

MINUTES OF SPECIAL MEETING - MONDAY, MAY 20, 1991

A Special Meeting of the 21st Board of Representatives of the City of Stamford, Connecticut was held on Monday, May 20, 1990, pursuant to a "Call" issued by Mayor Thom Serrani, in the Legislative Chambers of the Board of Representatives, Government Center, 888 Washington Boulevard, Stamford, Connecticut. The Call was for 6:00 p.m.

The meeting was called to order at 6:15 p.m. by Sandra Goldstein, President, Board of Representatives.

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

The "Call" of the Special Meeting was read by President Goldstein.

"Under Sections C2-10-4 and C6-20-2 of the Charter of the City of Stamford, I, Thom Serrani, Mayor of the City of Stamford, hereby call a special meeting of the Board of Representatives and the Board of Finance. Said meeting will be held in the Legislative Chamber of the Board of Representatives on Monday, May 20, 1991, at 6:00 p.m., to reconsider the operating budgets of the following departments of the City of Stamford:

- 1) Public Works Department - Collections Division
- 2) Finance Department - Purchasing Department
- 3) Mayor's Office

/s/ Thom Serrani
Mayor"

A copy of the "Call" is attached to these Minutes.

ROLL CALL was taken by Clerk Annie M. Summerville. There were 31 members present and nine absent. Absent were Judith Evanko (excused), Dominick Cardillo (excused), Scott Morris (excused), Bobby Owens, Ellen Bromley, Mildred Perillo, Joseph Lovallo, Audrey Maihock and Philip Stork.

The Chair declared a quorum.

The Chair thanked the members of the Board for coming to the meeting on such short notice.

The Clerk also called the Roll of the Board of Finance. There were three members present and three members absent. Present were Chairman Dannel Malloy, David Schropfer and Joseph Tarzia; absent were John Mallozzi, Frank Savage and William McManus.

Chairman Malloy said a quorum was not present, therefore, the Board could not conduct business until such time as another member arrives.

The Chair noted that Rep. Stork joined the meeting; 32 members present and eight absent.

PRESIDENT GOLDSTEIN stated that for the purpose of the meeting, she would Chair the meeting and share the platform with the Chairman of the Board of Finance Dannel Malloy.

MACHINE TEST VOTE: Test votes were taken by the President and the machine was in good working order.

The Chair noted that Rep. Bromley joined the meeting; 33 present and seven absent.

PRESIDENT GOLDSTEIN welcomed the Mayor and asked that he come to the podium.

MAYOR SERRANI said that tomorrow evening, the Board of Finance will meet to set the mill rate for the City of Stamford and the contingency budget for the city. The Mayor said the reason for the Special Meeting was to call the Boards together to relate some important information that relates to the Board of Finance meeting tomorrow evening, and may relate to reconsiderations on actions taken by the both Boards, and in particular, the Board of Finance. The Mayor stated that it was his understanding from reading the Minutes of the Board of Finance, the Board did not intend to reduce the Purchasing Department in half, or reduce the Mayor's office to one and a half people; the office that is responsible for the daily operations of the city. The Mayor said that was inherent in the Minutes of the meeting, and if that is believed to be true, then those cuts should be reconsidered and re-evaluated.

The Mayor stated that in the context of the Minutes of the Board of Finance, it was noted that money would be put in the contingency by which the Mayor, the Purchasing Agent and the Finance Department would come back for reimbursement at a later date. The Mayor said that the same thing would hold true with the Board of Representatives as he did not believe that the Board wanted to cut garbage collection as of July 1, to zero. The Mayor said the reason for this evening's meeting was for these items to re-evaluated because tomorrow evening is when the contingency will be set.

The Mayor said that in state law in the State of Connecticut, in particular, the Board of Education vs. Ellington 1963, the Connecticut Supreme Court defined the purpose and the function of a contingency fund in a municipality's budget. The Mayor quoted, "A municipal contingency fund is ordinarily designed to serve as a depository of funds for meeting miscellaneous expenses not otherwise provided for and for supplementing any department appropriation which unforeseeable may become insufficient." The Mayor stated that in this case, the Supreme Court held that the Ellington Board of Finance could not place the department's requested operating funds into the contingency fund as a means of the Board of Finance to retain strict controls of the expenditures. The Mayor stated that that would be an illegal action by the Board of Finance; the Mayor said that those words were not his, the words were the words of the Law Department of the City of Stamford.

The Mayor stated that because the contingency is to be set tomorrow evening and not to create further legal hassles that may ensue because the contingency funds be used to supplement the operating budget, and complications that would create, the Mayor asked that an opportunity be taken to re-evaluate positions on the items.

The Mayor said that this meeting was also to inform the Boards as to the contingency. The Mayor said that for perspective purposes, the operating budget is \$257 million that includes \$3.4 million in the contingency, a small contingency in comparison to previous years. The Mayor said that the Board of Representatives approved a budget that rounds out to \$250 million. The Mayor said that with the Board of Representatives approved budget, the figures for the contingency are \$6,240,496 to cover most of the unions that are not in with contracts as yet.

MAYOR SERRANI said if some personnel were to be added back, another \$413,000 would be added, making \$6,653,496. Also stated by the Mayor was that if we go to back yard garbage collection, as the Board of Representatives would like, another \$2,545,284, bringing the contingency to \$9,198,780. The Mayor said added to that is miscellaneous contingency, a key item according to the Budget Director, there is another \$2.6 million. The Mayor said miscellaneous contingency is insurance where there was a cut of \$910,000, he thought by the Board of Finance. The Mayor stated that EMS is short \$363,000, which is under, perhaps \$800,000 for the next year; parking ticket collection, a \$146,000 is necessary to go back into contingency; election expenses were left out by him as he did not know what exactly would be happening on elections, and that \$195,000 should probably be added to elections. He said miscellaneous overtime is approximately \$1 million, making \$2,614,000. The Mayor stated that the contingency comes to \$11,812,780. The Mayor said that if anything is added to the Library up to the limit as was cut, the contingency would be at a \$12.5 or \$13 million.

The Mayor said that the Boards must understand what they are doing, where they are going and the ramifications of the actions, therefore, he said the meeting this evening was important to let the Boards know his concerns regarding the contingency. The Mayor said that without the Library being discussed, the tax increase for the present moment for the City of Stamford would be 9%; not 5.3; not 5.2; not 5.5 but 9% tax increase. The Mayor said that with the Library, the tax would be over 10%. The Mayor said the numbers were real and the Boards should understand before moving forward. The Mayor said that with the approved budget, there is a \$6,240,000 contingency. He said with all the other items added, it would bring the contingency to \$13 million. The Mayor said he thought that should be known by the Boards and also the citizens. The Mayor stated that he did not want to give false security to the Boards, to the public, and to the taxpayers that we are facing anything less than a 9% tax increase. The Mayor said he did not want to be in a situation telling the taxpayers they are getting something and find in the mid-year, we are in a deficit mode.

The Mayor said that he is asking both Boards to come together to re-evaluate the cuts mentioned; garbage must be picked up and going curbside saves the city a \$1 million; back yard costs the city a \$1 million and would be included in the \$13 million contingency. The Mayor said those were the facts; the garbage was cut to zero. The Mayor stated that as of July 1, there was no way the garbage can be picked up, and if put into contingency as operating, it breaks the tenants of the Board of Education vs. Ellington.

The Mayor stated that tonight, he has given the Boards the opportunity to re-evaluate the stance before the contingency is established prior to tomorrow's meeting.

The Mayor thanked everyone for their attention. The Mayor said these were tough times and he wanted everyone to know the ramifications. The Mayor stated that the Board of Finance has until the 25 of May to establish the contingency and to set the mill rate.

PRESIDENT GOLDSTEIN thanked the Mayor.

The record will note that at this point, the Mayor left the meeting.

PRESIDENT GOLDSTEIN stated that there was no action that the Board of Representatives can take without a proposal before the Board in terms of an additional appropriation nor without the applicable Charter sections that might relate to reconsidering a budget that has been duly passed by the cutoff date and filed, by law, with the Town Clerk. The President said that it would seem that the appropriate means would be through an additional appropriation or reconsideration. The President asked the Parliamentarians, Mr. Martin and Mr. Hogan, if they agreed with the posture?

MR. MARTIN said that under normal circumstances and now, the Mayor can request supplemental appropriations and the Board of Finance and the Board of Representatives would be prepared to deal with the appropriations. Mr. Martin said that money for the Collections Department as yet, has not been requested.

Mr. Martin said to reconsider the budget would host a great deal of issues that he was not prepared to address. Mr. Martin said the Charter allows the Board of Finance to act upon supplemental appropriation in setting the mill rate and could do that if the Mayor and the Boards work together to solve the crisis.

MR. HOGAN said on reconsideration, Robert's Rules of Order and the Rules of the Board, prohibit a reconsideration of the recently adopted budget. He said there was room for discussion on how the additional appropriations are pursued. Mr. Hogan said a reconsideration would have to be requested by someone in the affirmative and could only be done the night that the budget was adopted or the following day. Mr. Hogan said that we are precluded from reconsidering the previous action.

PRESIDENT GOLDSTEIN said the course open for the Board was through supplemental appropriations.

CHAIRMAN MALLOY said that in response to the Mayor's comments, he wanted to say that the members of the Board of Finance, and he believed, speaking for the members of the Board of Representatives, are aware of the difficult pressure the Mayor has been under over the past many months concerning the fiscal integrity of the city. Chairman Malloy said that we all understand that in these very difficult economic times, the pressures have been much more serious than in the past. Chairman Malloy stated that in recognizing the seriousness of the predicament, the Boards cannot be caused to waive what is felt their proper functions under the Charter of the City of Stamford and under state statute and ordinance. Chairman Malloy said in expending the powers of the Board of Finance, they have endeavored to do so in accordance with the Charter. He said from time to time, mistakes may be made, but when pointed out, can be the subject of conference and communication which has been lacking heretofore but would be welcomed for the future.

Chairman Malloy said he wanted to state to the Mayor that as a member of the Board of Finance and as the current Chairman, he stands willing, ready and able to sit down with the Mayor to address all the difficulties outlined in the Mayor's comments this evening and in various press conferences held since the time the budget was announced by him. Chairman Malloy said speaking for himself and for the members of the Board of Finance, he felt it was imperative to address those issues which the Mayor obviously feels uncomfortable about as well as other issues which the Board has a certain lack of comfort; specifically, the auditors, the treatment of the researchers for the various Boards, the treatment of the Library as it affects the Weed Branch and other services provided and the treatment of the clear intent of the Board of Representatives and the Board of Finance in regards to backyard pickup.

CHAIRMAN MALLOY said that all of the issues must be placed on the table for all to discuss; members of the Democratic Party and the Republican Party sitting about a table to work out the difficult times.

Chairman Malloy said he wanted to address the contingency. The Chairman stated that he is a lawyer and today had an opportunity to review the opinion of Mr. Robinson, Corporation Counsel, as regards to what might properly be placed in the contingency, and has also reviewed the case which the Mayor cited, Board of Education Town of Ellington vs. the Town of Ellington. Chairman Malloy said he came to a very different conclusion from that of the Mayor. Chairman Malloy said he agreed with the Mayor by reviewing the case that the only statutory provision for the establishment of contingency may be found in Chapter 106 of the General Statutes of the State of Connecticut, Section 7-348. Chairman Malloy said he differed strenuously with the Mayor's interpretation of the Ellington case as controlling on the matter; the Ellington case spoke specifically to the issues of the powers of the Board of Education as compared to the powers of other operating departments within the city or town. Chairman Malloy said that as everyone knows, the Board of Education is treated differently under state statutes than are other city departments. The Chairman said he did not agree with the Mayor and with members of Corporation Counsel that the Ellington case is strictly controlling the matter. Chairman Malloy said that was another subject that could be placed on the table for the appropriate parties to discuss and Chairman Malloy reiterated that when discussion is had, it should be had amongst Democrats and Republicans.

Chairman Malloy said that with respect to other points made by the Mayor in regards to the contingency, he wanted to assure the Mayor that it was not the intention of the Board of Finance to place any item in the contingency which might arguably be in noncompliance with state statutes. Chairman Malloy said the Mayor has indicated that he does not want monies put in the contingency to fund the Mayor's budget and the Board will accept his direction with respect to that. Chairman Malloy stated that having do so does not mean that the Board will forestall or reject compromise in the future. Additionally, the Chairman stated that any other specific items that the Mayor objects being placed in the contingency will be made known to the Board presumably by the Acting Commissioner of Finance Mr. Canino and those items, likewise, will not be placed in the contingency. Chairman Malloy stated that it is the intention of the Board of Finance to be in full compliance with the Charter and state statutes as the matter is addressed.

Chairman Malloy said he would be remiss if he did not state for the record the matter concerning garbage pickup. The Chairman wanted the record to note the history of the cut as effected by the Board of Finance because this evening, the Board of Representatives was accused of the heinous act.

Chairman Malloy said he believed that all those present are aware that at the time the Mayor submitted the budget concerning refuse pickup, the Mayor at variance with prior procedure had placed all the funds for condominium as well as home pickup in a "contract services" line. Chairman Malloy said the Mayor did that without discussion with any members of the Board of Finance or the Board of Representatives. Chairman Malloy said he was informed on the 17th of April, less than 48 hours before that it was the Mayor's intention to do that.

CHAIRMAN MALLOY said that subsequently, he read in the paper and heard over the radio that the Mayor had dropped his insistence on contracted services having reached an agreement with a union affected by the line, and the Mayor announced that it would not be done by contract services, but would be done in accordance with the prior procedure, the normal budgetary process. Chairman Malloy stated that it was at this point, that the members of the Board of Finance felt that it would be inappropriate to appropriate all of the funds in the contract services line item since the Chief Executive of the City of Stamford had already announced that it would not be a contract services item. Chairman Malloy stated that was the sole reason for what was done and said, he believed it was in conformance with the Charter; the Board of Finance having been informed that was not the way the money was to be spent. Chairman Malloy said that they believed those funds would properly be placed in the contingency fund, and in that regard, Chairman Malloy had a discussion, on that date, with Corporation Counsel Shapero and explained to him how the cut came about. Chairman Malloy said in his opinion, it was unforeseeable that the Mayor would first make the change, change his mind and see that the change of mind would not be in conformance with the Charter inasmuch as the monies were placed in an item that the Mayor had announced he would not use.

Chairman Malloy said the Mayor agreed with him, over the phone, that under those circumstances, it would be hard to argue that it would be inappropriate to place those funds in the contingency. Chairman Malloy stated that this day he is asking the Commissioner of Finance to supply the Board with appropriate information so that funds might be placed in the budget to cover the required service.

Chairman Malloy thanked everyone for their time.

PRESIDENT GOLDSTEIN thanked Mr. Malloy for his comments.

MR. RUBINO said he did not think that the Mayor, the Board of Finance or the Board of Representatives wants the city to go without garbage collection. Mr. Rubino said there has been a lack of discussion between the Mayor's office and the various Boards and he did not think it was the fault of the Boards. Mr. Rubino said the only way this dispute will be resolved is if the Mayor went into a dialogue with the Boards as to how those services are going to be delivered.

Mr. Rubino stated that as far as options on passing a budget beyond tomorrow, the Parliamentarians may want to look at C8-30-12 of the Charter which states, "If any action in connection with the Mayor's budget or the Board of Education's budget shall take place after the last date specified for such action, the Board of Representatives may validate such action by a two-thirds vote of the entire membership." Mr. Rubino said that may be ambiguous, it may mean that the Board can pass an amended budget after the deadline with the need for an additional appropriation.

MR. ESPOSITO said that "politics is the art of compromise" and the Board has only the best interest of the city at heart. He stated that he concurred with Chairman Malloy and Mr. Rubino. He said that any member or all members would be willing to sit down with the Mayor to straighten out the crisis. Mr. Esposito said that whether Mr. Rubino's reference to the Charter applies or a special appropriation applies, movement must be made immediately. Mr. Esposito said if the special appropriation route is taken, perhaps the items on the "Call" of this meeting and in other areas could be expanded.

MR. DeLUCA said he was disturbed about the meeting this evening because there is a crisis management situation that was created by the Mayor and not by the Board of Finance or the Board of Representatives as the Mayor alludes to the public. Mr. DeLuca said he was also disturbed that three items were pin pointed, two of the three being of grave concern to the Mayor. Mr. DeLuca, referring to Mr. Esposito's remarks about expanding other areas, said one of the items to be considered would be one of the two auditors. Mr. DeLuca said if the two auditors were back, most likely, between \$500,000 to \$1 million could be generated in revenue by checking corporations and small businesses for personal property taxes. Mr. DeLuca said, several years ago, when the auditors start checking personal property, at least \$4 to \$5 million was generated in extra revenue.

Mr. DeLuca said the Mayor was interested in putting money back to increase his staff, had no concern about the Board of Representatives concerning the efficient, dedicated researcher who has made the job of representative easier. He said the researcher obtained facts, especially when the Firemens' contract came before the Board. He said without the assistance of the researcher, the contract would have probably been approved which would have cost the city millions of dollars, but the Mayor did not consider that.

Mr. DeLuca said the Mayor came this evening and talked about back yard pickup costing \$2 million but did not say anything about an alternative plan. Mr. DeLuca said that recycling has reduced the refuse pickup in half. Mr. DeLuca said that a compromise could have been made to have once a week back yard pickup which would probably be a \$1 million in the contingency instead of \$2 million.

Mr. DeLuca said the Mayor did not come to the Boards with any good suggestions, only derogatory remarks regarding the Board of Finance and the Board of Representatives. Mr. DeLuca said it was important to have dialogue which should have happened months ago.

MR. LYONS said as Chairman of the Fiscal Committee, he felt that he should speak on a few things. Mr. Lyons said the avenue for a special appropriation is not a difficult one; it has been done before and is available to the Mayor at any time he chooses. Mr. Lyons said the Committee is ready and willing to meet with the any department head that is involved with a special appropriation. Mr. Lyons said he assures the Mayor that if any appropriation comes before the Committee, it will be moved expeditiously.

Mr. Lyons said the Mayor stated the Board of Representatives reduced the Division of Collections Budget to zero; that was a misstatement. Mr. Lyons said he would share some numbers to put the matter in perspective as to where the numbers are. Mr. Lyons said the audited figures for the year '89/90, in the Collection Division, was \$2,056,000 on the salary line which would affect mostly the A District backyard pickup; \$687,000 on the contracted services which affects the condominiums. Mr. Lyons said in '90, the total in contracted services was approximately \$2.7 million. Mr. Lyons said the department this year requested \$3,363,000 for both lines; the Mayor reduced that to \$2,450,000 or approximately \$900,000 less than what the department requested. Mr. Lyons said this was approximately the number for back yard pickup, \$900,000. Mr. Lyons said the Board of Finance reduced the \$900,000 to \$817,000 to take effect July 1. Mr. Lyons said there was funding as of July 1, in the amount of \$817,000 in the budget. Mr. Lyons stated that he emphasizes that if there is a \$15 million contingency, maybe \$900,000 of that is for back yard pickup; back yard pickup was approved by 30 affirmative votes on the Board of Representatives or two-thirds for an ordinance mandating back yard pickup to be continued and provided for the citizens of Stamford.

MR. LYONS said it was time to sit down together for discussions and this should be done according to the Charter.

MR. MARTIN said he was aware of the section in the Charter Mr. Rubino spoke about. Mr. Martin said that it was not entirely clear as to how it would apply to the particular situation dealing with reconsiderations of items already passed. Mr. Martin said he thought this would be inviting a go-around of legal maneuvers that were not needed. Mr. Martin said he thought the additional appropriations would be the best route.

Mr. Martin stated that he believed that the Mayor was in error stating that the Board of Finance essentially cannot reconsider the collections item; that was because the Mayor has not submitted the item. Mr. Martin said that was pointed out by Mr. Malloy and Mr. Lyons. He said the Mayor has never submitted a request for the funds necessary, and the Boards cannot approve if nothing is submitted.

Mr. Martin said that the Mayor in doing his duties and job must follow the Code of Ordinances, therefore, the Mayor is required to submit funds necessary to implement the Code of Ordinances which clearly states that there will be back yard pickup and the Mayor is in error if he believes that by fiscal actions, he can contravert the Code.

Mr. Martin said that as Co-Chair of the Legislative and Rules Committee, he was concerned about the Purchasing Department. He said he believed that there needs to be people in the Purchasing Department to do proper purchasing. He said he was alarmed at the statements from department heads as well as from the Mayor suggesting that there is not a bona fide attempt to try to improve the purchasing processes and there is not a bona fide attempt to implement the ordinance.

MRS. BROMLEY said she was confused. She said the "Call" of the meeting she received specifically represented that there were three items that the Mayor wanted the two Boards to reconsider. She said that when the Mayor spoke, she had a question but saw that he left the meeting.

Mrs. Bromley stated that she is sure that everyone noticed and sorely missed the participation and input of a Commissioner of Finance. She said there were questions on the numbers each time the budget was talked about, and the questions were never really answered in sufficient details to let the Boards consider the budget appropriately as seen by the "Call" of this meeting; by the fact that the Mayor mentioned in addition to the three items for which he called the meeting, that a number of the items the Board voted on and submitted to him have been submitted underfunded. Mrs. Bromley said she was concerned, as she tried very hard and in good faith to keep the tax increase at the minimum possible. She was concerned also to hear the Mayor tell the Boards that the numbers for the Registrars Office are low; did he not know they were low, and did he not know there would be additional elections next year. Mrs. Bromley said she did not know what the Mayor knows today that he did not know in January and why did he mention this this evening and did not include a higher number in his budget, if a higher number has to be paid.

Mrs. Bromley said that in addition to the three items and the Registrars, the Mayor mentioned miscellaneous overtime. She said she believed that the Mayor knew about that in January when the police and firemen were cut. She said the overtime numbers in the budget that were questioned were low and the Mayor knew that. Mrs. Bromley said the Mayor made mention of that and left the room.

MRS. BROMLEY said she wanted to have information on the numbers before she would reconsider any part of the budget. Mrs. Bromley said the Mayor mentioned insurance as another item under-requested. Mrs. Bromley said those were his requests and the "Call" was for three items and not all the items. She said she wondered why the correct numbers could not be obtained as they were available to the Mayor so he could stand before the Board and mention the categories.

Finally, Mrs. Bromley said in regards to back yard pickup, all she has heard was that it would cost \$1 million to have it or eliminate it. Mrs. Bromley stated that she has never seen a study on the matter or alternate plan with once a week back yard pick or twice a week front yard. Mrs. Bromley said the numbers given in the budget were wrong and she would like to reconsider purchasing and back yard pickup.

MR. BLUM said that he heard what the Mayor had to say regarding the three items on the "Call." Mr. Blum said that he felt that the Mayor has not negotiated with the labor negotiator and the labor unions for give-backs or provisos. Mr. Blum said that he heard from the Mayor's Press Conference that the Labor Negotiator is working without a salary because the Board of Finance did not approve a request. Mr. Blum said the Mayor and the Negotiator have to sit down and negotiate with unions for give-backs that are needed now. He said a 175 workers to be laid off is a lot of workers and in other cities, the employees were saved.

MR. BOCCUZZI said his question was directed to Chairman Malloy. Mr. Boccuzzi said in the contingency fund, did Chairman Malloy think that the amount of money could be put back into the contingency fund that would be designated to a special department or special line, and that the contingency fund could have money for back yard collection, employees in the Mayor's office and purchasing department? Mr. Boccuzzi asked if it were possible for the Board of Finance to put the money back into the fund so then the route taken can be to ask for an appropriation and would the Board of Finance be favorable to take monies out?

CHAIRMAN MALLOY said history answers the question. Chairman Malloy said that time and time again, that was done by the Board of Finance. Chairman Malloy said that this was his eighth year of service on the Board, and that was done repeatedly, however, never under the threat of a lawsuit. Chairman Malloy said because the Mayor has stated that Mr. Clear has been retained to sue the Board of Finance as to how it might place funds in the contingency.

MR. BOCCUZZI said that he just wanted to know if the Board will put the money in and if the money was there, under the proper conditions, would the Board approve the requests so they could come to the Board of Representatives?

CHAIRMAN MALLOY stated that the Board of Finance will do whatever the Corporation Counsel says is appropriate; if Counsel says it can be done, it will be done. The Chairman said, an example would be if Corporation Counsel tells the Board that money can be placed for the Library, Chairman Malloy said on a personal basis, he would want to do that. The Chairman stated that anticipating some sort of compromise with the issue of the Mayor's staff and the city was able to afford it, he would want to do that also.

Chairman Malloy said as he understood the Mayor's comments, it would be his impression not to highlight whatever goes into the contingency for fear that a slipped word or title might cause a lawsuit.

CHAIRMAN MALLOY cited an example from last year. He said it pertained to the Law Department. The Chairman stated that the Board of Finance had a very difficult time with the way the Law Department was being operated, and repeatedly called for at least a study of the Law Department, and in reactions to the calls, and the calls were not obeyed, the Law Department was cut by a percentage representing a number of months and the Board stated that they anticipated that current spending would be continued for a period of time and when the study was done and if it dictated certain things to happen and implemented, then the money would be appropriated; in fact, the money was placed in the contingency, the study was done and the Board of Finance subsequently appropriated the money and sent to the Board of Representatives. The Chairman said all this was done without the threat of a lawsuit or being sued.

Chairman Malloy said that if history dictates, the Board would be willing to do that but if politics of the moment dictate, and unless the veil of a threat of the lawsuit is lifted, there is no recourse but to establish the contingency in accordance with the guidelines given to the Board by the Mayor and that would lead the Board not to designate any money for any particular purpose.

MR. BOCCUZZI asked if he understood correctly, that money could be put in the contingency fund without saying that it has to be used for "a, b, or c"?

CHAIRMAN MALLOY said that if before the mill rate is set, there is an expressed willingness to sit down and discuss the issues even after the fact, the Board could accomplish those things. The Chairman stated that he knows the Mayor has very important issues on his mind and he understands the Mayor's concerns regarding his staff, but also, the Board of Finance has concerns about the auditors who have been laid off. The Chairman said he understands the Mayor's concern regarding the garbage pickup but the Mayor appears not to appreciate the concern that it take place in the back yard as opposed to the front of the yard. The Chairman said he understands the Mayor's concern regarding the Purchasing Department but the Mayor appears not to understand the concern of the Board regarding a reorganization of the department. The Chairman said if there is any bit of evidence that those things can be discussed, there is no doubt in his mind that the money can somehow be found to provide the services that all of us feel are so important.

PRESIDENT GOLDSTEIN said the discussions were very healthy amongst the Boards.

MR. SCHROPFER said it was true that the Charter allows the Legislative Body to act on the Mayor's budget should there be a malfunction or if something goes wrong, but to the best of his knowledge, nothing has gone wrong. Mr. Schropfer stated that no additional appropriations have been forwarded to either Board, thus there is no misstep that he was aware of. Mr. Schropfer said the process could have been used but was not. Mr. Schropfer also stated that the budget is not called the budget of the "City of Stamford," it is referred to as specifically, the "Mayor's Budget" and that assumes that he will control the activities of the only aspect that he has the right to do, which is to add to the budget; the Boards do not have those rights and that causes a problem of not being able to add line items where, in his personal opinion, all monies should be in line items if at all possible.

MR. SCHROPFER said that he interpreted the Mayor's point, that a large contingency would increase the tax rate. Mr. Schropfer said if the money was put on line items, it would still increase the tax rate by the exact same amount.

Mr. Schropfer stated that, in his opinion, there has been a serious problem in the city in the last two years that recurred. He said that he would make this point at their meeting tomorrow evening that we are failing to recognize that the decline in revenues is causing a chaotic situation coming at the end of each fiscal year, two years running, because in effect, we have run out of money because revenues are not high enough.

Mr. Schropfer said if a contingency is not set high enough to run the city correctly, there will be a third year where additional cuts will have to be made on a chaotic and unplanned basis. He said he was deeply concerned with the financial planning of the city, and that he will strongly urge the Board of Finance that the contingency fund be increased to allow the city to be properly managed and run recognizing that revenues will most likely decline rather than increase during the next fiscal year. Mr. Schropfer stated that if additional monies are put in the contingency for that reason, they could be used for any purpose that was determined by the Mayor in terms of his requesting additional appropriations that both Boards approved.

MR. HOGAN said he echoed the sentiments of much that was said. Mr. Hogan said the only way out of the situation would be through dialogue between the Administration, the Board of Finance and the Board of Representatives. He said if the Mayor is extending that invitation, that the Boards should accept his invitation to sit down and talk over the critical situation that were are in.

MS. SUMMERVILLE said she usually trys to refrain from any comments, but in this instance, she said she disagreed with Mr. Hogan. Ms. Summerville said the Board is in dialogue; the Board was called for a special meeting and she did not want think that she was called to the meeting to talk to the other members with whom she probably will be speaking to each evening of this month.

Ms. Summerville said that the Boards are in a dialogue and she finds it very difficult that someone speaks to her, gives her orders and leaves. Ms. Summerville stated that the only way she can communicate with a person is verbally or in writing. She said the Boards should not be reprimanded as this evening is a representation that the Boards would very much like dialogue. She said the Boards are talking to each other and this is a dialogue.

Ms. Summerville stated that her impression of the "Call" of the meeting was that the leader of the city summoned the Board to a meeting; the leader addressed the Boards and walked out. She said that she and the Board members have been listening and have been willing to listen. She said that she has taken a Point of Personal Privilege to say that she really thought the meeting would be one giant step in the right direction. She said she was very disappointed and asked that the members stop saying that we are not talking because we are talking. Ms. Summerville stated that if anyone knows a better way, to please tell her. She said that she knew of no other way other to settle any confrontation or problem other than having a mediator or sitting down and talking. Ms. Summerville stated that she knows that Rep. Hogan means well in the comments he made, but the point to bring out is that the Board is trying and that she cannot talk to anyone if someone does not want to talk to her. Ms. Summerville said she could listen, but we must find a way for those who don't want to talk, to talk to the Board.

MRS. MELLIS said she resented being asked by the Mayor to do his job. She said that the Board has fiscally been responsible with the information given them and said now the Mayor is turning around and asking the Board to redo the budget which basically, is his job to do.

MRS. McGRATH said she agreed whole heartedly with Ms. Summerville. She said that on Friday evening when a police car drove to her house to deliver a letter asking her to attend this meeting, she felt that was more or less a mandatory request by the Mayor. She said she had other things to do this evening; she has a family and children. She said she came to the meeting in good faith and listened to the Mayor and the Mayor walked out. She asked if anyone could explain to her why all the members were still sitting at this meeting? She said if there was no reason for them to be here, she asked if she could Move for adjournment?

PRESIDENT GOLDSTEIN said Mrs. McGrath could not Move for adjournment after she has spoken.

President Goldstein said that she thought the meeting was a good step, and she did not want to cast any fingers of guilt or aspersions at anyone who spoke, didn't speak, stayed or didn't stay. President Goldstein stated that if the art of getting something done is through concillation, this is the first and an important step and one that the Board, the Mayor and the Board of Finance has encouraged. She said she welcomed it. The President said the next step must be for the Board to put back into the city budget some of the critical things that were cut, and whether the monies are put back through Section C8-30-12, which is a more stringent way of putting funds back because it requires 27 votes or through the means of a supplemental appropriation which requires a two-thirds vote. President Goldstein said she believed that the Board of Representatives, and the Board of Finance, although not speaking for them, would be ready to consider favorably the matters of collections as relating to the ordinance approved last month, the positions in the Mayor's office, the horrendous Library cuts, the auditors and the researchers. She said she stood ready to meet on any of the matters, and she was sure that her fellow Board members, Co-Board members, and the Mayor also stand ready to do the same. She said she looks forward to having the exact fiscal requests before the Board sometime during the coming week.

President Goldstein thanked everyone for the time.

ADJOURNMENT: Upon a motion duly made and Seconded, and Approved by a voice vote, the meeting was adjourned at 7:25 p.m.

Anne A. Kachaluba

Anne A. Kachaluba, Administrative Assistant
and Recording Secretary
21st Board of Representatives

APPROVED:

Sandra Goldstein

Sandra Goldstein, President
21st Board of Representatives

SG:ak

Enclosures