

MINUTES OF REGULAR BOARD MEETING

MONDAY, DECEMBER 8, 1986

19th Board of Representatives

Stamford, Connecticut

A regular monthly meeting of the 19th Board of Representatives of the City of Stamford was held on MONDAY, DECEMBER 8, 1986, 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 8:50 P.M. by President Goldstein, after both political parties had met in caucus.

INVOCATION was given by Board Member Thomas Burke:

"We give Thee thanks, Lord, for the opportunity to be here to vote on, consider, and decide upon issues that affect this City. We ask, very humbly, that You give us the wisdom to know right from wrong, and the strength whichever way our conscience leads us. Thank You, oh Lord. Amen."

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

ROLL CALL was taken by Clerk of the Board Annie M. Summerville. There were 39 present and one absent. Rep. Davie Blum was absent and excused due to illness.

The CHAIR declared a QUORUM.

PAGES: IAN POWERS, student, Dolan Middle School (son of Ruth Powers).

JEFFREY LIMERICK, student, Dolan Middle School.

MACHINE TEST VOTE

The machine was found to be in good working order, after test votes were taken by the President.

MOMENTS OF SILENCE

MR. BURKE said 45 years ago yesterday, December 7, 1941, on a day which was characterized by our then President as one which would live in infamy, many thousands of American men and women were killed as the result of a wanton, despicable, sneak attack. To those of us who were in the Armed Forces at the time, it provoked a deep sense of loss of some of our friends and fellow servicemen, while at the same time it enkindled in us a keen sense of purpose. He asked that a Moment of Silence be observed for those whose lives were snuffed out all too soon at Pearl Harbor.

MOMENTS OF SILENCE (continued)

For the late REUBEN NAKIAN, who died suddenly last Thursday, at the age of 89. The world knew Reuben as a great and distinguished American sculptor, but Stamford knew him also as a friend, a warm, vital, creative person with an immense love of life and all its many creations. It was in Stamford that Reuben created his greatest and his most acclaimed work and, therefore, it was most fitting that it also be in Stamford that one of the very last pieces that he created was placed, just weeks before his death, in front of our new Government Center. He always felt that Stamford was his home, and he will be greatly missed here. Submitted by Rep. Maria Nakian.

For the late RUTH FISHMAN, who died at the age of 82, two weeks ago, in Fairfield Jewish Home for the Elderly. She was the mother-in-law of Rep. Claire Fishman. She was born in Russia and had a very hard life living through the loss of most of her family during the great flu epidemic. Then she came here and her life here wasn't easy either. She was pre-deceased by her son, Leon; and is survived by one son, Gerald Fishman, of Stamford; two daughters-in-laws, and five grandchildren. Submitted by Claire Fishman.

For the late MEYER BLOOMFIELD, 3 Valley Road, who was a Stamford resident for 48 years, and was a retired owner of the Square Deli, which he ran for 35 years. He was born in 1903 in Roumania. He was a member of the Independent Lodge and Congregation Agudath Sholom. He is survived by his wife, Sophie Bach Bloomfield; two daughters and a son; two stepdaughters and one stepson; seven grandchildren and five step-grandchildren. Submitted by Rep. Claire Fishman.

MRS. McINERNEY wished to extend her condolences and the condolences of all of her fellow residents to the Nakian Family on the passing of REUBEN NAKIAN. His work has given life and meaning to many people, not only in the Stamford community, but in the world, and it is something that will live forever. He has left a piece of him behind. It is very fitting that his piece is in front of the new City Hall. It looks beautiful. It has a certain vitality to it. And certainly, we know these are difficult times for you, but please accept the condolences of all of the North Stamford area residents, Maria.

MRS. McINERNEY asked for a prayer of remembrance for one of her youngest constituents who was injured last year by a hit-and-run driver, MATTHEW SCHIAVONE. She asked that in your prayers you will remember and give strength to Matthew's family, and pray for Matthew as well.

MRS. MAIHOCK said she, too, would like to express the Board's sympathy to the family of REUBEN NAKIAN, including Maria Nakian of our Board. Reuben Nakian was a very special person, whose creative spirit produced very dominant and highly-respected sculpture. When she was a Representative in his District some years ago, she met him one day in his studio and was left with the impression of how all-encompassing his gift really was. One felt the world almost began and ended in that little studio for him.

THE PRESIDENT asked the Board members to rise and observe a Moment of Silence.

STANDING COMMITTEES

STEERING COMMITTEE - Chairwoman Sandra Goldstein

MR. BOCCUZZI Moved to waive the reading of the Steering Committee Report. Seconded. CARRIED, voice vote.

STEERING COMMITTEE REPORT

The Steering Committee met on Monday, November 17, 1986, in Conference Room III, Board of Education Building on Hillandale Avenue. The meeting was called to order at 7:33 p.m. by Chairwoman Sandra Goldstein who declared a Quorum.

PRESENT AT THE MEETING:

Sandra Goldstein, Chairwoman
Lathon Wider
Scott Morris
Thomas Pia
Donald Donahue
Mildred Perillo
John Boccuzzi

Barbara McInerney
Ruth Powers
James Dudley
W. Dennis White
Maria Nakian
Audrey Maihock
Thomas Clear

David Martin
John Roman, WSTC
Len Gambino, WSTC
Steve Crabill, Advocate
Sandra Schlachtmeyer
Anne Kachaluba

1. APPOINTMENTS COMMITTEE

Ordered on the Agenda were the three items on the Tentative Steering Agenda.

2. FISCAL COMMITTEE

Ordered on the Agenda were the six items on the Tentative Steering Agenda.

3. LEGISLATIVE AND RULES COMMITTEE

Ordered on the Agenda were three of the five items on the Tentative Steering Agenda; one item from the Addenda that being a request from Young Israel of Stamford for a waiver and refund of \$1,200 paid for building permit fee; and one item from the Pending Agenda and that being the proposed ordinance amending Sec. 18-51 of the Code to allow awnings to encroach upon city sidewalks. Ordered on the Pending Agenda was proposed ordinance re tax exemption for property of Child Guidance Center. Ordered moved to the Coliseum Authority Liaison Committee was the proposed ordinance amending Section 6-34 of the Code concerning the purpose of the Stamford Coliseum Authority. Ordered off the Addenda to the Steering Agenda was the item concerning clarification of instructions set up by Building Dept. concerning the Sidewalk Cafe Ordinance No. 564. This item has been on the Pending Agenda.

4. PERSONNEL COMMITTEE

Ordered on the Agenda were the three items appearing on the Tentative Steering Agenda.

5. PLANNING AND ZONING COMMITTEE

Ordered on the Agenda were four of the seven items appearing on the Tentative Steering Agenda. Also, one item from the Pending Agenda and that was the Report for establishment of strategy for sale of all city-owned assets.

6. PUBLIC WORKS AND SEWER COMMITTEE

Ordered on the Agenda were the two items appearing on the Tentative Steering Agenda.

STEERING COMMITTEE REPORT (continued)

7. HEALTH AND PROTECTION COMMITTEE

Ordered on the Agenda were two of the three items appearing on the Tentative Steering Agenda. Ordered off the Agenda was the matter of multi-crane accidents and safety hazards at construction sites. State Statutes govern crane operators and inspections.

8. PARKS AND RECREATION COMMITTEE

Ordered on the Agenda were the three items appearing on the Tentative Steering Agenda.

9. EDUCATION, WELFARE AND GOVERNMENT COMMITTEE

Ordered on the Pending Agenda was the one item appearing on the Tentative Steering Agenda and that was the request to name the floor housing the Health Department in the Stamford Government Center after the late Dr. Ralph Gofstein.

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

No items appeared on the Tentative Steering Agenda.

13. TRANSPORTATION COMMITTEE

No items appeared on the Tentative Steering Agenda.

14. LABOR CONTRACTS LIAISON COMMITTEE

No items appeared on the Tentative Steering Agenda.

15. HOUSE COMMITTEE

No items appeared on the Tentative Steering Agenda.

16. COLISEUM AUTHORITY LIAISON COMMITTEE

Ordered on the Agenda was one item taken from the Legislative and Rules Committee and that was the proposed ordinance amending Section 6-34 of the Code concerning the purpose of the Stamford Coliseum Authority.

17. CHARTER REVISION COMMITTEE

No items appeared on the Tentative Steering Agenda.

18. SPECIAL COMMITTEE TO ASSESS PRIORITY ISSUES

No items appeared on the Tentative Steering Agenda.

19. RESOLUTIONS

Ordered on the Agenda was an item from the Addenda to the Tentative Steering Agenda and that was a Sense-of-the-Board Resolution congratulating Anthony J. Milone on his promotion to Deputy Chief of the Fire Department.

ADJOURNMENT

There being no further business to come before the Steering Committee, upon a motion made, seconded and approved, the meeting was adjourned at 8:15 p.m.

SG:ak

SANDRA GOLDSTEIN, CHAIRWOMAN
STEERING COMMITTEE

APPOINTMENTS COMMITTEE

MRS. PERILLO said her Committee met Tuesday, November 25, 1986, at 7:30 P.M., at Hillandale Avenue. Committee members present were Millie Perillo, John Boccuzzi, Pat McGrath, Ruth Powers, Tom Burke, Anne Summerville, Stan Esposito, Nick Pavia, and Tom Clear. Mr. Blum was excused because of illness. Also present were Sandy Goldstein, John Zelinski, Scott Morris, and John Roman from the radio station.

Mrs. Perillo Moved to the Consent Agenda Items #1, 2, and 3. Seconded. CARRIED, voice vote. Abstaining were Reps. Heins, McInerney, Maihock, Santy and Signore.

MOTION TO SUSPEND THE RULES TO BRING UP AN ITEM OUT-OF-ORDER ON THE AGENDA:

MRS. MCINERNEY Moved to Suspend the Rules to consider an item out-of-order, that item being Item #4 under PLANNING AND ZONING COMMITTEE, due to the large number of people in the gallery interested in this matter. Seconded by Mr. Signore.

THE PRESIDENT called for a machine vote on this Motion. DEFEATED with 12 Yes, 26 No, and 1 Non-Voting. Rules will not be suspended.

TRAFFIC HEARING OFFICERTerm Expires

- (1) MR. ALEXANDER BILLS (R)
18 Gray Farms Road
(Held in Steering 9/17 & 10/15)

Two years from
date of approval.

APPROVED ON CONSENT AGENDA.

DIRECTOR OF TRAFFIC & PARKING

- (2) MR. VINCENT O. AKHIMIE, P.E. Replacing J. W. Ford Five-year
6101 Monmouth Ave., #1008 who resigned. contract,
Ventnor, New Jersey 08406

APPROVED ON CONSENT AGENDA, with 5 Abstentions: Reps. Heins, McInerney, Maihock, Santy, and Signore.

CORPORATION COUNSEL

- (3) MARY E. SOMMER, ESQ. (D) Replacing Michael Clear, November 30, 1987
21 Emery Drive, East Esq., who resigned.
Stamford, CT.

APPROVED ON CONSENT AGENDA.

FISCAL COMMITTEE

MR. DONAHUE said the Fiscal Committee met on December 3, 1986 with Reps. Rinaldi, Esposito, Rybnick, Lyons, David Martin, Livingston, and Donahue attending. Rep. Begel was excused from this meeting.

The following items are placed on the Consent Agenda #1, 2, 3, 5, 6.

- (1) \$ 70,202.00 - LABOR NEGOTIATIONS - DENTAL HYGIENISTS, PUBLIC SCHOOL - Various Codes - Additional Appropriation requested to fund recently approved contract between the City of Stamford and the Dental Hygienists - Public School Health Program covering 3 years from July 1, 1984 through June 30, 1987. Requested by Mayor Thom Serrani 10/28/86. Contingent upon Board of Finance approval.

Above also referred to PERSONNEL COMMITTEE.

APPROVED ON CONSENT AGENDA.

- (2) PROPOSED RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CONNECTICUT ALCOHOL AND DRUG ABUSE COMMISSION. Grant for public education program. Submitted by Mayor Thom Serrani 11/5/86.

APPROVED ON CONSENT AGENDA.

- (3) \$ 6,200.00 - STAMFORD YOUTH PLANNING & COORDINATING AGENCY (SYPCA) Code 205.7565 ALCOHOL AND DRUG ABUSE PREVENTION - Additional Appropriation requested to promote community-wide prevention activities. These funds available through the Connecticut Alcohol and Drug Abuse Commission. Requested by Mayor Thom Serrani 10/23/86. Contingent upon Board of Finance approval.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA, with Rep. Maihock voting in opposition.

- (4) \$ 2,210.00
(Reduced by
Board of
Finance) \$ -3,400.00 - HUMAN RIGHTS COMMISSION - VARIOUS - Additional Appropriation requested to fund expanded responsibilities under State Law and Ordinance #567. Requested by Mayor Thom Serrani 10/24/86. Board of Finance approved 11/20/86.
- | | <u>Requested</u> | <u>Approved</u> |
|-------------------------------------|------------------|-----------------|
| 113.1201 OverTime (for secretary) | \$1,111. | \$1,100. |
| 113.1230 Building Supplies | 25. | -0- |
| 113.2610 Equipment Maintenance | 60. | -0- |
| 113.2652 Equipment Service Contract | 55. | -0- |
| 113.2730 Water | 49. | -0- |
| 113.2930 Office Supplies | 800. | 800. |
| 113.2940 Conferences | 1,000. | -0- |
| 113.2941 Travel | 300. | 300. |
| | <u>\$3,400.</u> | <u>\$2,210.</u> |

Above also referred to EDUCATION, WELFARE & GOVERNMENT COMMITTEE.

FISCAL COMMITTEE (continued)

MR. DONAHUE said the only reason this was taken off the Consent Agenda was that this request was reduced to \$2,210. from \$3,400. By unanimous vote, the Committee recommends approval and he so Moves. Seconded.

MRS. POWERS said EW&G concurs.

MR. WIDER asked why were the other items eliminated.

MR. DONAHUE said he believed it was felt that the most critical items, those of Over-time, Office Supplies and Travel, had to be met to get them through the fiscal year expiring 7/1/87. The other items can be absorbed at this point in time.

MRS. SANTY said, as she mentioned several weeks ago, she is totally opposed to emergency appropriations so soon into the new fiscal year, but she wishes to compliment whoever put the covering letter in, giving the explanation that this is due to a new ordinance whose requirements need to be met. She will vote for this.

THE PRESIDENT called for a voice vote. CARRIED.

- (5) \$672,799.00 - BOARD OF EDUCATION - AMENDMENT TO THE CAPITAL PROJECTS BUDGET - Additional Appropriation, Close-Out, and Transfer to fund Code 810.162 MURPHY SCHOOL RENOVATIONS. Requested by Mayor Thom Serrani 10/24/86. Planning Board approved 11/4/86. Contingent upon Board of Finance approval. Held in Steering 7/17, and Pending Agenda 9/17 and 10/15/86.

Above also referred to EDUCATION, WELFARE AND GOVERNMENT COMMITTEE.

APPROVED ON CONSENT AGENDA, WITH REP. DONAHUE ABSTAINING FROM PARTICIPATION.

- (6) PROPOSED RESOLUTION FOR AUTHORIZATION OF PRELIMINARY APPLICATION FOR A STATE SCHOOL CONSTRUCTION GRANT FOR THE BOARD OF EDUCATION FOR THE DOLAN MIDDLE SCHOOL INSULATION REMOVAL AND REPLACEMENT PROJECT. Grant for approximately 43% of the final approved cost of the project. Submitted by Mr. B.R.Reed, Asst. Supt. for Support Services, Stamford Public Schools 10/15/86.

APPROVED ON CONSENT AGENDA, WITH REP. DONAHUE ABSTAINING FROM PARTICIPATION.

MR. DONAHUE Moved for approval of Consent Agenda Items #1, 2, 3, 5, and 6. Seconded. CARRIED, voice vote, with Rep. Maihovk voting No on Item #3; and Mr. Donahue abstaining and not participating on Items 5 and 6.

LEGISLATIVE AND RULES COMMITTEE

MR. DAVID MARTIN said Legislative and Rules Committee met on Monday, December 1, 1986, at 7:30 P.M. Present were Reps. Pavia, Morris, Nakian, Zelinski, David Martin, Bromley, Powers and Maihock. Items #2 and #4 are placed on the Consent Agenda.

- (1) (L&R19.18) REQUEST FOR WAIVER AND REFUND OF BUILDING PERMIT FEE FOR CONSTRUCTION OF THE WILLIAM AND SALLY TANDENT CENTER FOR CONTINUING CARE AT THE STAMFORD HOSPITAL. This will be a non-profit facility on the Stamford Hospital campus. Requested by George S. Price, P.E., Asst. V-P, Construction for the Center, P.O.Box 15487, Stamford 06901. Held on Pending Agenda 9/17/86. Held in Committee 11/3/86.

MR. DAVID MARTIN said the vote was 6 in favor and one opposed and one abstaining, and there are two building permits involved for a total of \$20,400. Mr. Price attended the meeting and said the Continuing Care Center facility will be in conjunction with the Stamford Hospital but is a separate facility and has its own separate non-profit status. He Moved for approval. Seconded.

MR. PAVIA is abstaining because it may look like a conflict of interest even though they are two separate units.

MRS. MAIHOCK said she felt that a request such as this could easily become a precedent. David Martin did in fact confirm at least that a couple more such requests could be brought before this Board. In view of the aging population in our City and in our country, it is very probable that we could have many, many more such requests. She feels that if you do take a position for one, then you must continue to keep that position and not show any discrimination for future persons, and therefore she cannot vote for this as she feels this precedent factor might be not in the best interests of the City.

THE PRESIDENT called for a voice vote. APPROVED, with Mrs. Maihock in opposition, and with Rep. Dudley and Esposito abstaining. The record will show that Mr. Pavia abstained and did not participate.

- (2) (L&R19.27) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING STREET SWEEPING ON ACCEPTED STREETS AND PRIVATE ROADS. Submitted by Rep. John J. Boccuzzi (D) 2nd District, 11/12/86.

APPROVED ON CONSENT AGENDA.

- (3) (L&R19.29) PROPOSED RESOLUTION CONCERNING THE APPROVAL OF A LEASE BETWEEN THE CITY OF STAMFORD AND THE UNION TRUST COMPANY. Union Trust to have a one-person office and an automated teller machine. Submitted by Mayor Thom Serrani 11/13/86. Contingent upon Planning Board and Board of Finance approval.

MR. DAVID MARTIN said Corporation Counsel Michael Clear came to the Committee meeting on Dec. 1st and discussed that issue at length with the Committee. A subsequent meeting was held this evening at sixty-thirty, and the item was approved 8-0-0.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. DAVID MARTIN said this lease concerns the first floor of the Stamford Government Center. There is an area off to the side of the entrance which was leased by Union Trust from GTE prior to the City buying the building. This lease is to take over that space from GTE and instead give Union Trust a smaller space which originally was designated as a coat closet of 200 sq. ft. and made it space for an automated teller machine. The reason the City wishes to do this is because the lease that GTE uses has been designated by the Space Planner as the best location for our Town Clerk. In fact, substantial improvements were made in this area by the Union Trust that are applicable to our Town Clerk Office; the one that is most talked about is that they have put in a vault which would also be applicable to the City's needs.

The Administration has negotiated to some length. The essence of the lease is that we will take over that space, the improvements that were made by Union Trust which are in the neighborhood of \$300,000 will be amortized over a period of about 26 years, and that will be used to pay the rental on the much smaller space, about one-tenth as large, where they will have a one-person office and the space for an automated teller machine at the GTE Bldg. In addition, the City is committing to make a lease which is not part of this lease this evening, but the City is committing to make a lease with Union Trust at the Stamford Transportation Center. That area is owned by the State but the intentions ^{are} that it will be leased to the City and the City will then sub-lease to a variety of shops, banks, and other retail establishments that could be of service to the commuters.

About two years ago, before the plans for the Transportation Center became de-railed, the City did entertain proposals for bids on this space. Union Trust was the recommended bank to take this space. The contract that is before the Board now has absolutely no conditions about the lease with regards to the Transportation Center except that it will be at fair market value and that it will be as an obligation.

Michael Clear impressed upon the Committee the need to have this action taken now. The work being done at the Government Center in this particular area cannot begin until this lease is approved. If this is not passed tonight, it would clearly set back the plan to move the Town Clerk into the Government Center at least a month. Mr. Martin Moved for approval. Seconded.

MRS. MCINERNEY said although she would be in agreement with the provisions of the lease which allow Union Trust to use the new Government facility, she is in total disagreement with the City incorporating within the body of this lease, another lease which runs for an opposite time period in another building other than the Government Center. She does not think it is good business practice. She does not think it would adequately handle the problem of the termination of either lease since it is her understanding that the Government Center lease is for a term of 26 years, and the lease for the Transportation Center is 20 years. She feels that the data which has gone into the decision-making in 1984 at that particular point was very accurate; now we are dealing with stale information and from the information given to the Board this evening by the Board's Researcher, it seems that Mr. Disario is going to consider putting the other business entities back out to bid again. Mrs. McInerney cannot approve a lease which ties down two buildings, or a commitment for two buildings. She does not think it is fair for the City of Stamford, and it is

LEGISLATIVE AND RULES (continued)

not good business practice, and she Moved to return to Committee until such time as all reference to a lease at the Transportation Center can be excluded. Seconded by Mr. Signore.

MR. DAVID MARTIN said Michael Clear spoke to the Committee at length about the provision that Mrs. McInerney specifically addresses and the desire to have that struck from the lease. It is fair to say that these sets of terms and conditions were most troublesome to the Committee members for a variety of reasons. However, it is Michael Clear's opinion that this is a deal-breaker, and that in fact, to remove those terms from the lease, the Transportation Center element, would in fact break the deal and we would in fact be back to Square One for an unknown amount of time to try to work out any other type of arrangement. Mr. Martin would therefore take Mr. Clear's word on this; they did not want to tie the lease in in the first place and therefore Mr. Martin would persist that it would be better to move ahead and approve it this evening.

MR. LYONS said it is not unreasonable on the part of the Union Trust after giving up their place where they're living to have some place to go, at least the guarantee of it. Putting this back into committee would serve no useful purpose.

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

THE PRESIDENT called for a machine vote on returning to committee. DEFEATED, with 4 Yes votes, 30 No votes, 3 Abstentions, and 2 Non-Voting.

MRS. MAIHOCK said her principal concern is that this lease having a 26½ year term might present a problem to the City should the City wish to sell the building before the expiration of this lease. The City would then have to negotiate its way out of this lease, or pass it on to a new owner if that future owner would agree to such a lease provision. It could become an encumbrance in a possible sale. She also is not in favor of banking services being offered in our City Hall at all hours, and particularly during the business hours of the City, because it could diminish the parking spaces that have been reserved for residents who come to do business with the City.

MRS. MCINERNEY wished to note that the difference, the comparison between the lease that GTE had with Union Trust and the current lease that the City is willing to give is quite substantial. GTE was going to give a ten-year lease. The City is agreeable to give a 26-year lease to the Government Center and a 20-year lease for 240,000 sq. ft. at the Transportation Center. They are willing to give an opportunity to all other bidders who had inquired about the use of the Transportation Center another opportunity to process a new lease. That is no longer possible. There has been a pre-arrangement with Union Trust by incorporation within this lease. To her, that takes an opportunity away from other businesses, and she reiterates it is very poor business practice to approve a lease with terms that are undeterminable, and she thinks the City will regret this as there is no way enforce this lease. She also wished to bring to the Board's attention that the South End Community Center has not had their lease renewed for many years and this is going to be another one of those that is going to slip through the cracks; and she thinks the City, in the future, is liable for any action they take tonight in approving this very unsound business practice.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. DAVID MARTIN said while the original terms of the lease was ten years, there was a five-year extension that was also available to GTE. Secondly, the reason it is 26½ years is that is the period of time it takes to amortize the investment that was made by GTE. In other words, they put in roughly \$300,000 and it takes 26 years for us to pay it back and we are not paying back interest in the meantime. He recognizes Mrs. McInerney's other concerns and he is concerned about them somewhat himself. It is his and the Committee's feeling that Paul Disario or whoever makes the future arrangements for space in the Transportation Center not consider his hands tied with negotiating with other banks for possible representation at the Transportation Center, and because the lease terms are not explicitly spelled out in this lease, he should in fact try to obtain what he would have tried to obtain in a final lease with Union Trust even without this lease, such things as making certain they abide by the general provisions that we would want in that Transportation Center. That is the hope of the Committee and Mr. Martin expresses that himself, as well.

MRS. MCINERNEY said with Mr. Martin's reference to Mr. Disario, she does not think Mr. Disario is going to be in City Government in Stamford at the end of 20 years to renegotiate with another bank.

THE PRESIDENT called for a machine vote. APPROVED with 29 Yes, 6 No, 2 Abstentions, and 2 Non-Voting.

- (4) (L&R19.30) REQUEST FROM YOUNG ISRAEL OF STAMFORD FOR A WAIVER AND REFUND OF BUILDING PERMIT FEE. \$1,200 paid Jan. 9, 1986 on Permit #64633. Requested by Rep. John Zelinski, (D-11) 11/14/86.

APPROVED ON CONSENT AGENDA.

- (5) (L&S19.13) - FOR PUBLICATION - PROPOSED ORDINANCE AMENDING SECTION 18.51 OF THE CODE OF ORDINANCES TO ALLOW AWNINGS TO ENCROACH ON CITY SIDEWALKS. Submitted by Gary Dayton, Urban Renewal Director 7/30/86. Held in Committee 9/8/86. Held on Pending Agenda 9/17 and 10/15/86.

MR. DAVID MARTIN said Ann Luders of URC came and made a presentation. The Committee HELD IN COMMITTEE this item, pending the responsibility of Zoning versus Ordinances on this item.

MR. DAVID MARTIN Moved for approval of the Consent Agenda items 2 and 4. Seconded. CARRIED.

PERSONNEL COMMITTEE

MR. DUDLEY said the Personnel Committee met on Tuesday, Nov. 18, 1986, at 7:30 P.M. in Conference Room I in the Board of Education Bldg. Present were Reps. Dudley, Fishman, Morris, Burke, and Powers.

On Consent Agenda are Items 1, 2, and 3. Moved. Seconded. CARRIED.

PERSONNEL COMMITTEE (continued)

- (1) FOR FINAL ADOPTION - PROPOSED ORDINANCE DESIGNATING THE POSITION OF DIRECTOR OF HEALTH AS UNCLASSIFIED. Submitted by Mayor Thom Serrani 9/25/86. Approved for publication 11/3/86.

APPROVED ON CONSENT AGENDA.

- (2) FOR FINAL ADOPTION - PROPOSED ORDINANCE DESIGNATING THE POSITION OF CLERK-OF-THE-WORKS, OR PROJECT DIRECTOR, AS UNCLASSIFIED. Submitted by Mayor Thom Serrani 10/15/86. Approved for publication 11/3/86.

APPROVED ON CONSENT AGENDA.

- (3) FOR FINAL ADOPTION - PROPOSED ORDINANCE DESIGNATING THE POSITION OF RAILROAD MAINTENANCE WORKER AS UNCLASSIFIED. Submitted by Mayor Thom Serrani 10/15/86. Approved for publication 11/3/86.

APPROVED ON CONSENT AGENDA.

PLANNING AND ZONING COMMITTEE

MR. WHITE said a public hearing was held by the Planning and Zoning Committee of the Board on the evening of Nov. 20, 1986 at Cloonan School. Present at the hearing were Committee members Thomas Clear, Donald Donahue, Terrence Martin, David Jachimczyk, Sal Signore, Maria Nakian, Dennis White, and Barbara McInerney. Also attending were Zoning Board Chairman Robert Thomson, James Serafino representing the Planning Board, and Jon Smith, Planning and Zoning Director. Also present were various members of the Board of Representatives. The hearing commenced at approximately 7:15 P.M. and was adjourned at 11:45 p.m. Some 53 speakers of approximately 200 attending were heard. Presentations were begun by Mr. Serafino & Mr. Thomson. Mr. Thomson ended the evening with an extended presentation of the Zoning Board's regulation. His terminating presentation with questions and commentary by Committee members lasted about three-quarters of an hour.....

THE PRESIDENT interjected here, that before he gets into the body of what went on at the hearing, that MR. White proceed to the different items that come prior to that. Rather than go into the issue.....

MR. SIGNORE asked if a Motion could be made to move it up.

THE PRESIDENT said to take care of the Committee's disposition of Items 1, 2, and 3. Then when he gets to Item #4 he can report on the public hearing.

MR. WHITE said because of the lateness of the hour, the members decided to adjourn and to hold a Committee meeting the following Monday, Nov. 24, 1986, at 7:30 P.M. Such meeting was convened at 7:30 on 11/24/86 at the Board of Education. Present were Committee members Donahue, Nakian, Heins, Martin, Jachimczyk, McInerney, Signore, and White. Because of the absence of information, only Item #2 on the Agenda was handled. By a vote of 8-0, this item was placed on the Consent Agenda.

PLANNING AND ZONING COMMITTEE (continued)

- (1) FOR PUBLICATION - PROPOSED ORDINANCE AUTHORIZING THE SALE OF A PORTION OF THE CITY'S RIGHT-OF-WAY ON SUBURBAN AVENUE, NORTH FROM BROAD STREET APPROXIMATELY TWO-THIRDS OF THE WAY TO FOREST STREET (12,030 sq. ft.) for \$735,000.00 to BROADMOOR HOUSING, INC. Submitted by Mayor Thom Serrani 7/22/86. Planning Board approved with proviso, 7/29/86. Contingent upon Board of Finance approval. Held in Committee 9/8, 10/6 and 11/3/86.

HELD IN COMMITTEE.

- (2) PROPOSED RESOLUTION REQUESTING ACCEPTANCE OF BRIAR WOODS TRAIL AS A CITY STREET UNDER CHAPTER 64 OF THE CITY CHARTER. Submitted by Rep. Barbara McInerney (R-20) 11/6/86.

APPROVED ON CONSENT AGENDA.

- (3) REVIEW OF THE ZONING ENFORCEMENT POLICIES AND PROCEDURES OF THE ZONING ENFORCEMENT OFFICER AND THE LAW DEPARTMENT. Submitted by Reps. Maria Nakian (D-20) and Claire Fishman (D-12) 11/6/86.

MR. WHITE said Mr. Macri, Deputy Zoning Enforcement Officer, said that 97% of the work of zoning enforcement had to do with potential zoning violations during construction, and his office vigorously pursued such. While the Committee did not contest this, they reminded Mr. Macri that it was the remaining 3% that most Representatives and constituents, ie., were concerned with ongoing violations. Further, that there is a perception on the part of the community that these Use violations are not vigorously pursued as they might be. Mr. Macri denied this and felt that this misapprehension might be due to a failure of communication between his office and the Representatives and/or the complainants, a problem which he attributed to shorthandedness in his department. In further confusing testimony concerning Appl. 86-030 regulation, Macri said he doesn't believe the illegals are going to come forward and the result will be that we will not be able to root them out. He gave us assurance that he could and would monitor the new regulation. The judgment of the Committee was there were some inconsistencies, especially in view of Mr. Thomson's 11/20 testimony that seemed to indicate the Building Dept. supporting the Zoning Board's rationale in all its complexities. Generally speaking, Mr. Macri's testimony was greeted by the Committee with some degree of skepticism as members questioned Mr. Macri about specific on-going violations in their specific districts. It should be noted that Mr. Macri met all these questions with articulate frankness.

THE PRESIDENT said that Mr. Boccuzzi will conduct the meeting on Item #4 as she, Mrs. Goldstein, is leaving the floor.

- (4) REFERRAL OF ZONING BOARD ACTION APPROVING APPL. #86-030, AMENDMENT OF ZONING REGULATIONS TO ADD A NEW SECTION "N - ACCESSORY APARTMENTS" - Pursuant to Section 553.2 of the Stamford Charter. Petition received from Mr. Bernard Cohen 10/20/86. Submitted by Robert N. Thomson, Chairman, Zoning Board, 10/22/86. (Received at Board Office 10/23/86)

PLANNING AND ZONING COMMITTEE (continued)

MR. WHITE said he would now talk on the public hearing that was held concerning Item #4. A public hearing was held by the Planning and Zoning Committee of the Board on the evening of Nov. 20, 1986 at Cloonan School. Present at the hearing were Committee members Thomas Clear, Donald Donahue, Terrence Martin, David Jachimczyk, Sal Signore, Maria Nakian, Dennis White, and Barbara McInerney. Also attending was Mr. Robert Thomson, Chairman, Zoning Board, and Mr. James Serafino representing the Planning Board; Mr. Jon Smith, Planning and Zoning Director also attended. Also attending were various members of the Board of Representatives.

The hearing commenced at 7:15 P.M. and was adjourned at 11:45, after some 53 speakers, of approximately 200 attending, were heard.

Presentations were begun by Mr. Serafino, and Mr. Thomson of the Planning and Zoning Boards, respectively. Mr. Thomson ended the evening with an extended presentation of the Zoning Board's regulation. His terminating presentation with questions and commentary by the Committee members lasted about three-quarters of an hour. The Committee very much appreciated Mr. Thomson, who limited his original presentation to three minutes, and waited patiently until the end to deliver his extended version of the Zoning Board's point of view. Of the 53 speakers heard, about 80% were against the regulation. Almost 200 people were present.

Because of the lateness of the hour, the Committee members decided to adjourn and to hold the Committee meeting the following Monday, Nov. 24, 1986, at 7:30 P.M. Mr. White said he has already given how that was convened.

Now back to the December 4th meeting, which had been recessed from the Nov. 24th meeting, where Item #4 was considered.

The first consideration of Item #4 is the validity in terms of the petition properly drawn and is it here properly before the Board. The Committee, by a vote of 6 in favor, and 1 against, determined that it should be considered. The rationale of the Committee in reaching this determination was (1) this is the first time that a petition that has ever been referred to us under this Section of the Charter: 533.2. It is because it is a City-wide regulation in point of fact inclusive of all single-family zones excepting R-7½; (2) because the brief of Robert Fuller, now Judge Fuller, of Heffernan et al, working for the community during comprehensive re-zoning, was really concerned with the referral section of the Charter, Section 552 which had to do with the specific change of zone or regulations as applied to a specific zone; (3) and since Mr. Heffernan and Mr. Fuller cited cases applying to other Sections of the Charter other than 553.2, which was the Section of the Charter under which this referral was made; (4) and since this is the first case referred to us under this Section 553.2 of the Charter; (5) and because of the wording of 553.2 of the Charter says "landowners" as opposed to the phrase "owners of land" as used in the other Charter referral sections which would seem to indicate the intent on the part of the Charter was to calculate owners as opposed to pieces of property; (6) and because the Committee felt that the regulation had such massive implications for the future of Stamford, the Committee reasoned that in light of these uncertainties to reject the petition would be, on its part, arbitrary, capricious, and presumptuous.

PLANNING AND ZONING COMMITTEE (continued)MR. WHITE (continuing)

Such a situation should be left totally in the realm of opinion, that if need be, it should be fine-tuned by judicial consideration; that until such time, it should be held in abeyance; ergo, by a vote of six in favor and one abstention, the Committee voted to recommend to consider Appl. 86-030 and he so Moved. Seconded.

MRS. MCINERNEY said the question of approving or disapproving the petition is purely one which is judgmental on the Board's part. It is obvious that there is contradiction and doubt surrounding the previous opinions on the meaning of "owner" in reference to Charter Section 552.5, and the definition in the Code of Ordinances Sec. 1.12, which reads: "owner as applied to a building or land includes any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole, or of a part of such building or land". Charter Section 553.2 makes reference to the number of signatures required on any such written petition "shall be one hundred or twenty per cent of the owners of privately-owned land within 500 ft. of the area so zoned, whichever is the least, if the proposed amendment applies to only one zone. All signers must be landowners in any area so zoned. If any such amendment applies to two or more zones, or the entire city, the signatures of at least three hundred landowners shall be required, and as such, signers may be landowners anywhere in the city."

Mrs. McInerney said she submits to the members that this Section does not indicate whether all owners of a parcel of land must sign; it indicates only that signatures of at least 300 landowners be required. The two pieces of legislation are obviously in contradiction. If we were to indicate that the people who signed and passed the petition in good faith were misled by the confusion of a clear and understood definition of what constitutes a landowner, we would have to admit that we created that confusion. In addition, another issue which must be addressed is whether or not due process or notification was extended to all property-owners of this City regarding the effect of the change in the Zoning Regulations. She notes that a legal notice appeared in THE ADVOCATE on Saturday, August 16, 1986, and October 10, 1986, regarding Appl. #86-030. She wishes to bring to the Board's attention that in accordance with Charter Section 554 Notice of Public Hearing, which reads as follows: "Notice of each public hearing held with respect to amendments of the Zoning Regulations and Map, or applications for approval of site and architectural plans, and/or requested uses, shall be given by publishing in an official paper, the time, place, and purpose of such hearing. If any such hearing is to be held with respect to an amendment to the Zoning Map, such notice shall include a clear and accurate map showing the bounds of any area or areas affected." Both notices which appeared in THE ADVOCATE did not display a map indicating which areas of the City would be affected by the change in the Zoning Regulations, if Appl. #86-030 were approved by the Zoning Board.

Since Appl. 86-030 has made such a sweeping change which will affect all of neighborhoods in Stamford, Mrs. McInerney feels that only a few number of people were aware of the change to their properties and due process was not adequately given or served by the Zoning Board.

PLANNING AND ZONING COMMITTEE (continued)MRS. MCINERNEY (continuing)

There is another item that should be considered; "After the effective date of the Master Plan, the Zoning Map may, from time to time, be amended by the Zoning Board, providing, prior to any such action, the Board shall hold at least one public hearing thereon, notice of which shall be given as herein provided." If the Board is the proponent of any such change, said notice shall contain the Board's reasons for such a proposed change. The Zoning Map shall not be amended by said Board to permit an use in any area which is contrary to the general land use established for such area by the Master Plan.

In accordance with the 1981 Master Plan, for the purposes of consideration of this petition, Mrs. McInerney submits that the definition of "Residential, Single Family - Very Low Density" and "Residential, Single Family - Low Density" is in conflict with the purpose of the zone change.

Further, the Planning Board in their Master Plan, indicated that single-family residences, as follows: "The assignment of Single Family Land Use Categories on the 1981 Master Plan Amendment closely parallels the 1977 Plan and existing zoning; however, the 1981 Plan will provide for greater stability to existing development patterns by upgrading several neighborhood blocks from Multi-Family to Single-Family categories. The Plan also envisions the inclusion of so-called "accessory apartments" within single-family neighborhoods subject to appropriate standards to protect the public health, safety and welfare. A meaningful amount of affordable housing could be achieved in this fashion while at the same time offering the means for long-time residents to continue to maintain their homes.

Mrs. McInerney submits to the Board members that Appl. #86-030 has no provisions for long-time residents to stay in their homes. There is no provision in 86-030 that says the accessory apartments must either be owned or rented by long-term, elderly Stamford residents; and in today's market, the persons who are renting accessory apartments are not elderly people.

Also the Zoning Board has further acted in conflict and out of harmony with the 1981 Master Plan since it has made no provision regarding the protection for the public health, safety or welfare. There is no provision which indicates any problems with septic expansion due to an accessory apartment, nor is the question of safe and adequate water addressed. In letters to the Zoning Board from the Health Department, an advisory opinion stated that accessory apartments should not be considered in unsewered areas where there are wells, and further that if approved for unsewered areas, they should be allowed in areas of 2 acres in size, or greater.

In another letter from the Health Department, since their first was not incorporated, they indicated that all accessory apartments should meet the Public Health Codes for the State of Connecticut, and each accessory apartment must have separating distances from other septic and wells on that property, as well as having proper separating distances from adjacent property septic and wells.

PLANNING AND ZONING COMMITTEE (continued)MRS. McINERNEY (continuing)

Mrs. McInerney's opinion is that the Zoning Board chose to act without the inclusion of any recommendations or consideration of the Master Plan and the Health Department.

For all of the above reasons, she strongly urged this Board consider the validity of the petitions which were passed in good faith by members of the community, and consider further that our legislation is unclear, and has created this doubtful situation. Second, that due process was in effect denied to all property-owners in this City due to the lack of a Zoning Map showing clear and accurate bounds of any areas affected. Third, the utter disregard to the health, safety and welfare of the residents of the community without prior provisions as suggested by the Health Department and in compliance with the 1981 Master Plan.

As a Board, the Representatives have an obligation to look at these petitions, look at the good faith, and look at the contradiction of both the Charter and the Code of Ordinances and consider these petitions, and in the future they ought to rectify the situation that they created by clearly delineating the definition of an owner.

MR. WIDER said he finds it hard to believe that they have a petition with 300 signatures. If there is not an authentic petition with 300 signatures then this Board is not qualified to discuss this because the Charter says there must be 300 signatures. He has a serious concern when he sat at the public hearing and saw a long march of people going up and speaking against accessory apartments for Stamford. Some of them, if they heard themselves and their own sons and daughters, would have heard an altogether different story.

ACTING PRESIDENT JOHN BOCCUZZI explained to Mr. Wider that the Motion on the floor is whether this Board should or should not vote on the matter. Once that vote is gotten, then the next vote will be on the petition itself.

MR. WIDER asked if the Board had a petition with 300 signatures as he has not seen it.

MR. WHITE said yes. Over 300 signatures.

ACTING PRESIDENT JOHN BOCCUZZI told Mr. Wider that if he has a problem and feels that the petition is not legal and should not be before this Board, then he would vote No as far as going to the next step, which is to decide on the merits of the petition.

MR. WIDER said he is going to vote No and ask to send it back, as he does not think the Board has a petition with 300 signatures if he heard the right thing in caucus.

MR. DONAHUE Moved the Question. Seconded by Mr. Signore. Voice vote CARRIED.

ACTING PRESIDENT JOHN BOCCUZZI said it takes a majority of those present and voting to hear the merits of this petition. A machine vote was called for. Vote Yes if you want to hear the petition. Vote No if you do not want to hear

PLANNING AND ZONING COMMITTEE (continued)ACTING PRESIDENT JOHN BOCCUZZI (continuing)

the petition. If you are in favor of hearing the petition even though there has been outside legal opinion, which everybody has, which states that there are not enough signatures, you vote Yes. Please use the machine.

MR. LIVINGSTON called for a Point of Information. He asked if the petition is properly before the Board or not.

ACTING PRESIDENT JOHN BOCCUZZI said that is what is being voted on right now.

The Motion has been APPROVED by a vote of 27 Yes, 5 No, 3 Abstentions, and 4 Non-Voting. The petition is now before the Board for consideration.

MR. WHITE said the next question is the issue of acceptance or rejection of the regulation. The Committee is of the opinion that the regulation should be over-turned for many reasons, most of which the Board is familiar with. Basically, the Committee does not believe the regulation to be enforceable. Not in this town, anyhow, given our enforcement problems. The Committee found the testimony of Chairman Thomson to be strangely contradictory; articulate, yes, but shot through with illogicalities. Yes, he did grant that Stamford had enforcement problems. Yes, he was surprised to discover on appointment to the Zoning Board that he had no enforcement powers. Yes, he realized that hundreds, perhaps thousands, of illegal apartments existed. All this was dismissed with the illogic that the new regulation, because it set standards, would be easier to monitor. Also, somehow or other, the new regulation would magnet-like draw most of the present illegals to expose themselves during the amnesty period where they would voluntarily refit themselves to meet the new standards.

Further, in the eyes of the Committee, the regulation itself is too broad, assuming that it could be enforced. It should, in the opinion of the Committee, restrict ownership of such units to the elderly.

The majority of the Committee believes that if the regulation stands in Stamford, ten years from now you will have no continuous single-family zone left.

Consequently, by a vote of six in favor and one abstention, the Committee voted to recommend that the regulation be over-turned. Pursuant to this, Mr. White Moved that Application 86-030 of the Zoning Board be upheld. A No vote is the recommendation of the Committee. Seconded.

MRS. BROMLEY said she is glad the Committee voted to disapprove this regulation, and she is also glad that the Board considers this petition. It is inconceivable that any legislative body, such as this, would require such a technical reading of the signature requirements so as not to reconsider. She has received an unbelievable number of calls from her constituents asking her to oppose this regulation. They come from the heart, partly from the organized groups, and oftentimes just from regular homeowners, and she intends to vote against the Zoning Board's regulation.

PLANNING AND ZONING COMMITTEE (continued)

MRS. BEGEL said she will be Abstaining this evening because her husband is a real estate broker and he testified at one of the hearings, but she would just like to mention a couple of things. The accessory housing issue has been under consideration for over six years. There has been a lot of hard work that has gone into what the Zoning Board has come up with. The issue of housing in Stamford seems to be something that is very difficult to achieve in the affordable sense of the word. A lot of the proponents have done an awful lot of hard work. The opponents have done a lot of hard work also, but the proponents have done work for six years on this issue and support it with a lot of back-up and research in this area. She really feels that according to the last vote, this probably doesn't have a prayer of a chance this evening, but she wants to acknowledge the fact that this was done not to rape Stamford, but to offer solutions that would be reasonable and well-thought out, as she feels they are in the regulation.

MR. WHITE said he wished to make a technical change in the Motion. He wished to change the word "accept" to "approve". He would like it to read: "I would Move that Application 86-030 of the Zoning Board be approved."

ACTING PRESIDENT JOHN BOCCUZZI asked if the person who made the Seconding Motion agrees to this change. The response was Yes.

MR. WIDER said he wished to reiterate the fact that a lot of work has gone into this regulation, over two-and-a-half years by a number of organizations. This Board has looked into it and found it to be a good regulation that we do not have today. He sat at the public hearing and saw a line of people going up there, and it bothered him because he came to Stamford forty years ago and has not hidden himself. He has been trying in every way to get housing, especially senior citizen housing, which we refused to address ourselves on for years. He recalls one thing, that on Dec. 22nd, he sat at a meeting in Columbia, South Carolina, with one of the state assemblymen. It was on districting and he saw the same line of people, saying the same thing, that he heard at Cloonan School the other night. Why, they were saying one thing on one side, and turn it over, you hear them saying something else on the other side. So what he was reading into what some of the people were saying the other night wasn't exactly what they wanted us to hear. It was something else. And one of the things that has happened in this City is that every time the time came and ~~were~~^{we} ready to build housing units, "they" have fought tooth and nail. Some of us are tired of fighting the battles to get housing in this town, and "you are fighting back, because you are afraid of what is going to happen to you. You are not thinking about anyone else, but yourself. It is about time that we begin to think about the people who are a little less fortunate than we are. And I am not talking about minorities. I'm not talking about majorities. I'm talking about people. Some of your children cannot find a place to live in this town right now. So what you are saying when you talk against accessory apartments, you are really saying I don't want to place my son and daughter to live out of my house after they get married. And this is a sad thing to say, when our kids want to get out on their own. So I was really surprised to hear what some of you were really saying when I turned the coin over and looked at the other side of it. You were saying what you want to give. You were not saying what the people who need housing in this town want to hear. I am going to vote for this, and if this goes down, I am afraid that you are going to lose an advocate of housing in this town among quite a few of us who have come out of a bad situation."

PLANNING AND ZONING COMMITTEE (continued)

MR. BURKE stated it has to be said somewhere along the line that over the last six years, or many more than that, a lot of work has gone into maintaining our single-family neighborhoods, too. He does think also that it is not quite fair to those who feel they do not want to accept the Zoning Board's edict in this to say that those people are against housing. They are not. He gets letters at home in effect saying the writers will do anything and he is quoting as closely as he can: "We will do anything to further the cause of housing in Stamford." To Mr. Burke, this is saying the end justifies the means. Never, never, will Mr. Burke accept that! Never could he accept it. Mr. Burke doesn't think anyone in his right mind could accept that as a philosophy. It does not; it will not. Also by saying that, oh fine, let's get this new regulation; our City workers will then change their attitudes. They will now enforce the regulations and laws that they have been paid to do right along. He does not like the City being held hostage to someone's attitude when the City is paying their salary. They are being paid to enforce regulations. The regulations are on the books now. Enforce them. Show us, as a group, that they can take care of this City with the laws that are on there before we start proliferating the laws and making them more difficult. He intends to vote, obviously, against the Zoning Board's regulation and he urges other members to do the same.

MR. LIVINGSTON: "It's been very rare that I've found myself in a dilemma on any vote on this Board. I find myself agreeing, and disagreeing, with everybody who has spoken. One thing I am sure of, and that is there is no substitute for this City adopting a viable housing program that's going to be meaningful to the young, the old, to every element that makes up a City. Some place along the line, we, the people of this City, must grab the bull by the horns and recognize what we have become. And to use accessory housing as the means to accomplish that goal, I have deep questions about it.

"Again, there is no substitute for a housing program, and this City must come to grips with that issue. We have got to be able to say, yes, we're going to provide housing for our people, or, no, we're not going to provide housing for our people. We cannot, we cannot, in my opinion, condone accessory housing that was built illegally. We can't condone that.

"To say that everything we've done in zoning for the last ten years is to be tossed out of the window, then, really, what on earth have we, and all of us who have been here for a number of years, ^{been doing} we spent an awful lot of hours in this room debating, taking action on what the Zoning Board has done, and, now, here, 1986, we are talking about, well, let's create something, and there is no way that I could vote for this knowing at some point in time it is going to be used as an excuse to say, well, this is why we didn't adopt a viable housing program that's going to meet the needs of this City simply because we took some substitution that is going to make legal some things that have been done illegally.

"I am not advising any member of this Board to vote for or against it. I say this is one of the issues where we are going to have to vote our consciences. I don't believe the people who are for this petition are automatically opposed to a viable housing program. I just simply refuse to believe that, because I've worked with some of these people for so many years, and at the same time, some of the people who are for this kind of a thing; I'm honestly questioning some

PLANNING AND ZONING COMMITTEE (continued)MR. LIVINGSTON (continuing)

of their intentions because they know that there is no substitute for a viable housing program for this City. I'll be voting along with the petitioners. Thank you."

MR. ZELINSKI said in his ten years serving on the Board of Representatives, this is one of the most controversial issues to come before the Board. It is indeed a very difficult question. There are no definite facts and answers to say which side is right and which side is wrong. He took the time to attend the public hearing held by the Planning and Zoning Committee at Cloonan School on November 20th, and listened to speaker upon speaker giving their opinions. It seems that the one thing that everyone can agree upon tonight is that this one issue has polarized the community, and that is pitting neighbor against neighbor depending upon where you stand on this particular issue. The regulation that was adopted by the Zoning Board states that the purpose of the regulation shall be to allow accessory apartments in certain existing single-family dwellings in order to provide small rental units intended to meet the needs of single persons, small families, low and moderate income residents, and the elderly. Furthermore, this regulation serves to promote the more efficient use of the City's existing housing stock; to provide economic support for present resident families of limited income, and to protect and preserve property values. The further purpose of this regulation shall be to protect the public health and safety by bringing into compliance with codes and regulations, accessory apartments that may now be existing illegally in the City. It is amazing that this regulation is intended to do so much for so many people, and Mr. Zelinski wishes it were true that, if indeed the regulation stands, it would accomplish all these goals. But it like pie in the sky. It is a good idea, but is it really going to accomplish all these goals? He has heard that the proponents of the accessory apartments have stated that it is going to solve all the housing needs of the City of Stamford by adopting this accessory apartment regulation. On the other hand, the chairman of the Zoning Board, Mr. Thomson, is quoted as saying that he believes that the regulation will yield a modest number of affordable housing units for the benefit of those who need them the most. The regulations are very strict as far as what is defined as an accessory apartment, or what can be an accessory apartment. The stringent standards for the apartments: Limiting them to a 700 sq. ft. one-bedroom apartment inside an one-family house at least five years old; three off-street parking spaces must be provided; at least one owner has to live in the house. Mr. Zelinski wonders if the regulation as it now stands is going to permit accessory apartments in the dwellings where those owners wish to make an accessory apartment based on the stringent requirements. He is also concerned that in the Zoning Board's wisdom to pass this, they exclude the R-7½ zone, by saying it is too dense. The areas in which this regulation would be applicable, that is the Cove section of Stamford and the Shippan section of Stamford are certainly also dense but they were included in the regulation. There seems to be a great deal of contradiction here. He has received telephone calls and letters from both advocates of the regulation and those against it. It is a difficult question as there is a need for more housing. Whether this is the answer, Mr. Zelinski said he just does not know. When members vote tonight, they will have to decide if this is the solution to housing, or is it up to the present administration and this Board to provide ways and means of building more moderate and low-income housing in Stamford.

PLANNING AND ZONING COMMITTEE (continued)MR. ZELINSKI (continuing)

He does not know if the regulation is upheld tonight, if that is going to be the solution to the problem.

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

ACTING PRESIDENT JOHN BOCCUZZI asked Chairman Dennis White to restate his Motion.

MR. WHITE: "I Move that Application 86-030 of the Zoning Board be approved. A No vote is the recommendation of the Committee."

ACTING PRESIDENT JOHN BOCCUZZI reminded the Board that according to Judge Novak's decision of 1980, it will take 21 votes to over-turn the Zoning Board. If neither side musters 21, then the Zoning Board regulation stands as is. If you vote Yes, you are in favor of the regulation. If you vote No, you are against the regulation.

MR. LYONS Moved for a Roll Call vote. Seconded. APPROVED, voice vote.

CLERK OF THE BOARD, ANNIE M. SUMMERVILLE called the Roll:

THOSE VOTING TO APPROVE REGULATION (6):

Maria Nakian
Frank Mollo
Lathon Wider
Mildred Perillo
Katie Glover
Claire Fishman

THOSE ABSTAINING (3):

Rosanne Begel
Annie Summerville
James Dudley

THOSE NOT PARTICIPATING (1):

Sandra Goldstein

THOSE VOTING AGAINST REGULATION (29):

Thomas Pia	Stanley Esposito	Terrence Martin
George Jepsen	Audrey Maihock	Scott Morris
Patricia McGrath	Nicholas Pavia	John Zelinski
Richard Lyons	Barbara McInerney	Joseph DeRose
William Heins	Ellen Bromley	Ruth Powers
Gerald Rybnick	James Tooher	David Jachimczyk
Thomas Burke	Jeremiah Livingston	Mary Lou Rinaldi
Jeanne-Lois Santy	Thomas Clear	W. Dennis White
David Martin	Donald Donahue	John Boccuzzi
James Rubino	S. A. Signore	

Yes Votes	6
No Votes	29
Abstentions	3
	<u>38</u>
Not participating	1
	<u>39</u>
Absent from Mtg.	1
	<u>40</u>

ACTING PRESIDENT JOHN BOCCUZZI announced the vote: 29 No, 3 Yes, 3 Abstaining, and 1 not participating. The decision of the Zoning Board is over-turned.

PLANNING AND ZONING COMMITTEE (continued)

PRESIDENT GOLDSTEIN, having returned to the podium, stated the next item on the Agenda is Item #5 on the Planning and Zoning Agenda.

- (5) REPORT FOR ESTABLISHMENT OF STRATEGY FOR SALE OF ALL CITY-OWNED ASSETS. Submitted by Rep. W. Dennis White, Chairman, P&Z Committee, 11/25/85. Held in Committee 12/16/85 to 4/7/86 and 6/2/86. Held in Steering 4/16 and 6/18/86. Held on Pending Agenda 7/16/86 to 10/15/86.

HELD IN COMMITTEE.

MR. WHITE said Item #5 has been held. This concludes his report.

MRS. McINERNEY complimented Mr. White on his handling of the referral.

PUBLIC WORKS AND SEWER COMMITTEE

MR. LYONS said Item #1 received a 6-0 vote of the Committee but it not on Consent as someone has some questions. Item #2 is on Consent Agenda.

- (1) FOR PUBLICATION - PROPOSED ORDINANCE CONCERNING MULTI-FAMILY RESIDENTIAL REFUSE COLLECTION. Submitted by Rep. David Martin (D-19), Co-Chairman of L&R Committee 10/8/86. Held in Steering 10/15/86.

MR. LYONS Moved for approval of Item #1. Seconded.

MR. ZELINSKI said the proposed ordinance states this is for multi-family residential collection. What he thought was meant by this was other than what the actual purpose of this ordinance is. If you read it, it is supposed to solve the condominium, apartment and cooperative refuse collection problems in Stamford. He reminds his colleagues that the previous Board of Representatives discussed this problem at great length; the administration hired an outside consultant to bring back recommendations and a report was compiled and copies were given to all Board members. The report recommended that the City either pick up the refuse, or go out for bid to have private haulers do the job. Mr. Zelinski is therefore quite disappointed to see this rather lengthy ordinance, and wondered if it was drafted by Rep. Martin or by the Law Department. He was told by Rep. Martin tonight that he did indeed draft it and Mr. Zelinski wished to commend him on the time and effort it took to do this. However, since Mr. Martin is not an attorney, Mr. Zelinski is uncomfortable with all the language, and he is not being critical of Mr. Martin, but he himself could not draft up an eight-page document with all that legal terminology and feel comfortable that it would be legal and upheld in court. Mr. Zelinski has strong concerns with the language wherein in one paragraph it says one thing, and in another, it says something else. For instance, it states in one place that the Public Works Commissioner is going to have the final decision on whether the City will pick up the refuse, or if indeed a rebate will be given to the various owners of these particular units. Then it states further on that if the owners don't like what the Public Works Commissioner has decided to do, 20% of their ownership can petition this Board to over-turn the Public Works Commissioner. What are we doing here? The bottom line is if we pass this ordinance, what is it going to mean? If the people who reside in these units probably do not know if they are going to have garbage collection, or have a rebate, or at the mercy of the Public

PUBLIC WORKS AND SEWER COMMITTEE (continued)MR. ZELINSKI (continuing)

Works Commissioner, whoever he may be at the time, and what this particular individual at any particular time may feel is the best solution, which can be changed from Commissioner to Commissioner. It is too wide open for misinterpretation, for problems where there can be possible conflicts, and different Commissioners may decide to have the City collect at certain units, give rebates to other units, have private collectors for other units. What is fair, what is the rule of thumb, who decides? How do we know if the amount of rebate is fair? \$6.50 per unit, \$2.40 per unit, etc. Before we approve and vote for publication and waste our time, Mr. Zelinski Moved to return this item back to committee for more research. **SECONDED.** First, he wants it sent back to committee to make sure the Law Department has seen the proposed ordinance and approves the language. Second, he would like to see it spelled out more clearly rather than leave it to the discretion of one person to be in such a powerful position to make these determinations, and as all of you know, Commissioners serve at the pleasure of the Mayor and in the past they have changed every two years or so. And it takes time to familiarize oneself with all the details of such a large department. It is not just trash collection.

In Mr. Zelinski's 11th district, he has a cooperative on Summer St. that has adhered to the law. Their garbage cans are the size and fulfill all the regulations in our Code of Ordinances and yet they are not collected by the City. Please send it back to Committee to clarify and spell out specifics to avoid future confusion and expense.

MR. DAVID MARTIN said the condominium garbage issue has been with us for a long time. In fact, he wrote in a Christmas card to some friends that he had written an ordinance covering a type of problem that only a government could take and turn into a major disaster. This particular ordinance has been given to the Law Department. A copy of an earlier draft, which was very similar to this version, was given to all Board members in September so there has been ample time for everyone to have seen it, to have reviewed it, to have been able to communicate with him, or Mr. Lyons, or with Corporation Counsel, or Commissioner O'Brien, or the consultant, Mrs. Dorfman, on this particular issue about this particular ordinance. It has been carefully considered and in fact it is more than just a preliminary proposal. The City would like to move ahead with plans to solve the problem, and this is relevant to sending it back to committee. A month's delay would upset many plans and considerations between the Public Works Dept. and condominium owners. Time is of the essence. This is only for publication and changes can be made before final adoption. We should not prove to be a stumbling block at this time.

MRS. McINERNEY commended Mr. Martin, saying that he saw a problem and made a very valiant try at correcting, or trying to correct it. However, she agrees with Mr. Zelinski that it should go back to Committee because she recalls the initial ordinance this Board voted on allowing condominium garbage pick-up did not pertain to multiple-family dwellings. It pertained to condominium owners. To extend this by pure definition to multi-family will create further problems for the City. It should be re-worked. Another section that should go back to Committee for re-working regards the practical end of this whole ordinance under sub-section III, Item A, Owners and the

PUBLIC WORKS AND SEWER COMMITTEE (continued)MRS. McINERNEY (continuing)

Board of Representatives shall be notified of the decision of the Public Works Commissioner to collect refuse. That is totally impractical. The Board of Representatives is not going to receive notification every time something happens. There are flaws unfortunately and should go back to Committee and then be presented to the Board again in the proper form, with the proper definitions of whose garbage you want to pick up. She supports Mr. Zelinski in this instance. It is better to re-work it now.

MR. LYONS said he spoke with Corporation Counsel and he had some questions on the verbiage that is included here, and on the length of it, too. Mr. Lyons asked for his written opinion which he has not yet received. On that basis, he would have no objection to it going back to Committee.

MRS. SANTY said this is an important piece of legislation. It has admittedly been around for a long time and this Board now realizes what its responsibility is. In fact that responsibility was recognized a long time ago to the condominium owners. With the points brought up by Mr. Zelinski and Mrs. McInerney, and Chairman Lyons agreeing to send it back to Committee, Mrs. Santy feels that is sufficient reason to do further work on it. This should not be passed in haste and then have a lot of repercussions later on. We should have written approval of the Law Department. Do not act in haste.

MR. MOLLO said David Martin should be commended for his work and the ordinance he submitted, but he does agree with Mrs. Santy, and being a condominium owner himself, he would rather go back and be flawless.

PRESIDENT GOLDSTEIN called for a voice vote on returning to committee.
APPROVED to Return to Committee with a vote of 28 Yes, 6 No, 4 Non-Voting.

MR. BOCCUZZI said that since this is going back to Committee and there were a lot of questions asked, he hopes that the people who asked the questions, will put them in writing and make sure that Mr. Martin gets them so he can work on them. It is not fair to expect him to try to remember what everybody said, and then next month somebody will say you didn't do this and you didn't do that.

- (2) PROPOSED RESOLUTION APPROVING THE TRANSFER OF JURISDICTION OF APPROXIMATELY 0.9 ACRES OF LAND ADJACENT TO WESTOVER SCHOOL FROM THE BOARD OF EDUCATION TO THE PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH SECTION 9.8 OF THE CODE OF ORDINANCES. Submitted by William R. Papallo, Supt. of Schools, Stamford Public Schools, 11/12/86.

APPROVED ON CONSENT AGENDA with REP. MAIHOCK voting in opposition.

MR. LYONS Moved for approval of the Consent Agenda Item #2. CARRIED, with Mrs. Maihock voting in opposition. Voice vote.

THE PRESIDENT stated she wished to make one thing clear about the Consent Agenda. When a Committee Chairman begins his report, or her report, he indicates what goes on Consent. The CHAIR looks around to see if any hands are raised during that time. If even a finger is raised, that comes off the Consent Agenda. So after the report is over, to say that you wanted to speak is too late.

HEALTH AND PROTECTION COMMITTEE

MR. MORRIS said the Health and Protection Committee met twice in preparation for the Board's December, 1986 monthly session. The first meeting was held on Monday, November 24, 1986, at 7:30 P.M. in Conference Room I in the Board of Education Bldg. Committee members present were Reps. Thomas Burke, Patricia McGrath, Scott Morris, Mary Lou Rinaldi, and James Rubino. Also in attendance were Richard Robinson of the Law Dept., appearing for Items 1 and 2; and Hawley Oefinger, Director of Communications, for the Police Dept., for Item 2. The Committee also met briefly this evening to consider both Items 1 and 2. Committee members present were Mr. Burke, Mr. Rubino, and Mr. Morris. Item #1 was recommended for approval 5-0 for publication. This will not be on Consent as there are several technical amendments he wished to bring to the Board's attention.

- (1) FOR PUBLICATION - PROPOSED ORDINANCE AMENDING ORDINANCE 551 CONCERNING THE DEMOLITION OF BUILDINGS. Submitted by Rep. Frank Mollo (D-9) 8/8/86. Returned to Committee 9/8/86. Held in Committee 10/6 and 11/3/86.

THE PRESIDENT stated for the record that Reps. Livingston, Glover, Rubino, Jepsen, and Santy have left the meeting, leaving 34 present.

MR. MORRIS said this ordinance will be amended as indicated in his report. The title should now read: "Proposed Ordinance Amending Section 88-1B of the City of Stamford Code of Ordinances 1985" and he so Moved. Seconded. CARRIED, voice vote.

MR. MORRIS said on the second line of the ordinance, there should be an "s" added to building. They are basically grammatical errors.

THE PRESIDENT stated if all of these changes were in the copy sent to all members and the Committee approved all of the changes, then they do not have to be amended. All that is needed is a motion to publish as presented this evening by the Committee.

MR. MORRIS Moved to publish as amended by the Committee and as per copy received by all members. Seconded.

THE PRESIDENT called for a voice vote. CARRIED.

- (2) FOR PUBLICATION - PROPOSED ORDINANCE AMENDING ORDINANCE 504 CONCERNING BURGLAR ALARM CONNECTIONS TO CENTRAL CITY TERMINAL. Amendment concerns lowering fees for senior citizens. Submitted by Rosanne Begel and Patricia McGrath (14-D), 10/8/86.

MR. MORRIS said the Committee voted 3-0 to approve publication, and he so Moved. Seconded.

THE PRESIDENT called for a voice vote. CARRIED.

PARKS AND RECREATION COMMITTEE

MR. PIA said the Committee met Thursday, Dec. 4th, at 7:30 in Conference Room III of the Board of Education Bldg. In attendance were Ruth Powers, Pat McGrath, Jerry Rybnick, Tom Pia. Mr. Will Heins was excused. Also in attendance were Audrey Maihock and Dick Lyons; Supt. Giordano, Mr. Rieger, members of the Recreation Commission, Mr. James Catabone, an invited guest, Mr. Gambino of WSTC. The Committee voted unanimously to hold Items 1, 2, and 3 in Committee until next month to allow the Committee to summarize the information received as of Dec. 2nd, so they could more intelligently make some kind of a decision at next month's meeting.

- (1) MATTER OF OUT-OF-TOWNERS PLAYING IN THE STAMFORD YOUTH HOCKEY PROGRAM. Submitted by David W. Burtis, 32 Lenox Ave., Stamford, 9/15/86. Held in Committee 10/6/86. Held in Steering 10/15/86.

HELD IN COMMITTEE.

- (2) DISCUSSION ON ORGANIZATIONS REQUESTING PERMISSION TO HANG BANNERS. Submitted by Rep. Thomas Pia, Chairman, Parks & Recreation Committee, 10/8/86. Held in Committee 11/3/86.

HELD IN COMMITTEE.

- (3) MR. GEORGE RIEGER'S LETTER OF 11/4/85 REGARDING PADDLE COURTS BEING TURNED OVER TO THE BOARD OF RECREATION. Submitted by Rep. Robert "Gabe" DeLuca (14-R), 18th Bd. of Reps., 11/14/85. Held in Committee 12/16/85, 1/13/86 and 11/3/86. Held on Pending Agenda since 3/3/86.

HELD IN COMMITTEE.

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE

MRS. POWERS said no report.

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

MR. WIDER said no report.

URBAN RENEWAL COMMITTEE

MS. SUMMERVILLE said no report.

ENVIRONMENTAL PROTECTION COMMITTEE

MRS. MAIHOCK said no report.

TRANSPORTATION COMMITTEE

MR. CLEAR said no report.

LABOR CONTRACTS LIAISON COMMITTEE

MR. BURKE said no report.

THE PRESIDENT said she received a letter from Labor Negotiator Thomas Barrett stating that contract negotiations are beginning. She does not know if other members received it or not.

SPECIAL COMMITTEES

HOUSE COMMITTEE

MR. RYBNICK said no report.

COLISEUM AUTHORITY LIAISON COMMITTEE

MR. DeROSE said the Committee has one item on their Agenda and they voted 2-0 in favor of publication of this item. Moved to Consent Agenda. Seconded. CARRIED, voice vote.

- (1) FOR PUBLICATION - PROPOSED ORDINANCE AMENDING SECTION 6-34 OF THE CODE OF ORDINANCES (ORD. #480) CONCERNING THE PURPOSE OF THE STAMFORD COLISEUM AUTHORITY. Submitted by Paul Pacter, Finance Commissioner, and Director of Stamford Coliseum Authority, 10/30/86.

APPROVED ON CONSENT AGENDA, voice vote.

CHARTER REVISION COMMITTEE

MRS. NAKIAN said no report.

SPECIAL COMMITTEE TO ASSESS PRIORITY ISSUES

MR. MORRIS said there is no report, but he wished to say that for those who will be coming to the Christmas Party on Sunday, he looks forward to seeing them and having a good time.

RESOLUTIONS

- (1) SENSE-OF-THE-BOARD RESOLUTION CONGRATULATING ANTHONY J. MILONE ON HIS PROMOTION TO DEPUTY CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF STAMFORD. Submitted by Reps. Scott Morris and Thomas Clear (17-D) 11/17/86.

MR. MORRIS Moved for approval of Item #1. Seconded. CARRIED, voice vote.

RESOLUTIONS (continued)

REQUESTS TO SUSPEND THE RULES FOR TWO RESOLUTIONS NOT ON THE AGENDA.

MR. MORRIS Moved to Suspend the Rules to consider an item not on the Agenda, being one concerning Kevin B. Tappe. Seconded. CARRIED, voice vote.

- (2) SENSE-OF-THE-BOARD RESOLUTION CONGRATULATING KEVIN B. TAPPE ON HIS APPOINTMENT AS DEPUTY CHIEF OF THE FIRE DEPARTMENT OF STAMFORD.
Submitted by Rep. Scott Morris (17-D), 12/3/86.

MR. MORRIS Moved for approval. Seconded. CARRIED, voice vote.

MR. MORRIS Moved to Suspend the Rules to consider an item not on the Agenda, being one concerning Peter M. Brown. Seconded. CARRIED, voice vote.

- (3) SENSE-OF-THE-BOARD RESOLUTION CONGRATULATING PETER M. BROWN ON HIS APPOINTMENT AS DEPUTY CHIEF OF THE FIRE DEPARTMENT OF STAMFORD.
Submitted by Rep. Scott Morris (17-D), 12/3/86.

MR. MORRIS Moved for approval. Seconded. CARRIED, voice vote.

MR. BOCCUZZI Moved to Suspend the Rules to consider an item not on the Agenda, to change the date of the next Board meeting. Seconded. CARRIED, voice vote.

- (4) PROPOSED RESOLUTION TO CHANGE THE DATE OF THE NEXT BOARD MEETING TO MONDAY, JANUARY 12, 1987. Submitted by President Sandra Goldstein.

MR. BURKE Moved to approve this resolution. Seconded. CARRIED, voice vote.

MRS. MAIHOCK asked when the next Steering Committee meeting would be held. The President responded that it would stay as Wednesday, Dec. 17, 1986.

ACCEPTANCE OF THE MINUTES

- (1) NOVEMBER 3, 1986 REGULAR BOARD MEETING MINUTES.

MR. BURKE Moved for approval. Seconded. CARRIED, voice vote.

COMMUNICATIONS FROM THE MAYOR, OTHER BOARDS, and INDIVIDUALS

None.

THE PRESIDENT commented how nice it was to have Pages this evening, and she hoped this could be continued at future meetings.

OLD BUSINESS

None.

NEW BUSINESS

MR. ZELINSKI said one of his constituents, Dr. Richard Smeraldi, who has been a doctor in Stamford for 27 years, has acute leukemia; and for those of you who don't know and Mr. Zelinski was not aware of this himself, the fact that Dr. Smeraldi alone can use upwards of 16 units of blood each transfusion, and can need a transfusion every 5 to 7 days. Currently there is a shortage of blood in lower Fairfield County, especially in Stamford, and there could be a serious problem. There is going to be a BloodMobile on December 13th outside the First Presbyterian Church in Stamford sponsored by the Red Cross and unless they get 85 people to donate, they are going to have to cancel it. Mr. Zelinski urges his colleagues and any of their family or friends to consider donating some blood.

MRS. GOLDSTEIN said she really looks forward to seeing everybody Sunday night at the Christmas Party. It will really be a terrific evening. It depends upon Mr. Burke.

MRS. McINERNEY wishes a Happy Holiday for everybody on the Board, and she Moved for Adjournment.

ADJOURNMENT

There being no further business to come before the Board, upon Motion made by Rep. McInerney, Seconded, and CARRIED by voice vote, the meeting was adjourned at 10:50 P.M.

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

APPROVED:

Sandra Goldstein

Sandra Goldstein, President
19th Board of Representatives

SG:AMS:HMM
Encs.