes; in opposition, vote down.

MR. WIDER asked if it was the recommendation of the Committee to approve?

THE PRESIDENT said the Planning and Zoning Committee's recommendation was to deny. Has everyone voted? The Motion has been DEFEATED by a vote of 7 Yes, 29 No, 1 Abstention, and 1 Non-Voting. This is on PETITION #3, Application 84-029. The decision of the Zoning Board has been over-turned.

PLANNING AND ZONING COMMITTEE (continued)

MR. SCHLECHTWEG said PETITION No. 4 was found to be invalid, and no action was taken on that. (Application No. 84-029 Glenbrook; both sides of Hope Street changing from C-L to C-N, per map.)

On PETITION No. 5, there were no speakers either for or against. The Committee voted 8 in favor, none opposed, the following Motion: That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-N in the general area of the northeast corner of Crescent Street and Arthur Place, and as more specifically shown on the attached map which was one of the proposed amendments in Application No. 84-029 Glenbrook Neighborhood be approved. Seconded.

THE PRESIDENT said the Chair sees no speakers, and they will proceed to a vote on the Motion which Mr. Schlechtweg just articulated. Please use the machine to vote. The Motion is APPROVED with 22 Yes, 15 No, 1 Abstention, and the Zoning Board is up-held. (Application No. 84-029 Glenbrook Neighborhood, Petition #5, the northeast corner of Crescent Street and Arthur Place be changed from C-L to C-N.)

- (3) REFERRAL OF ZONING BOARD ACTION APPROVING, AS MODIFIED, APPLICATION 84-042, THE ZONING BOARD FOR THE REZONING OF VARIOUS AREAS IN THE WEST SIDE NEIGHBORHOOD SOUTH OF WEST BROAD STREET, pursuant to Section 552.2 of the Stamford Charter. Petitions received from landowners in the area. Received from Zoning Board Chairman Martin Levine 3/29/85. (Received at Board Office 3/29/85.)

MR. SCHLECHTWEG said Item #3 is Application 84-042, PETITION #6. Motion is that the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to R-5 in the general area of the southeast and northeast corner of Richmond Hill and Greenwich Avenues, and as more specifically shown on the attached map which was one of the proposed amendments in Application No. 84-042 WEST SIDE NEIGHBORHOOD (SOUTH OF WEST BROAD STREET) be approved.

Two spoke against the change, none in favor. Arguments focussed on restriction of the amount of housing which could be built in the zone. Plans were submitted for 23 units of low-moderate income property, which would be permitted in the existing zone. Mr. Levine reiterated for his rationale as cited in letter of March 29, 1985, the most important factor related to the zoning along the Rippowam River is the flood hazard area along its banks. The Board's over-riding concern was public safety and minimization of loss in the event of flooding. This is especially important as areas upstream are developed and run-off increases every year. The primary purpose of zoning is to protect the public safety; minimizing construction in flood hazard areas can achieve this end. The Committee voted 6 in favor, 1 opposed, and 1 abstention, the following Motion: "That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to R-5 in the general area of SOUTHEAST AND NORTHEAST CORNER OF RICHMOND HILL AND GREENWICH AVENUE and as more specifically shown on the attached map which was one of the proposed amendments in Application No. 84-042 WEST SIDE NEIGHBORHOOD (SOUTH OF WEST BROAD STREET) be approved"; and he so Moves. Seconded.

PLANNING AND ZONING COMMITTEE (continued)

MR. SKOVGAARD (his microphone transmitting very weakly but partially audible) said he thinks that anyone who is familiar with this area the fact that there are occasionally perceived to be problems with regard to building and the use of he thinks the change of zoning is an appropriate means by which to encourage a better development of the area, and he would urge all Board members to vote to uphold the Zoning Board.

MR. LIVINGSTON said he will try not to be too lengthy, but this particular piece of property is in his District. He will speak on the appeal taken by Mrs. Fannie Parks and her grandson, Michael, from the decision of the Zoning Board which changed the zoning of her property located at the intersection of Richmond Hill Avenue and Greenwich Avenue from C-L to R-5. He has been informed that this property has been zoned C-L for about 30 years. Moreover, in the past when properties were re-zoned along the Richmond Hill Ave. to the west of this property, the zone was changed from C-L to RM-F, multi-family residential. The property owned by Mrs. Parks and her grandson consists of a three-story building containing four residential units on the two upper floors, a bar known as "The Imperial Lounge" on the ground floor, and alongside the building, on the very same property is an old, run-down gas station which is in no way considered to be a full service station. It is just two pumps there and occasionally some one washes a few cars. Now across the street, there is a commercial building on one corner and a cemetery on another. The property to the west is zoned RM-F, and the property to the east on the other side of the river, C-G (general commercial) except for pockets of RM-F along Clinton Avenue, and in the rear of some of the properties running fronting on Washington Blvd.

There are large office buildings and other commercially-developed properties to the east on that side of the river. Now, in making the change from C-L to R-5, the result is to reduce the number of dwelling units on the Parks' property. Under the C-L, or the RM-F zone, you can have 1,250 sq. ft. per family. This would permit this property to have at least 16 residential units. Under the R-5 zone, a lot under 30,000 sq. ft. can have 3-9 units, based on 3,000 sq. ft. per unit. This lot has about 21,000 sq. ft. and can accommodate 16 units under the C-L or RM-F zones, but could only allow 6 or possibly 7 units under the R-5. The effect of the change, therefore, is to reduce the number of housing units that can be erected on this property to under 7 to 16-17 units that are permitted under C-L or RM-F. Naturally, if it had to be changed to RM-F.

The purpose of zoning is to encourage the most appropriate use of land, to conserve, stabilize, naturally, the value of the property, and to promote the health and safety and general welfare. In changing the zone, as the Zoning Board did, it did not follow these guidelines. It created a pocket in which it imposed more restrictive zoning than it allows to the east and to the west of this property, and to other surrounding areas. Even if it wanted to change the zone from C-L, there was no reason why it could not have changed the zone to RM-F so as to allow this property to be more accommodating for more housing for the same amount of housing as it allows in the surrounding area on the same side of the river along the rest of Richmond Hill.

The property is under contract to be sold and the condition of the contract is that the purchaser be allowed to build the same number of housing units as is allowed under the C-L zone. This is the same as RM-F and would allow 16-17 units. The purchaser has applied for a building permit to convert the ground

PLANNING AND ZONING COMMITTEE (continued)

MR. LIVINGSTON (continuing) floor, that is the bar and restaurant, and if some of you are familiar with that, you would say that it is not an asset to the general health and welfare of the neighborhood. That will be converted into housing units and be built alongside 11 or 12 more units in a new building to be erected on stilts along the river. We have a senior citizens establishment and we felt very comfortable in giving them that protection of allowing that building to rise in a flood plain and build the building high enough so that when that 100-year flood comes, there would not really be any danger. If we can place our seniors on a flood plain and offer assurance to them, then certainly we should have the same consideration for this builder. The builder stated that 20% of the units would be moderate-priced housing. Anyone who is aware of the desperate housing needs in Mr. Livingston's District, he sincerely believes the Board will do what is the fair thing and that is vote against the Zoning Board.

By upholding the change made by the Zoning Board, this change would in effect prevent the improvement of this property and the area in question. The elimination of the bar and restaurant and the gasoline station and the substitution of housing in their place, naturally would be a big improvement. The various Boards continue to tell us that we must do more to create activity in the General Business District so that it will prevent a concrete paved jungle at night; that we must do everything possible to promote housing in the area surrounding C-B zone, so that people will walk from their homes in that district; and again, we need affordable housing in Stamford, but yet, says Mr. Livingston respectfully, he is certain no ethnic reason for the Zoning Board's action, but in general when some propertyowners desire to do that kind of a thing, the rules seem to change almost abruptly to the extent to which the property can be used and housing is diminished greatly. They say one thing, but do things contrary to their statements.

Mr. Livingston was at the public hearing before the Zoning Board and observed the people who spoke. Not one person spoke in favor of the change proposed by the Zoning Board for the West Side. The public was against these proposals as far as he could observe, and it certainly was a long meeting. He would request that this Board supports the appeal by Mrs. Parks and her grandson because it would allow the improvement of the property and of the area by changing the present use from a bar and gas station to a very much needed housing complex which is not going to be tremendously large. He knows it is going to be an asset to his District. If in upholding the appeal, this Board desires to limit the use of the property to RM-F units allowed, this would be in keeping with what the propertyowner and their purchaser have stated. It would be in harmony with the surrounding zoning. It would meet the need for housing. He asked that the Board up-hold Mrs. Parks' appeal and over-turn the Zoning Board's decision of their application.

MR. WIDER said he voted against the Zoning Board at the meeting because it is a nicepiece of property. He has six grandchildren right across the street. It needs to be improved. He is a little concerned when things get changed kind of in the middle of the stream. He realizes this is a process of comprehensive zoning, but there comes a time when you have to look at things realistically. This property can serve a much more useful purpose by being in a

PLANNING AND ZONING COMMITTEE (continued)

MR. WIDER (continuing) C-L zone than it can be in an R-5 zone because R-5 doesn't really apply here, because R-5 is single family, and would not be the right zone for these properties. He is asking this Board to over-turn the Zoning Board's suggested zone and leave it at C-L as it is.

THE PRESIDENT said the question before the Board is on approving the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to R-5 in the general area of SOUTHEAST AND NORTH-EAST CORNER OF RICHMOND HILL AND GREENWICH AVENUE and as more specifically shown on the attached map which was one of the proposed amendments in application #84-042 West Side Neighborhood (south of West Broad Street) be approved. This is Petition No. 6.

Please use the machine for voting. The Motion is DEFEATED with 14 Yes votes, 23 No votes, 1 Abstention. The Zoning Board's decision has been over-turned.

MR. SCHLECHTWEG said Item #4 is Application #84-046...

MR. SKOVGAARD Moved to divide this application into three separate questions as more specifically set forth as Petitions 7, 8, and 9, concerning Application #84-046. Seconded. CARRIED by voice vote.

- (4) REFERRAL OF ZONING BOARD ACTION APPROVING, AS MODIFIED, APPLICATION #84-046, THE ZONING BOARD FOR THE REZONING OF VARIOUS AREAS IN THE WEST SIDE NEIGHBORHOOD NORTH OF WEST BROAD STREET; pursuant to Section 552.2 of the Stamford Charter. Petitions received from landowners in the area. Received from Zoning Board Chairman Martin Levine 3/29/85. (Received at Board Office 3/29/85)

MR. SCHLECHTWEG said Petition No. 7 was withdrawn today.

MR. SCHLECHTWEG said PETITION No. 8 is the amendment of the Zoning Board to the Zoning Map of Stamford to change from C-L to C-B in the general area of the West Side of Summer Street between Forest Lawn Avenue and Long Ridge Road. Two people spoke against the change; none in favor. Arguments focused on the appropriate use of land, continuity of development in surrounding areas, and devaluation of property. Mr. Levine reiterated rationale of Zoning Board as noted in letter of 3/29/85: on the West Side of Summer St., the Board is of the opinion that the intensity permitted in the C-B District is more appropriate than permitted in the C-L District; to the west or low-rise one, two and multi-family uses, these should not be overwhelmed by the C-L type of development. The Committee voted 3 in favor, 2 opposed, with 3 abstentions, the following Motion: that the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of the west side of Summer Street between Forest Lawn Avenue and Long Ridge Road and as more specifically shown on the attached map which was one of the proposed amendments in application #84-046 west side neighborhood (north of West Broad Street) be approved. Seconded.

PLANNING AND ZONING COMMITTEE (continued)

MR. DeLUCA said he would like to speak about an item that was inadvertently left off the petition. Could Planning and Zoning Chairman Schlechtweg advise when did the petitions have to be in to be eligible to be on this Agenda.

MR. SCHLECHTWEG said ten days after the action of the Zoning Board.

MR. DeLUCA asked when would the ten days after the action of the Zoning Board on this application have been.

MR. SCHLECHTWEG said he does not have that at hand this moment, and he would have to get that.

MR. DeLUCA said the petitions of the area residents on the lower end of Hubbard Avenue, which goes down to the Rippowam River, down along Riverside, coming up Hubbard Avenue from the Stamford Hospital, across Bridge Street, then there is Hubbard Avenue. The people in this particular area are surrounded by condos. A woman by the name of Mary Ienner sent a petition to Martin Levine on January 30th opposing the change to single-family residence. This was further confirmed by a letter dated Feb. 22, 1985, which I will read, from an Alice Pond who lives in this particular area, writing to Mr. Levine: "First, I thank you for you and your fine Committee for working so hard, etc. I just want to go on record as supporting Mary Ienner's petition opposing the zoning changes". Then she goes on to say how she contacted a member of the Board of Representatives for assistance, and she was told by this Representative that he is tired of people looking to make a killing on their property, and that the Board of Representatives is tired of having lawyers attend the meetings and the Board of Representatives is tired of listening to lawyers at these meetings. She goes on to say "please let me assure you that I am not trying to make, as they call it, a killing on my property. All I am trying to do is preserve what I have. Financially I am unable to purchase a smaller dwelling, such as a condo, because I have a substantial mortgage on my present home, no other equity. I find what you are trying to do is insult and embarrass me."

Mr. DeLuca said that both of these people, with their letters of January 30th and February 22nd, were well within the ten days. When Mr. DeLuca questioned Mr. Schlechtweg on Thursday evening, and Mr. Martin Levine also stated he had never received the petition. This is an injustice to these people who live in this particular area, that they have to take a different route, to hire a lawyer, or someone to over-ride what is happening in this particular area.

MR. SCHLECHTWEG said the only thing he can say is that he does not have the petition, and asked if Mr. DeLuca had a copy of it.

MR. DeLUCA said he certainly does have a copy of the petition, and a copy of Mrs. Pond's letter that was sent to Mr. Levine, and he hopes there is some way they can vote on it this evening, in view of the fact that the people did their job. To say that they have to go through other channels, as Mrs. Pond says, is an insult. What is really mystifying about this whole thing is that going back approximately two years, during the stages of this comprehensive rezoning, which took five years, the people in this area attending a Zoning Board meeting opposing condos which were up before the Zoning Board for approval on the corner of Bridge Street and Hubbard Avenue, and Chairman Levine tells these people, you cannot stop progress. And now by changing from multi-family to single-family, he is contradicting himself on what he told these people just two years ago.

PLANNING AND ZONING COMMITTEE (continued)

Plus the fact that he inadvertently loses their petition. If this Board is concerned about the welfare of the people, we should put this on the Agenda this evening.

THE PRESIDENT said everthing Mr. DeLuca articulated would not be part of Petition No. 8.

MR. DeLUCA said he realized that, but he was just asking if this might perhaps be included in Petitions 10 or 11.

MR. SCHLECHTWEG says he thinks Mr. DeLuca feels this may fall within that application. The question is if there may have been an over-sight on either this or the Zoning Board that misplaced that petition. He has not seen that petition, and does not think anyone else has. That can take place out of order.

THE PRESIDENT said she thinks that is something that would have to be discussed with the Board's attorney. Until there is an answer from the attorney, the Board had better continue on with No. 8.

MR. BLUM said here we are again and again. He has been called by many people, petitioners, who own property on Summer St., who happen to own a gas station at the corner of Forest Law and Summer St. They had problems once before, not pertaining to zoning, but pertaining to gasoline stations, etc. Two people got together and invested their money into a piece of property, into a business, a gas station. It is now zoned C-L. Now, the Zoning Board is changing it to C-B, denying these people to expand. This is wrong. It is wrong for the simple reason it is denying a person to expand his business. He wants to get a little bigger. Are we here to stop small businessmen from getting a little bigger? Owning a gas station, you really have to pump a lot of gas to get a little money. The Zoning Board is wrong in doing this.

MR. JACHIMCZYK said the whole process last week of the public hearings of the zoning referrals because they had many instances of individual hardship, but you also have to look at the City as a whole, and because of the screwy zoning which has been around since 1951, and which nobody seems to care about, a lot of injustices, and in fact terrible zoning has taken place. What the Zoning Board is trying to do, he believes, is to in some way, correct the long-term future of Stamford. These businesses that are there now, even if they are non-conforming, can still exist non-conforming and can be sold as non-conforming businesses; particularly in this application, because of our previous bad zoning. On the other side of Summer Street, massive construction which increases the traffic and which is an extreme burden for all the taxpayers of Stamford. On this particular application, it backs onto a very residential neighborhood. He is in favor of supporting the Zoning Board on this as he feels we should look at Stamford from the over-all perspective and not individual cases and try and make the City better and not let what has happened in the past because of certain individual interest groups, ruin the City.

PLANNING AND ZONING COMMITTEE (continued)

MRS. NAKIAN said one thing bothers her about this application, and that is that the Zoning Board has elected to leave the area just to the south of it C-L, coupled with the fact that across the street, they are re-zoning it C-B; but whether they do or not, it is still extremely intense development with the office building on the corner and the huge hotel. Then to the north of that, there is the Lord & Taylor property, which is remaining C-L, and who is to say that they may not some day pull out and office space will go in there. What you are really doing is preserving a very large area of C-L, but down-zoning, or is it up-zoning, this one small strip to C-B. That coupled with the fact that was brought out that on the Master Plan, this is all in Category 6, and she does not know what Category 6 is, but she thinks if the Master Plan sees this as one type of category, then perhaps the Zoning Board should not be splitting it up.

MR. WHITE said what the Zoning Board did was to try, where there was certain usage in place, to up-zone, although it may have been zoned one way and could have gone to more intense development, if less intense usage was in place there, they tended to try to up-zone. Also, it is quite right as Mrs. Nakian said, they left some things C-L or what have you. The Zoning Board was very, very conservative, very careful. His complaint is they were too careful, too conservative.

THE PRESIDENT said the question before the Body is on approving the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of west side of Summer Street between Forest Lawn Avenue and Long Ridge Road, and as attached to PETITION NO. 8, which is also a part of Application #84-046 West Side Neighborhood (north of West Broad Street) be approved.

Please use the voting machine. Up for Yes. Opposed, vote down. The Motion has been DEFEATED by a vote of 12 Yes, 24 No, 2 Abstentions. The Zoning Board's decision has been over-turned. Mrs. Powers will be recorded as having Abstained due to a possible conflict-of-interest. PETITION No. 8.

MR. SCHLECHTWEG said PETITION NO. 9 has to do with an amendment by the ZONING BOARD to the Zoning Map of the City of Stamford to change from C-L to RM-F in the general area of Washington Boulevard, east side of Second Street to Woodside Street; west side from Woodside to North of Linden Place, and as more specifically shown on the attached map which was one of the proposed amendments in Application No. 84-046 West Side Neighborhood (north of West Broad Street).

One person spoke against the change; none in favor. Arguments focussed on the appropriate use of land, the continuity of the area. Proposed building permit on old zone but not new will be built anyway since the permit is already received. What Mr. Schlechtweg is saying is that the petitioners already have the permit to build their building. Mr. Levine reiterated the rationale that housing was a more appropriate use. The Committee voted 6 in favor, zero opposed, 2 abstentions, the following Motion: " That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to RM-F in the general area of Washington Blvd., east side from Second Street to Woodside Street; west side from Woodside to north of Linden Place, and as more specifically shown on the attached map which was one of the proposed amendments in Application #84-046 west side neighborhood (north of West Broad Street) be approved. And he so Moved. Seconded.

PLANNING AND ZONING COMMITTEE (continued)

THE PRESIDENT said there are no speakers. The vote is on PETITION NO. 9 part of Application No. 84-046, the motion as just articulated by Mr. Schlechtweg. Please use your machines. The Motion is APPROVED with 23 Yes votes, 12 No votes, 1 Abstention, and 2 Non-Voting. The Zoning Board's decision has been sustained.

- (5) REFERRAL OF ZONING BOARD ACTION APPROVING, AS MODIFIED, APPLICATION No. 84-053, THE ZONING BOARD, FOR THE REZONING OF VARIOUS AREAS IN THE DOWNTOWN/BULL'S HEAD NEIGHBORHOOD; pursuant to Section 552.2 of the Stamford Charter. Petitions received from landowners in the area. Received from Martin P. Levine, Zoning Board Chairman 3/29/85. (Received at Board Office 3/29/85.)

MR. SKOVGAARD Moved to divide Item #5 into 7 Questions, as more specifically set forth as Petition Nos. 10, 11, 12, 13, 14, 15 and 16, concerning Application No. 84-053. Seconded. APPROVED by voice vote.

MR. SCHLECHTWEG has PETITION NO. 10 has to do with the amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-N in the general area of High Ridge Road south of Oaklawn Avenue and north of Bedford Street; Long Ridge Road, from Cold Spring Road to Bedford Street.

Five people spoke against the change; none in favor. Arguments focussed on present use, character of the area, and continuity to existing and proposed development. Mr. Levine reiterated potential for major development of office space. The Committee voted 5 in favor, 1 opposed with 2 Abstentions the following Motion: That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-N in the general area of High Ridge Road south of Oaklawn Avenue and north of Bedford Street; Long Ridge Road, from Cold Spring Road to Bedford Street, and as more specifically shown on the attached map which was one of the proposed amendments in Application No. 84-053 Downtown/Bull's Head Neighborhood be approved. He so Moved. Seconded.

MR. SKOVGAARD is in opposition to the proposed amendment of the Zoning Board. As with Petition No. 8, this deals with the Bull's Head general area, the specific location for those having the same trouble he had in following the map, is basically the Fidelity Trust Property at Bull's Head that is being affected. There are other properties, to be sure, which are included, but the major center of this portion is the Fidelity Bank property. Be that as it may, it is in the center of a group of C-L properties. To change this one particular portion to C-N would not seem to be fair, or appropriate, in or keeping with the balance of the neighborhood. In light of the action taken on Petition No. 8, he feels it is incumbent that this Board vote also not to approve PETITION NO. 10.

MR. WIDER said he concurs with Mr. Skovgaard. It seems to be a little unfair to look up where you have a C-L zone just above a C-N zone. That is really being a little facetious. He would like to see it over-turned.

PLANNING AND ZONING COMMITTEE (continued)

(Tape flipped over and Mr. Livingston is already speaking).

MR. LIVINGSTON quite some time, and everyone knows that if business, especially banking, is not allowed to expand, eventually it begins to wither and die. The Fidelity Trust Co. has been a taxpayer in this City for a lot of years - since 1902 or 1903, I believe. In fairness I don't see how we can uphold what the Zoning Board has done.

MR. MALLOY said he has no problem with the Fidelity Bank property, further up on this map, between Halpin Avenue and High Ridge Road, there is a piece of property that he feels is overly-developed as it is. For that reason, he is going to have to vote in favor of the Zoning Board.

MRS. GUROIAN said she is having a problem with keeping this C-L not in terms of specific properties, but in terms of the whole area. If the whole area is allowed to develop to its potential under C-L, you are going to have an extension of the mess already existing where the corner building is, called Stamford Square. You see that developing, especially since you have large pieces of property. Fidelity has already said they have plans to build an office building there. They have shown plans to that effect, so she has to assume they are going to build an office building there. You also have the large piece of property where FINAST (First National Supermarket); that can go to an office development and quite a large one. The two major properties, once having been developed, as in the whole history of Stamford points to, the small neighborhood stores will be sore pressed not to give up their store use, but to convert it all to office development.

Under C-L, you can have an office building with no stores included. Under C-N, you can have an office building but there must be stores on the first floor, on the ground level. The Zoning Board was right. She does not want to see intensive office development crossing that borderline, especially at an intersection where the traffic is so bad on Long Ridge and High Ridge Road to add even 50 more cars, and this would add substantially more cars into that traffic, is not good zoning. This is the last chance we have to keep the development that we see in the downtown area moving up beyond Bull's Head into what we consider the gateway to North Stamford. She is sore pressed and cannot convince you that if you keep it C-L, you are going to invite something that no one will be happy with in the end. It's developed C-N now, and it should be kept C-N right now, and she urges the Board to so vote.

MRS. PERILLO Moved the Question. Seconded. CARRIED, voice vote.

THE PRESIDENT said the Motion is on approving PETITION NO. 10, Application 84-053 as articulated by Mr. Schlechtweg, for a change from C-L to C-N. A machine vote will be taken. Mr. T. Martin will be indicated as having voted Yes. The vote is 15 Yes, 20 No, 1 Abstention, and 2 Non-Voting. The Board has taken no action because neither an affirmative nor negative side received 21 votes. The Board took no action, therefore the Zoning Board's decision has been up-held.

PLANNING AND ZONING COMMITTEE (continued)

MR. SCHLECHTWEG said PETITION No. 11 was found to be invalid. This was part of Application No. 84-053, Downtown/Bull's Head Neighborhood.

MR. SCHLECHTWEG said PETITION No. 12 was the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of South of Bull's Head, between Bedford Street and Summer Street to Sixth Street.

MR. SKOVGAARD as a Point of Personal Privilege, he would like the record to show that he is absenting himself from the floor due to a clear conflict-of-interest in this question.

THE PRESIDENT said the record will show that Mr. Skovgaard, Mrs. Powers, and Mr. Terrence Martin have left the floor and will not participate in the discussion or the vote. Also Mr. Zelinski.

MR. SCHLECHTWEG said seven people spoke in favor of the change. Arguments focussed on appropriate development of area and effects of traffic and quality of life. Four spoke against the change, focussing arguments on non-conforming uses, which would be created, also lack of ability to expand. Some 6,800 signatures on petitions advocating against the change were presented to the Committee. Questions were raised as to the knowledge of those signing the petition. Mr. Levine reiterated concern of potential office development, and suggested Design District might be a solution to all parties. The Committee voted 8 in favor, none opposed for the following Motion: That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of South of Bull's Head, between Bedford Street and Summer Street to Sixth Street, and as more specifically shown on the attached map which was one of the proposed amendments in Application #84-053 Downtown/Bull's Head Neighborhood be approved. And he so Moved. Seconded.

MR. BLUM said on this particular petition, he would like to give a little history, being the fact that he is a native, and there are very few of them left, but they welcomed many others. As far as he can remember, this particular land was known in the far north as "The Circus Grounds". He has a photostatic copy of THE STAMFORD ADVOCATE dated Thursday, March 27, 1947. The first wing of the Ridgeway Shopping Center on Summer Street was formally opened yesterday afternoon in a brief ceremony in which Mayor Charles E. Moore long-time gone, cut the ribbon. Other city and town officials, representatives and organizations, merchants, architectural and building magazines were present to inspect the project first begun five years before by Alphonse Bock of Haviland Road. He was an industrial engineer. Mr. Blum's reason for bringing this out, is it will be close to, another two years, it will be 40 years ago, In 1987 it will be 40 years since the Ridgeway Shopping Center first came to town. Why? Mr. Alphonse Bock foresaw the need for a shopping center in the Ridges, in the area, because of traffic in the downtown area, that the automobile was here to stay. Therefore, we needed a shopping center here to alleviate traffic downtown. Sure enough, Ridgeway has flourished now to a point now where they are looking to expand because parking is at a premium due to the many people who shop there.

PLANNING AND ZONING COMMITTEE (continued)

MR. BLUM (continuing) By having this change from C-L to C-B would deny this company, who now owns the Ridgeway Shopping Center, the right to expand. What would their expansion be? They want to make an improvement on the parking lot, put a parking garage there, and they want to add some more retail space. All this is to service the public better. He does not believe they would want another large office building in that area, or another hotel. It is a thriving retail outlet. Yes, it might be competitive to the Mall downtown, but why not. Competition is good. Just take a look at our business section.

MR. LIVINGSTON would like the record to show his opinion, and he is hoping that everyone has not yet drawn a firm conclusion especially about this piece of property, which has been here for a long time. It has a solid track record. It has been a taxpayer for 38 years, since 1947. Ridgeway provides an alternative to the more expensive stores downtown that everyone cannot afford. Ridgeway is not Saks-Fifth Avenue. Unlike the Town Center, which is designed to be a regional shopping mall, Ridgeway is a local, a neighborhood shopping center, to which many residents can walk. He understands that 80% of Ridgeway customers come from Stamford. Many of the Ridgeway shopowners are taxpayers and live right here in Stamford. You might call it a people's shopping center, which is^a convenient and affordable place for the average resident to shop. In business, you either grow, or you fall back. There is no such thing as standing still. Ridgeway wants to go ahead with an expansion which they have been planning for over two years. They want to add room for more stores around the back, and a parking garage to go with it. They will pay for the garage themselves. It should accommodate 850 cars. The traffic pattern is already well-established on Bedford St. and on Summer St., running each way, in front of and behind the Ridgeway Center. People are not going to suddenly be involved in zigzagging through neighborhood streets just to get to Ridgeway.

The amount of space Ridgeway wants to add will not, in Mr. Livingston's opinion, draw huge crowds. All it will do is add some variety to the stores that are already there, with the garage freeing up space that can be used for stores. If someone goes over to Ridgeway to buy groceries or hardware, they can also stop and shop and buy a coat, a pair of pants, have a meal, without chasing all over the City. It has been said that if the C-L zone is retained, Ridgeway could knock down the shopping center and put up a huge office building. If that were true, then why have they not already done it? They have had plenty of encouragement. There is more office space in Stamford than you can shake a stick at. For someone to get rid of a proven thing like a shopping center that has been going strong for 38 years, just to put up another office building, they would need to have their heads examined.

Mr. Livingston recalls that when the president of Bloomingdale's spoke before this Board concerning the Mall, the Board was concerned that would the Mall bring more competition to Bloomingdale's and perhaps stunt their business, because we were planning on being protective of those merchants we have had in town. He clearly said No, and one reason was why does BurgerKing move across the street from MacDonald's. Others have suggested that if Ridgeway adds new stores, the older ones might suffer. The Bloomingdale's argument applies here. Ridgeway intends to spruce up the front of the present site. By generating more income from the new addition, they will be able to keep the rents of the older stores more stable.

PLANNING AND ZONING COMMITTEE (continued)

MR. LIVINGSTON (continuing) Now what would cost them more money than to jack up the rents would be if it is put in a C-B zone, or forced to apply for a special zoning district as some one has suggested, and come before the Zoning Board in every step of the way just to do what they are entitled to do right now, expand the shopping for the benefit of all of their customers who are our constituents. Mr. Livingston asks that this Board not throw a blanket over Ridgeway, and that is just what we will be doing by up-holding the Zoning Board. He says let them grow and let them compete. Everyone will be better off.

MRS. FISHMAN said she has looked at this area, and she shops there frequently. One of the objections to this shopping center is that it would affect children playing on the streets, Urban St. and Chester St. In the 17 years that she has lived in this area, she has never seen a child play in either of those streets, and she has gone up and down those streets many times. She does not think that is a valid argument. The shopping center should be allowed to grow.

MR. BURKE has been using Ridgeway Shopping Center for 30 years. It is a convenient place to use, and it was there before The Mall was built. It did not inhibit the merchants on Bedford Street. They can't rent all the offices they have in this town right now. Anyone with a modicum of sense is not going to build more that they can't rent. Office building has been brought up on every item on this agenda tonight, which reminds him of the old story about Chicken Little and Henny Penny. Well, the sky has not fallen yet, and he urges the Board members to turn down this application of the Zoning Board and allow Ridgeway to grow.

MRS. GURIOAN said she thinks everyone who spoke is missing the point. The point is that the Zoning Board in three different instances over a period of two or three months, said very clearly that they were not against Ridgeway growing. They would like to see Ridgeway growing so that it would not affect the neighboring neighborhoods. There are beautiful neighboring neighborhoods around Ridgeway. Anything that affects those neighborhoods will affect the heart of the City. The Zoning Board, therefore, suggested that they come in with a special business district application. Under a district application, the Zoning Board can monitor the growth each step of the way, so that the growth would not be other than what would be good and beneficial to the City. But it would still be growth. The argument that up-holding the Zoning Board in this instance will stop the growth in Ridgeway is a fallacious one. They would like to see that growth, but they would like to monitor that growth. Everyone knows what Revonah Woods area looks like, what Hubbard Heights area looks like, and the homeowners came and spoke against this application is the only application that homeowners came to speak against. She thinks they have a good point. What happens to Ridgeway affects what happens to them. We are not trying to stop growth, although Revonah would like to see Ridgeway stay the way it is; the Zoning Board clearly said that they can come for a business district application and get growth within the limits that the Zoning Board would impose. This is the path Ridgeway should go. We should uphold the Zoning Board. To say the sky is falling down, like Chicken Little, the sky has fallen down in so many areas in Stamford that it's not funny. We have to assume that the sky will fall down in other areas in Stamford, and we should not second-guess on this one. This is an important application. Put your mind to it and envision what could happen to that area if you do not vote with a conscience.

PLANNING AND ZONING COMMITTEE (continued)

MRS. SANTY said she intends to vote with her conscience tonight. She wants to agree with Mr. DeLuca that the Zoning Board's actions leave a lot to be desired, and they are like Jesse James, robbing the people. She quotes from the Media, where Mr. Schlechtweg says "we, as a Board, have an especially sympathetic ear to the little guy." Mrs. Santy intends, consistently, tonight to vote to overturn the Zoning Board on all these applications, many of which are spot-zoning, and many making non-conforming parcels, practices which fly in the face of sound zoning practices. Non-conforming property is to be phased out, not increased.

Mrs. Santy said exactly 365 days ago, she must remind these two Representatives (Schlechtweg and Guroian) that they voted enthusiastically with the Zoning Board to down-zone 30 acres in the 18th District, causing great hardship on the small homeowners. Apparently that was the first Jesse James robbery of the little guy.

MRS. GUROIAN made a Point of Order. She said a member of the Board is not supposed to attack other members of the Board, especially when it is out of order.

MRS. SANTY said she cannot believe Mrs. Guroian's statement...

THE PRESIDENT interjected that the next speaker is Mr. Malloy.

MR. MALLOY said he would like to reiterate what Mrs. Guroian has stated, in the sense that the area that is in question will have the ability to expand on a designed district basis as compared to just going to a C-L district. If this is notheld to C-B and C-L is granted, then Ridgeway can be designed and built any way that Ridgeway sees fit. Their intentions are probably of the best. However, the traffic problems that have been incurred because of the traffic flow changes incurred in the past four years, has really put a terrible burden on the neighboring community. The ability to expand is there in Ridgeway to an individual shop-owner. It has been stated at the hearings that even a non-conforming building can be extended by 50%.

MRS. NAKIAN said a couple of points have not been brought out. One is that even though they could expand in a C-B district, having it C-B takes away the right to have a department store, and this is a very vital point. When people in Stamford have the opportunity to go in many directions for their shopping, they are not going to go to an area which cannot offer them what they need. If you can't have a department store by right, you are really taking away from them their growth. You may be able to expand a little bit; you may be able to spruce up, but there is nothing to guarantee that that shopping center is going to make it, if it cannot provide a department store to ^{is} shoppers. She has received many calls from shoppers who told her they shop there all the time. She does, too. She would not like to go all the way downtown to shop.

The other thing is that Mr. Winter, who is the manager of the Ridgeway Center, offered to put a deed restriction on the property, if people were so afraid that this were going to go to office space. They were willing to put the deed restriction there, and if that could be worked out, if they are willing, then that is a guarantee that this land will not be lost to office space.

Another thing is that at this point, this Board has over-turned the Zoning Board on the other side of Summer St. and left that ^aC-L Zone. The Committee has recommended that the lower part of Summer St. be over-turned also, and since the rest of this particular district, if it goes C-B, is already built to capacity, then we really are penalizing one small group, one small shopping center, and she does not think, in view of the whole area, that that is right or justified.

PLANNING AND ZONING COMMITTEE (continued)

MR. JACHIMCZYK said no one is penalizing Ridgeway Center. Everybody loves Ridgeway Center and would like to see it expand. The problem is we would like to see it expand as a shopping center, not the possibility of anything else happening there. At the public hearing, they were told that plans were in the works for two years to expand the Center, and it may take them another two years for this to come to fruition. This is a very changing world. The ownership of the shopping center could change in those two years. Sears and Gimbels could re-design their retailing strategies and decide they don't want stores the size they have in Ridgeway Center and pull out. The owners could claim the shopping center was falling into disrepair. It is 13 acres of choice land. True, there is an office glut in Stamford, but the corporations that might want to move to Stamford would have 13 prime acres on which to build a beautiful corporate complex up there, with the hotel nearby. Mr. Jachimczyk really thinks that people are being misled by the Ridgeway management by saying a vote up-holding the Zoning Board is a vote against Ridgeway Center. That is not true. It is telling Ridgeway management that if they are really serious about this, go back to the Zoning Board with your plans and get a specially-designed center worked out so that everybody in Stamford can enjoy Ridgeway Center to its fullest.

MS. RINALDI Moved the Question. Seconded. CARRIED.

MR. SCHLECHTWEG asked for a Point of Personal Privilege. He wished to take strong exception to Mrs. Santy's remarks tonight, and since they were directed toward him, he would like to make a little statement. When Mrs. Santy thinks something is right and another Representative thinks another way, he would like her to respect the other Representative's view. He takes strong exception to her remarks tonight about the Geriak Farm about which she was talking, and he thought that was a sound application. He thinks she took the position tonight in a manner that was very difficult to respond to.

MRS. GUROIAN said she wishes to say DITTO.

THE PRESIDENT said the Board is now voting on the matter before us, PETITION #12. The Motion is that the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of SOUTH OF BULL'S HEAD, BETWEEN BEDFORD STREET AND SUMMER STREET TO SIXTH STREET, and as more specifically shown on the attached map which was one of the proposed amendments in Application 84-053 DOWNTOWN/BULL'S HEAD NEIGHBORHOOD be approved. The map is attached to Petition No. 12. Please use the machine to vote. The vote is 13 Yes, 20 No, 1 Abstention, and 4 Non-Voting. Although the Motion itself was voted down, the Board took no action and the Zoning Board's decision will be up-held because 21 votes were not obtained by either side. 13 Yes and 20 No, and 1 Abstention.

MR. SCHLECHTWEG said the next are PETITIONS 13 and 14 (taken together, as one) and the change are amendments of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of EAST SIDE OF SUMMER STREET BETWEEN SIXTH AND SECOND STREETS. Six people spoke against the change arguing that the new zone would create non-conforming use and disallowing expansion. C-B would not allow the same size structure if destroyed. Speakers stated old houses in the area were of historic nature. Mr. Levine reiterated office potential in that area. The Committee voted 3 in favor, 4 against with one abstention, the following Motion:

PLANNING AND ZONING COMMITTEE (continued)

MR. SCHLECHTWEG (continuing): "That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of the EAST SIDE OF SUMMER STREET BETWEEN SIXTH AND SECOND STREETS, and as more specifically shown on the attached map which was one of the proposed amendments in Application #84-053 DOWNTOWN/BULL'S HEAD NEIGHBORHOOD be approved; and he so Moved. Seconded.

MR. SKOVGAARD spoke in opposition to Petitions 13 and 14, and would urge the Board to vote against the proposed amendment concerning the Zoning Board's proposed change from C-L to C-B. He feels the vote of the Committee and the number of people who came to the hearing are indicative of the correctness of this appeal, and for that reason he thinks it is very important to turn down this proposed amendment.

MR. JACHIMCZYK said at the Committee vote, he had trouble with this particular item as he always thought that part of Summer Street as Sixth Avenue. However, after thinking about it over the weekend, he would urge people to support the Zoning Board because what we would be doing would be protecting that little enclave between Summer St. and Bedford St. Extension of older type houses that have been converted to office use, and we would be saving a nice little section of downtown Stamford.

MR. WHITE said he wished to reiterate Mr. Jachimczyk's point, that you would be saving these older homes there. C-B is no guarantee that you would be, but by making the area less speculative, the tendency would be for these homes to be saved; and then possibly we could set into motion some sort of an historic district situation. It is remains C-L, the speculative value will be so great that he is sure there will be no saving these homes.

MR. DAVID MARTIN asked if anyone knew the zoning on the other side of the street, Summer St. It is not shown on the map.

MR. DONAHUE said he believes it is C-L.

THE PRESIDENT said that the Motion is that the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to C-B in the general area of EAST SIDE OF SUMMER STREET BETWEEN SIXTH AND BEDFORD STREETS, and as more specifically shown on the attached map which was one of the proposed amendments in Application #84-053 DOWNTOWN/BULL'S HEAD NEIGHBORHOOD be approved. The Planning and Zoning Committee voted to oppose this particular Motion. Use the machine; up for Yes; down for No. PETITIONS 13 and 14. The Motion has been DEFEATED by a vote of 9 Yes, 26 No, 1 Abstention, and 2 Non-Votes. The Zoning Board's decision has been over-turned.

MR. SCHLECHTWEG said PETITION NO. 15 has to do with amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-G to R-H in the general area of SOUTH SIDE OF EAST MAIN STREET AND WEST OF CRANDALL STREET, and as more specifically shown on the attached map which was one of the proposed amendments in Application #84-053 DOWNTOWN/BULL'S HEAD NEIGHBORHOOD. Three people spoke against this change. Arguments focussed on continuity of the area and appropriate use, and monetary loss. Mr. Levine reiterated encouragement of housing in this area. The Committee voted None in favor, 7 against, with one Abstention, the following Motion:

PLANNING AND ZONING COMMITTEE (continued)

MR. SCHLECHTWEG (continuing): "That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-G to R-H in the general area of SOUTH SIDE OF EAST MAIN STREET AND WEST OF CRANDALL STREET, and as more specifically shown on the attached map which was one of the proposed amendments in Application #84-053 DOWNTOWN/BULL'S HEAD NEIGHBORHOOD be approved;" and he so Moved. Seconded.

MRS. CONTI asked what is an R-H Zone.

MR. SCHLECHTWEG said that is a high-rise zone.

MRS. GUROIAN said she is voting to over-turn this one. She thinks that the initial error was made by the Planning Board, when they thought they were going to have housing on Clark's Hill, at East Main St. At that time, she thought they were realistic. The Zoning Board acerbated it by thinking that when Mr. Reilly came to the hearing and complained about his property, they were led to believe by the staff, she thinks, that he had more than one acre and he could come in for business zoning in the inner circle of the City. But he does not have more than one acre; he has less than one acre. This was a mistake on part of both the Planning Board and the Zoning Board, and she is voting to over-turn this one.

THE PRESIDENT said there are no other speakers on the list, and the vote will be taken by machine. The Motion is "that the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-G to R-H in the general area of South Side of East Main Street and West of Crandall Street, and as more specifically shown on the attached map which was one of the proposed amendments in Application #84-053 Downtown/Bull's Head Neighborhood be approved." The Planning and Zoning Committee voted to oppose this application. Use the machine to vote. The Motion has been DEFEATED by a vote of 4 Yes, 30 No, 2 Abstentions, and 2 Non-Votes. This is on PETITION No. 15.

MR. SCHLECHTWEG said the last Petition No. 16 has to do with the amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to R-5 in the general area of the NORTHWEST CORNER OF RICHMOND HILL AVENUE AND CLINTON AVENUE. No speakers were heard on this. No one showed up, either in favor or against. The Committee voted 8 in favor and none opposed, the following Motion: "That the proposed amendment of the Zoning Board to the Zoning Map of the City of Stamford to change from C-L to R-5 in the general area of the northwest corner of Richmond Hill Avenue and Clinton Avenue, and as more specifically shown on the attached map which was one of the proposed amendments in Application 84-053 Downtown Bull's Head Neighborhood be approved;" and he so Moved. Seconded. The Motion has CARRIED by a vote of 26 Yes, 10 No,

THE PRESIDENT said there are no speaker and they will proceed to a vote on the Motion as just articulated by Mr. Schlechtweg. Use the machine. Up for Yes; down for No. Motion has CARRIED by a vote of 26 Yes, 10 No, 2 Abstentions. The Zoning Board's decision has been sustained. This is on PETITION No. 16.

PUBLIC WORKS AND SEWER COMMITTEE

MR. PERILLO said there is no report.

HEALTH AND PROTECTION COMMITTEE

MS. RINALDI said the Health and Protection Committee met on Thursday, April 28, 1985, at 7:30 P.M. Present were Committee members Scott Morris, Ruth Powers, David Martin, Tom Burke, and Mary Lou Rinaldi. Also present for the public hearing were Mr. Victor Puka, and Mr. Frank Vartuli. She Moved Item #1 on the Consent Agenda. Seconded. CARRIED, voice vote.

- (1) FOR FINAL ADOPTION - PROPOSED ORDINANCE REPEALING ORD. #484 AND ENACTING THE ORDINANCE ENTITLED "SANITATION STANDARDS FOR BARBER SHOPS, HAIRDRESSING AND/OR COSMETOLOGY SHOPS. Submitted by Dr. Ralph Gofstein, Health Director, 3/15/85. Approved for publication 4/1/85.

MS. RINALDI said Item #2 is Held in Committee.

- (2) FOR PUBLICATION - PROPOSED ORDINANCE AMENDING ORD. #206 REGARDING FIRE ALARM SYSTEM. Submitted by H.C. Oefinger, Communications Director. Held in Committee 3/12, 4/24, 6/4, 11/7 and 12/3/84. Approved for publication 5/7/84. Held in Steering 6/18, 7/26, and 12/19/84. Held on Pending Steering Agenda 8/22 and 9/19/84. Held on Pending Steering since 1/16/85.

HELD IN COMMITTEE.

THE PRESIDENT said Rep. Cadie Vos will be noted as having left. There are 37 members present.

MS. SUMMERVILLE said Mr. Terrence Martin has left.

THE PRESIDENT said Mrs. Signore and Mrs. Santy have now left also. There are 34 members present.

PARKS AND RECREATION COMMITTEE

MR. DeLUCA said normally he would not have any report this evening, but he has two items to request under Suspension of Rules.

He Moved to Suspend the Rules to consider an item not on the Agenda. Seconded. CARRIED, voice vote.

He Moved to approve the hanging of a banner by the American Cancer Society from May 20th to June 3, 1985 on Summer Street. Seconded. CARRIED, voice vote.

- (1) REQUEST FOR PERMISSION TO HANG BANNER ON SUMMER STREET FROM MAY 20, 1985 to JUNE 3, 1985 by the American Cancer Society for the Cancer Fund.

MR. DeLUCA Moved to Suspend the Rules to consider an item not on the Agenda. Seconded. CARRIED, voice vote.

He Moved to approve the hanging of a banner on Bedford Street from May 21st to June 2, 1985 by the Power Squadron for National Safe Boating Week. Seconded. CARRIED, voice vote.

- (2) REQUEST FOR PERMISSION TO HANG BANNER ON BEDFORD STREET FROM MAY 21st to JUNE 2, 1985 for National Safe Boating Week - requested by Power Squadron.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE

- (1) MATTER OF BI-MONTHLY REPORT FROM SMITH HOUSE SKILLED NURSING FACILITY. Submitted by President Sandra Goldstein 12/2/83. Held in Committee 12/13/83. Referred for further study 1/9/84. Reports made 2/6, 3/12, 4/2, 9/12 and 12/3/84. Held in Committee 5/7/84. Held on Pending Steering Agenda 6/18, 7/23, and 10/17/84. Held on Pending Steering Agenda since 12/3/84.

HELD IN COMMITTEE FOR NEXT MONTH.

MRS. NAKIAN said her Committee met on Thursday, April 25, 1985, at 7:30 P.M. Since it is so late this evening, she submitted her report in writing and leave it on the Agenda in case there are any questions.

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

MR. WIDER said there is no report this month.

URBAN RENEWAL COMMITTEE

No Reprt.

ENVIRONMENTAL PROTECTION COMMITTEE

- (1) REQUEST THAT BOARD OF REPRESENTATIVES INITIATE ACTION FOR REMOVAL OF FILL AND DEBRIS UNDER AUTHORITY OF SECTION 7-146 of Connecticut General Statutes regarding OBSTRUCTION OF WATERWAY, PROPERTY OF J. FRANCHINA, 191 Belltown Road. Submitted by Exec. Dir. M. Lubbers, Environmental Protection Board 6/25/84. Report made 8/13/84. Held on Pending Steering Agenda since 8/13/84. Held in Committee 1/7, 2/4, 3/4, and 4/1/85. Report made 4/1/85.

MRS. MAIHOCK said her Committee was unable to achieve a quorum due to the marathon Planning and Zoning Committee meetings. The item on the agenda will be addresses next month. HELD IN COMMITTEE.

TRANSPORTATION COMMITTEE

MR. DAVID MARTIN said no report this month.

SPECIAL COMMITTEESHOUSE COMMITTEE

MR. RYBNICK said no report this month.

CHARTER REVISION and ORDINANCE COMMITTEE

MRS. McINERNEY said no report this month.

COLISEUM AUTHORITY LIAISON COMMITTEE

No Report.

LABOR CONTRACTS LIAISON COMMITTEE

MR. BOCCUZZI said no report this month.

RESOLUTIONS

MR. DeLUCA Moved for approval of the Resolution, Item #1 on the Agenda. Seconded. CARRIED, voice vote.

- (1) SENSE-OF-THE-BOARD RESOLUTION REGARDING THE POLICY OF REVENUES DENIED FROM CARTS OPERATED BY THE CONCESSIONAIRE AT THE E. GAYNOR BRENNAN GOLF COURSE. Submitted by Reps. Gabe DeLuca and John Boccuzzi 4/15/85.

MR. ZELINSKI Moved for approval of the Resolution, Item #2 on the Agenda. Seconded. CARRIED, voice vote.

- (2) SENSE-OF-THE-BOARD RESOLUTION HONORING SGT. JOHN FORLIVIO BEING CHOSEN POLICEMAN OF THE YEAR. Submitted by Rep. John Zelinski 4/17/85.

MR. DUDLEY Moved for approval of the Resolution, Item #3 on the Agenda. Seconded. CARRIED, voice vote, with Mrs. Conti opposing.

- (3) SENSE-OF-THE-BOARD RESOLUTION PROVIDING FOR FOUR (4) MONTH LEASE EXTENSION FOR THE HOMELESS SHELTER LOCATED AT RICE SCHOOL. Submitted by Reps. Nakian, Powers, David Martin, Rinaldi, Dudley, Summerville, Livingston, Wider, and Blum 4/17/85.

PETITIONS

None.

ACCEPTANCE OF THE MINUTES

APRIL 1, 1985 Regular Monthly Meeting.

Moved, Seconded, APPROVED, voice vote.

COMMUNICATIONS FROM OTHER BOARDS and INDIVIDUALS

None.

PRESIDENT'S ANNOUNCEMENT

The Board members are reminded that tomorrow, May 7, 1985, there is a Meeting of the Committee as a Whole at 7:30 P.M.

NEW BUSINESSOLD BUSINESSADJOURNMENT

There being no further business before the Board, upon Motion duly made, Seconded, and CARRIED UNANIMOUSLY, by voice vote, the meeting was Adjourned at 12:50 A.M.

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

APPROVED:

Sandra Goldstein
Sandra Goldstein, President
18th Board of Representatives

SG:HMM
Encls.