

A regular meeting of the Board of Representatives of the City of Stamford, Connecticut, was held on Tuesday, September 4, 1956, in the Cafeteria of the Walter Dolan Jr. High School, Toms Road, Glenbrook. The meeting was called to order by the President, Mr. George V. Connors, at 8:20 P.M.

INVOCATION was given by the Rt. Rev. Msgr. John J. Hayes, Pastor, St. Mary's Roman Catholic Church.

ROLL CALL was taken by the Clerk. There were 31 present and 9 absent. Mr. Czupka, Mr. McLaughlin and Mr. Bradbury arrived later, changing the ROLL CALL to 34 present and 6 absent. The absent members were: William Kaminski, Vincent Vitti, Robert Lewis, Eugene Barry, Edward Wynn and John DeForest.

ACCEPTANCE OF MINUTES - Meeting of August 6, 1956.

Mr. Fredericks called attention to page 1313, remarks made by him, just after Resolution No. 232 and asked that these be corrected to read:

"MR. FREDERICKS: Have the Coast Guard and Army Engineers issued permits and all the necessary licenses for this work to proceed?"

Mrs. Zuckert asked that a correction be made in name appearing on page 1323, third and eighth lines from the bottom and on page 1324, third paragraph, fourth line, and that the name be changed to read "Miss" instead of "Mrs."

MR. WATERBURY MOVED for acceptance of the Minutes of August 6, 1956, as corrected. Seconded by Mr. Findlay and CARRIED unanimously.

REPORTS OF COMMITTEES

Steering Committee:

Mr. Connors, Chairman, read the following Minutes of the Steering Committee meeting:

STEERING COMMITTEE REPORT Meeting held Monday, August 20, 1956

The Steering Committee of the Board of Representatives met in the Mayor's office, City Hall, at 8:00 P.M., Monday August 20, 1956. The following members were present: George Connors, Chairman, Alanson Fredericks, Joseph Iacovo, Irving Snyder, George Georgoulis, Stephen Kelly, Rutherford Huizinga, William Kaminski, John Macrides, Helen Peatt, Norton Rhoades and Clement Raiteri, Jr. Mr. Topping substituted for Vincent Vitti, who is ill. The absent members were: Joseph Milano, Robert Lewis and Vincent Vitti.

The following matters were presented:

(1) Change of Name of Stillwater Alley to Stillwater Place.

Mr. Iacovo introduced a proposed ordinance to change the name of the above street, explaining that residents of this street had approached him, requesting that the change in name be made. Referred to LEGISLATIVE & RULES COMMITTEE

(2) Protest regarding loud and disturbing noises which emanate from the Homelite Corporation, Sunnyside Avenue, from residents of vicinity. Referred to HEALTH & PROTECTION COMMITTEE and a copy given to Mr. Kaminski, Representative from this district for his investigation.

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- (3) Letter from Personnel Department, re-classifying Secretary to Board of Representatives to Executive Secretary. Also letter from the Board of Finance on the same subject, addressed to Mr. Connors, stating that this position has been reclassified with an increase of \$286.00.

MR. HUIZINGA MOVED that this increase be made retroactive to July 1, 1956. Seconded by Mr. Fredericks and CARRIED unanimously.

- (4) Letter from Mrs. William E. Barry, Weed Circle, in regard to proposed dredging of Cove Harbor and Cove Pond. Referred to PUBLIC WORKS COMMITTEE.
- (5) Letter from Chico Vejar dated August 11, 1956, requesting approval for a boxing contest at Woodside Park, prior approval having been given by the Park Commission. Enclosed with this letter is a copy of a letter dated August 7, 1956, to Mayor Quigley, stating all the facts. Referred to LEGISLATIVE & RULES COMMITTEE and to PARKS & RECREATION COMMITTEE.
- (6) Letter dated August 16, 1956 from the Park Commission in answer to our letter to them, requesting further details. Also referred to LEGISLATIVE AND RULES COMMITTEE and PARKS AND RECREATION COMMITTEE.

The question of the Mayor's submission of the name of John J. Carrigan, Democrat, as a replacement for Michael J. Sweeney, Republican, on the Sewer Commission, came up for discussion. It was suggested that this interview be held up by the Appointments Committee until such time as it is ascertained the reason a Democrat is replacing a Republican on the Sewer Commission.

The question of the procedure of reclassification of employees and the methods used was brought up. This was referred to the Personnel Committee and to the Fiscal Committee to investigate the qualifications necessary for reclassification and just how this was handled by the Personnel Commission and whether or not an examination was a prerequisite.

- (7) Letter dated August 9, 1956, from Joseph Iacovo, 5th District Representative, was presented in regard to discrepancy of taxes on motor vehicles in different districts of the city. REFERRED TO CHARTER REVISION COMMITTEE.

Mr. Topping, who was present as a replacement for Vincent Vittl on the Public Works Committee, brought up the subject of private garbage trucks not complying with regulations covering their operation by keeping them closed. This was referred to HEALTH AND PROTECTION COMMITTEE.

- (8) A letter dated August 6, 1956 addressed to Mrs. Peatt was presented, dealing with the subject of a difference in grades at the intersection of Marian Street and Elizabeth Avenue. This was referred to PUBLIC WORKS COMMITTEE.

The question was brought on the floor in regard to the inability of the Public Works Department to pick up leaves, limbs of trees and other debris, formerly put into the streets by householders. Mr. Connors pointed out that until a ruling can be obtained from the Corporation Counsel on the interpretation of the injunction recently passed and a dumping ground obtained where these can be dumped, that householders

be notified publicly that they must refrain from placing these things in the street for removal by the Public Works Department. It was agreed that this be done.

There being no further business, upon motion of Mr. Fredericks, duly seconded, the meeting was adjourned.

Respectfully submitted,

George V. Connors, Chairman
Steering Committee

MR. FREDERICKS: "I failed to notice any mention in the Steering Committee Minutes of the remarks I made in reference to the elimination of Precinct No. 2. I distinctly recall bringing up this matter and asking what was going to happen now that we have the new police building - is it to be done away with, and if so, what will the residents in that area do for police protection?"

Mr. Connors explained that he had a letter in reference to this which would be presented later in the meeting.

Fiscal Committee:

In the absence of Mr. Kaminski, Chairman, Mr. Huizinga stated that no meeting of this committee had been held because the Board of Finance had not met and until after their approval of pending fiscal matters, there would be nothing to take action on.

Legislative & Rules Committee:

Mr. Raiteri, Chairman, presented the following report of his Committee:

REPORT OF
LEGISLATIVE AND RULES
COMMITTEE

Meetings of the Legislative and Rules Committee were held on the evenings of August 9, 16, 23 and 30. Mr. Raiteri presided. Mr. McLaughlin was absent on the 9th, 16th and 23rd. Mr. Russell was absent on the 30th. With these exceptions all members attended all meetings.

The following items were discussed and conclusions reached as indicated:

1. Hallowe'en Yacht Club: The Committee had a conference with the Commodore and Executive Secretary of the Club on the premises. The club facilities were found to be in exceptionally clean condition and in good repair. A substantial investment exists in private capital. The Club books were examined and statement verified that membership is made up of Stamford residents exclusively. A definite need exists to cover the Club by lease arrangements to provide mutual protection. However, it is recommended that this be held in abeyance pending completion of the park survey now in progress and a review of the survey report by this Committee with other interested organizations.

One matter requires immediate attention. It has been noted on several occasions that cars, many from out of state, are parked in the area used for Club parking and their passengers then walk to the municipal

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beach areas presumably to circumvent the beach permit regulations. It is suggested a letter be sent to the Park Commission recommending that parking in the Club area be restricted to Club use and that this restriction be rigidly enforced. This would clear the allegations that club facilities are being used by out-of-state people to the exclusion of Stamford residents.

2. Revision of Ordinance #57: A proposed amended Ordinance was drafted after conference with City officials and with the Contractors' Association. It is recommended that the Amended Ordinance, copies of which were sent to all Board Members, and a copy of which is attached as Appendix #1, be passed on first reading with publication suspended.
3. Sale of City Land to Drive-in Theater: The Committee recommends that the sale of City land proposed in the letter dated July 17, 1956 from the Mayor (attached as Appendix #2) be approved. The Committee further recommends that a letter be sent to the Assessor stating that it is the feeling of this Board that the sale price should be approximately \$900, that being the price paid recently by the same purchaser for an adjacent parcel of similar area.
4. Use of Parks for Private Purposes: The Committee recommends adoption of the following resolution:

BE IT RESOLVED AND IT IS HEREBY RESOLVED: That the action of the Park Commission in granting use of Woodside Park for a private sports exhibition of local interest and the approval of that action by the Board of Representatives shall in no way be construed as constituting a precedent for subsequent action of a similar nature; and

BE IT FURTHER RESOLVED: That it is the feeling of the Board of Representatives that the park facilities of the City should not be used for private purposes except under most extenuating circumstances.

5. Change of Street Name: Proposed Ordinance changing name of Stillwater Alley to Stillwater Place as submitted by J. F. Iacovo. The Committee recommends favorable action by the Board with the insertion of the words "a private road" after the word "Alley" and a change in the word "northerly" to "easterly".
6. Letter to Corporation Counsel re: Charter Amendments: The Committee recommends that a letter be sent to the Corporation Counsel requesting that each member of the Board be furnished copies of the Charter Amendments enacted at the 1955 session of the General Assembly so that individual copies of the Charter may be brought up to date to assist in consideration of changes to be recommended by the Charter Revision Committee for action at the 1957 session.

Respectfully submitted

E. B. Baker
Clerk

Approved:

C. L. Rafter Jr.
Chairman

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(1) Halloween Yacht Club Investigation re boat moorings, etc.

MR. RAITERI MOVED that this be kept in Committee. Seconded by Mr. Waterbury and CARRIED unanimously.

MR. RAITERI MOVED that a letter be sent to the Park Commission recommending that parking in the Club area be restricted to Club use and that this restriction be rigidly enforced. Seconded by Mrs. Zuckart and CARRIED unanimously.

(2) Appeal from decision of Zoning Board, application of Harold Cooper, et als, re location of liquor store.

Mr. Raiteri presented the following report of joint meeting held August 30, 1956 of the Legislative & Rules and Planning & Zoning Committees on the above:

REPORT OF JOINT MEETING
LEGISLATIVE & RULES COMMITTEE
AND
PLANNING & ZONING COMMITTEE

A joint meeting of the Legislative & Rules and Planning & Zoning Committees was held at 8:45 PM Thursday evening August 30, 1956 at Avignone's Restaurant. Mr. Raiteri presided. Mr. Baker was appointed clerk. Others present were Mrs. Peatt and Messrs. Nolan, McLaughlin, Plotkin and Murphy. Absent were Messrs. Russell, Rybnick and Czupka.

The joint meeting was called to consider the matter of the appeal from a decision of the Zoning Board amending Section 14, Par. B of the zoning regulation of the City of Stamford by adding the following language:

"The foregoing provisions shall not apply to a package store in a C-L Limited Business District."

Referred to in the consideration were a copy of the excerpts of the Minutes of meeting held on July 11, 1956 when the Zoning Board approved the amendment and the transcript of the hearing taken and prepared by the Stenotypist. These are attached hereto and made part of this report.

After full discussion it was unanimously voted to recommend to the Board of Representatives that it reject the proposed amendment to the Zoning regulations for the following reasons:

1. It would not be to the benefit of the community from the standpoints of public health, safety, welfare or property values. These are the prime considerations in reaching decisions on zoning matters.
2. The lack of control of such establishments might lead to a detrimental effect on the community at large and that the indiscriminate selling of liquor might encourage other forms of law breaking.
3. Other cities have deemed it wise to set up similar restrictions in order to control the number of outlets.
4. An opinion from Stamford Law Enforcement Agencies indicated that under present restrictions the situation is well controlled and there are few infractions, whereas, if these restrictions were

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lifted, the law enforcement problem might be considerably increased.

- 5. The burden of proof that the existing rule is a bad rule rests on the applicant. In our opinion they did not adequately prove such to be the case.

The meeting adjourned at 9:55 PM.

Approved

Respectfully submitted

C. L. RAITERI JR.
Chairman, L & R

E. B. Baker

WILLIAM D. MURPHY
Chairman, P & Z

(Copies of letter referring appeal to Board of Representatives and Minutes of Zoning Board attached hereto) See below:

CITY OF STAMFORD, CONNECTICUT

July 26, 1956

Mr. George V. Connors, President
Board of Representatives
City of Stamford, Connecticut

Re: Application of Harold Cooper et als
for alteration of Section 14, Par. (b)
of the Zoning Regulations of the City
of Stamford.

Dear Mr. Connors:

In accordance with Section 553.2, Chapter 55, of the Stamford Charter, the above captioned subject is hereby referred to the Board of Representatives for its action as a result of a petition filed with the Zoning Board, signed by 150 persons. Said petitioners being the opponents of said proposed alteration to the Zoning Regulations, approved by the Zoning Board on July 11, 1956, following due notice and hearing on May 23, 1956.

Also in accordance with Section 553.2, Chapter 55, the Zoning Board transmits herewith the following written findings, recommendations and reasons in connection with the Board's action in approving the above described application:

- 1. 4 Copies of the excerpts of the minutes of meeting held on July 11, 1956 when the Zoning Board approved the foregoing application.
- 2. The transcript of the hearing taken and prepared by the Stenotypist.

We shall be happy to supply any additional information requested.

J. G. S.

Very truly yours,

WAW/FC
Encls.Walter A. Wachter
Planning & Zoning Director

MINUTES OF THE ZONING BOARD MEETING HELD ON JULY 11, 1956

Present: Messrs. Joseph T. McCue, Jr., Chairman
Harold Frankel, Co-Chairman
Stearns E. Woodman, Secretary
Fred C. Noble
John J. Hogan
Walter A. Wachter, Planning & Zoning Director

The Chairman opened the meeting and discussion was given to the application of Harold Cooper et al to change the zoning regulations of the City of Stamford by eliminating Sec. 14 or in the alternative amend Sec. 14, Par. B, by adding the following language: "The foregoing provisions shall not apply to a package store in a C-L Limited Business District," said application having been given public hearing on May 23, 1956. Following a thorough discussion of the alternatives described above the Board unanimously denied the application as it applied to the proposed elimination of Sec. 14 of the regulations and by majority vote approved the other alternative of amending Sec. 14, par. B, by adding the language set forth above, which is designed to eliminate the 1500 foot restriction on package store locations in a C-L limited Business District. The following reasons were given for the approval of the amendment to Sec. 14:

1. It was felt that it was not properly within the province of the Zoning Board to create monopolies, and particularly in this case, to allow a continuation of a monopoly created by the regulation as it now stands, whether it be a package liquor store or any other lawful business enterprise.

2. It was felt that the increase in population adjacent to the C-L Limited Business District warranted the removal of minimum distance restrictions on package liquor stores.

The minority voting against the granting of the second alternative gave as its reasons for disapproval, the following:

1. The minority felt that liquor establishments are unique in the sense that they are controlled by the Liquor Commission on the basis of the whole philosophy that the lack of control of such establishments might lead to a detrimental effect on the community at large, and that the indiscriminate selling of liquor might encourage other forms of law breaking.

2. The minority also points to the fact that other cities have deemed it wise to set up similar restrictions in order to control the number of outlets.

3. The minority stated that an opinion received from Stamford Law Enforcement Officers was to the effect that under present restrictions the situation is well controlled and there are few law infractions,

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whereas if these restrictions were lifted the law enforcement problem might be considerably increased.

Upon motion being duly seconded the meeting was adjourned.

Stearns E. Woodman, Secretary

Mr. Macrides asked to be excused from voting on this appeal for the reason that he had some business dealings with some of the parties concerned. Mr. Longo also requested to be excused from voting for the same reasons. Permission was given by unanimous consent of those present.

MR. RAITERI: "Mr. Chairman, I MOVE that the Board of Representatives reject the proposed amendment to the zoning regulations for the reasons given in the minutes of the joint committee meeting held August 30, 1956. (See above minutes of this meeting) Seconded by Mr. Murphy and Mr. Waterbury.

Mr. Snyder questioned Mr. Raiteri for clarification of what constitutes a C-L Limited Business District. Mr. Raiteri explained it constituted a purchasing area in which package stores were restricted to being closer than 1500 feet.

Mr. Snyder spoke in opposition to the recommendation of the Legislative & Rules Committee. He said: "It would seem to me that the primary obligation of this Board is to consider the welfare and wishes of all the members of the community. Certainly if it is determined that because of considerable traffic in a prescribed location, it warrants greater concentration of stores in that vicinity, it should be clear evidence that it isn't as if they were side by side. I MOVE that the decision of Zoning Board be upheld."

MR. RAITERI: "It is not the wishes of the immediate property owners in the vicinity." He mentioned that a petition had been filed with the Zoning Board, signed by 164 property owners in the vicinity, objecting to the ruling of the Zoning Board. He also mentioned that an affidavit had been received from the attorney for the aforesaid property owners in which he swears that the petition contains more than 100 names of owners of property located within the C-L Zone or located within 500 feet of areas so zoned.

MR. MURPHY, as Chairman of the Planning & Zoning Committee, spoke in opposition of the views of Mr. Snyder.

Mr. Czupka and Mr. McLaughlin arrived at this time.

MR. RUSSELL said he was opposed to having any more liquor stores, as he thought there were quite enough already.

MR. FINDLAY also spoke in opposition, saying he was opposed because of the principle involved.

MR. FREDERICKS said he was opposed to the committee's recommendations. He said there are deviations in location of other liquor stores and pointed out that the State Liquor Commission is the control board and that they are the ones who make the final decision and not the Board of Representatives. He said he thought the committee had done a good job in weighing the evidence before it, but they did not have the statistics available to the State Liquor Commission and that he thought the situation analogous to that of the Louis Paul Restaurant. He said the final decision would have to come from the State Liquor Control Board, who have the facilities to decide correctly.

MR. HUIZINGA said he was in favor of the report of the joint committees. He said: "This is not in the same category as other stores. In this State they have established the 1500 foot rule and there have been few infractions of it. If you break this rule, you will find many more infractions. This Board is concerned with making policy and putting laws on the books and I am firmly in favor of the committees' report and think we should uphold it."

MR. KELLY asked if the City of Stamford had more liquor stores per population than other cities of the State. Mr. Raiteri replied this was true. Mr. Kelly said: "I think we have enough liquor stores now to supply the people of Stamford."

MR. RHOADES: "I would like to be able to agree with the committees' report and with my colleagues also, but I think I will have to put my faith in the committees' report. I think the committees' report should carry a great deal of weight in all matters that come before this Board, because they have put a great deal of time and thought into weighing the evidence before the preparation of their report and recommendations."

MR. McLAUGHLIN: "I would think that local people would be able to make a better decision than State."

MR. FREDERICKS: "Even though we think one way, the decision is still up to the Liquor Control Commission."

MR. GEORGIOULIS: "I am in full accord with the Committees' report."

MR. IACOVO: "To me it seems a matter of principle. If you are going to restrain trade, then I am in opposition to the committee report on that principle."

MR. RAITERI: "You must realize that both the Legislative & Rules and the Planning & Zoning Committee have agreed as to their recommendations."

MR. NOLAN: "We have gone into the law thoroughly. We dare not throw out the controls as they are now operating. I think we need some control. Perhaps at some later date we can come up with a better control, but for the present we have to be satisfied with what we have."

MR. TOPPING asked to hear the Minority report which was read at this time.

MR. MILANO MOVED the question.

VOTE taken on Mr. Raiteri's motion, which was re-stated at the request of several members. CARRIED by a vote of 24 in favor and 6 opposed, with 2 abstentions.

(3) Revision of Ordinance No. 57 re littering of city streets by dust, dirt and stones.

MR. RAITERI MOVED for adoption of the following revised ordinance with the request that publication before adoption be suspended. Seconded by Mr. Kelly

ORDINANCE NO. 57 SUPPLEMENTAL (AMENDED)

AN ORDINANCE RESTRICTING THE LITTERING OF STREETS WITH DUST, DIRT AND STONES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT Ordinance No. 57 Supplemental be amended to read as follows:

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SECTION 1. Definitions: When used in this Ordinance the following terms shall have the meaning shown herein:

- (a) Dust: all dust, soot, ash or other fine particles of matter.
- (b) Dust Producing Substance: all ashes, cinders or loam or any other substance composed of, mixed with, producing or otherwise capable of spreading or disseminating dust.
- (c) Overloading: filling a vehicle in such a manner as will cause the contents to spill onto the street. For this purpose a vehicle shall not be construed to be overloaded if it is filled in such a manner as to have the load four or more inches below the upper level of the four sides of the body so that if and when the load shifts in transit it will not overflow and spill over the sides.
- (d) Trackage: any substance which would tend to litter a street as a result of falling or dropping from the body or undercarriage of a vehicle when or after said vehicle enters said street from a construction or excavation area.

SECTION 2. Transportation of Dust Producing Substance: No dust producing substance shall be transported through any street within the City of Stamford without covering or protection, at all times, sufficient effectually to prevent the spreading or dissemination of dust from such dust producing substance into the air or upon any public or private property. For the purpose of this Ordinance wetting the load shall constitute protection.

SECTION 3. Transportation of Sand, Stones, Gravel, Dirt or similar substances: No person or persons shall operate, or cause to be operated, any vehicle in the City of Stamford transporting therein or thereon, sand, stone, gravel, dirt or similar substances in such a manner as shall constitute overloading as defined in Section 1c of this Ordinance.

SECTION 4. Trackage: It shall be the responsibility of the general contractor or developer in an area where there is construction or excavation in progress to prevent the littering of the street within 100 yards of the point of entrance from such area into such street by trackage as defined in Section 1d of this Ordinance. Violation of this Section shall occur when trackage is present at the end of the working day upon the street within the 100 yard limits set forth above.

SECTION 5. Violations: Each violation of any provision of this Ordinance shall constitute a separate offense.

SECTION 6. Penalty: All persons, firms and corporations, as principals or agents, causing, participating in or in any way responsible for any violation of this Ordinance shall be severally guilty of such violation and shall each be fined not more than twenty-five dollars for each offense.

This Ordinance as amended shall take effect upon the date of its enactment.

Some discussion ensued here, with Mr. Raiteri explaining that the committee met with various contractors and city officials involved before the preparation of the revised ordinance so that it would not create any hardship cases.

MR. FREDERICKS: "Do you know if the Mayor discussed the earlier ordinance with the contractors?" and the Dept. of Public Works?"

MR. RAITERI: "I was led to believe that he had not."

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MR. FREDERICKS said he thought it would have been better if the Mayor had discussed with the various contractors, as well as his own Department of Public Works, who was affected by the Ordinance before its original passage, but said he thought the committee had done a good job in rectifying any mistakes that had been made.

VOTE taken on revised Ordinance No. 57 and CARRIED, 32 in favor and one opposed.

(4) Starlite Drive-In Theatre, Magee Avenue - Request to purchase portion of city-owned property. (See Mayor's letter 7/17/56)

MR. RAITERI MOVED that the Board approve the sale of this piece of land, as requested in the Mayor's letter of July 17, 1956. Seconded by Mr. McLaughlin.

MR. FREDERICKS: "Does the Board of Finance still have to act on this before we pass on it?" He was told that this would be necessary.

MR. FREDERICKS MOVED that action be deferred on this and it be recommitted to committee until after the Board of Finance has acted. Seconded by Mrs. Peatt.

After some discussion, Mrs. Peatt read the Mayor's letter on this subject.

MR. RAITERI said that although it had been the feeling of the committee that a letter be sent to the Assessor with the recommendation of the Board that the sale price should be approximately \$900., the Mayor's letter had not mentioned any specific price. He said: "Theoretically we could take action, subject to the action of the Board of Finance."

MR. FREDERICKS said he objected to this Board taking action before the Board of Finance acts.

MR. PLOTKIN MOVED to hear from the Corporation Counsel, who was present. Seconded by Mr. Waterbury and CARRIED unanimously.

MR. HANRAHAN stated that he did not wish to criticize the Board of Finance in any way, but stated it was very difficult to know in advance when their Board was going to meet and the problem of always having to wait until the Board of Finance met before passing on fiscal matters resulted in a great loss of time. He said a vote of approval on this question by the Board of Representatives did not necessarily mean they were committed as to a price and it was very difficult to always insist upon chronological order in the sequence of the Mayor's requests for approval of all the boards involved. He said it was most difficult to try and get three boards to coordinate their activities.

MRS. ZUCKERT said she recollected that the Board of Finance had considered this, but had deferred action.

MR. HUIZINGA: "Let's wait for action by the Board of Finance first."

VOTE taken on Mr. Frederick's motion that this be recommitted to committee and CARRIED unanimously.

MR. RAITERI MOVED that the Mayor be informed of the action of this Board, and that due to the fact that there is no established price, that the Mayor obtain a price from the Board of Assessor's office. Seconded by Mr. Nolan.

MR. BAKER AMENDED this by adding: "it include the recommended price of \$900. Seconded by Mrs. Zuckert. VOTE taken on motion as amended and CARRIED unanimously.

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MR. RAITERI MOVED that the next item on the agenda be skipped for the time being (resolution regarding leasing and renting of parks). Seconded and CARRIED by unanimous vote.

(5) Proposed Ordinance changing name of Stillwater Alley to Stillwater Place.

MR. RAITERI MOVED for adoption for publication of the following ordinance. Seconded by Mr. Georgoulis and CARRIED by a vote of 32 in favor and 1 opposed.

CHANGING THE NAME OF STILLWATER ALLEY TO STILLWATER PLACE

BE IT ORDAINED BY THE CITY OF STAMFORD that the name of Stillwater Alley, a private road, running easterly from Stillwater Avenue to a dead end, is hereby changed to Stillwater Place.

This ordinance shall take effect upon the date of its enactment.

(6) Letter to Corporation Counsel re Charter Amendments.

MR. RAITERI MOVED that a letter be sent to the Corporation Counsel, requesting that each member of the Board of Representatives be furnished copies of the Charter Amendments enacted at the 1955 session of the General Assembly in order that individual copies of the Charter may be brought up to date to assist in consideration of changes to be recommended by the Charter Revision Committee for action at the 1957 session. Seconded by Mr. Baker and CARRIED unanimously.

(7) Leasing and Renting of Parks for Private Purposes.

The question of a recent request for the use of Woodside Park for the staging of a boxing match between Chico Vejar and Ramon Fuentes was brought on the floor.

Mr. Macrides asked to be excused from voting for the reason that Mr. Vejar was a client of his law firm. Permission was given.

MR. WATERBURY MOVED to hear from Mr. Kelly, Chairman, Parks & Recreation Committee, on this subject. Seconded by several voices and CARRIED unanimously.

MR. KELLY: "A request has been made for the use of Woodside Park, to stage a prize fight on Monday, September 10, 1956, by Mr. Chico Vejar of 86 Avery Street, Stamford; the fight card to be sponsored by Mr. Tony De Preta and the Sportsmans A. C. This request was originally made to the Park Commission and was granted by the Park Commission, who set up a rental fee of \$350.00 and an added fee of \$150.00 to pay an engineer to inspect the grounds to be used before and after the fight, and decide what, if any damage, has been done to the park property through the staging of the fight card. It was also agreed that a suitable bond, to be determined by the Corporation Counsel, was to be put up by the promoter, Mr. Tony De Preta and/or the Sportsmans A. C. to insure the City of Stamford that any damage that occurs to the grounds will be paid for in full by the renters. This bond is not to be confused with a bond that is required by the State Athletic Commission from every promoter and Club running fights in the State. The bond required by the State Athletic Commission will not cover any of the damage that may occur to the grounds being used for the fight. It is my understanding that the Park Commission have suggested a Performance Bond as one of the requirements pursuant to the use of the grounds.

"Your Committee does not look favorably upon the City Parks being used for a commercial venture of any kind, and are fearful of this being set up as a precedent, but we have

been assured that if the Board passes this request, the Legislative and Rules Committee have a resolution to present to the Board that will, if adopted, assure the people that there will be no precedent established by the granting of this request. Five of the six members of the Parks & Recreation Committee have stated they will vote favorably on the request, if it does not set a precedent, with myself as the member who takes the exception of voting in favor of a request that has already been granted by the Park Commission. I MOVE that a vote be taken on the request." Seconded by Mr. Waterbury.

MR. FREDERICKS MOVED to hear from Mr. Hanrahan, Corporation Counsel, on this. Seconded by Mrs. Zuckert and CARRIED unanimously.

MR. HANRAHAN told the Board they should be very much concerned with the liability of someone being injured on city-owned property in an affair of this sort and should make certain that sufficient insurance coverage be obtained to protect the city. He recommended coverage of at least \$500,000 with over all of at least \$1,000,000.

MR. RHOADES said it was his opinion there should be a liability bond included with the performance bond.

MR. SNYDER MOVED to amend Mr. Kelly's motion by adding "the promoters be required to furnish a liability policy with coverage of \$500,000 and \$1,000,000."

MR. NOLAN: "Here we are at the 11th hour - the tickets have been printed - the Park Department has gone through with giving their permission, their decision has been made. Now, let them fulfill the obligations in regard to protecting the city."

MRS. ZUCKERT: "At the Board of Representatives' picnic, when this was first brought to our attention, we all thought at that time that these things would be taken care of. But, it is our responsibility to see that the City of Stamford is protected."

MR. FREDERICKS offered a substitute motion in place of Mr. Kelly's motion, in order that it might be worded properly. He MOVED that this Board approve the use of the parks for the purposes of this boxing match, as per request from Mr. Chico Vejar in his letter dated August 11, 1956, and that appropriate bonding or insurance protection be obtained to indemnify the City of Stamford against any loss to property or liability to third persons. Seconded by Mr. Huizinga.

After further discussion on the proper wording of this motion, Mr. Raiteri offered another substitute motion in place of the original motion made by Mr. Kelly.

MR. RAITERI MOVED that permission be granted to Anthony De Preta and Sportsmens A. C. for the use of Woodside Park to stage a boxing match, to be held September 10, 1956, and that suitable liability insurance and performance bonds as recommended by the Corporation Counsel be obtained. Seconded by Mr. Plotkin, Mr. McLaughlin and Mrs. Zuckert, and CARRIED by a vote of 23 in favor and 9 opposed and 1 not voting, Mr. Macrides having requested permission to abstain from voting. (Reasons given above)

MR. RAITERI MOVED that the Education, Welfare & Government Committee investigate the possibilities of using the Stamford High School facilities for future activities of the character of the above boxing match and others of that nature. Seconded by Mrs. Peatt and Mr. Murphy and CARRIED unanimously.

MR. BAKER (referring to the boxing match): "I think it was most unfortunate that the Board got the sort of unfavorable publicity that arose from Mr. Vejar's request made at our picnic."

MR. CONNORS: "I stated most emphatically at the time this request was presented that

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it was just an expression of opinion of the members contacted. I did it especially because there had been criticism in the past and I wanted to avoid such a thing happening."

MR. KELLY mentioned a resolution that he had presented for consideration some time ago on this subject. He said it had been referred to the Legislative & Rules Committee since June and had not been brought on the floor.

MR. RAITERI explained that this was still in Committee because they were working on a more comprehensive study of the whole situation.

MR. RAITERI MOVED for approval of the following resolution; seconded by Mr. Nolan and CARRIED unanimously.

RESOLUTION NO. 235

LEASING AND RENTAL OF PARKS FOR PRIVATE PURPOSES

BE IT RESOLVED AND IT IS HEREBY RESOLVED: That the action of the Park Commission in granting use of Woodside Park for a private sports exhibition of local interest and the approval of that action by the Board of Representatives shall in no way be construed as constituting a precedent for subsequent action of a similar nature, and

BE IT FURTHER RESOLVED: That it is the feeling of the Board of Representatives that the park facilities of the City should not be used for private purposes, except under most extenuating circumstances.

Mr. Bradbury arrived at this time.

Appointments Committee:

- (1) Appointment, EDWARD H. BENENSON, Riverbank Road, to URBAN REDEVELOPMENT COMMISSION, as replacement for Joseph Dombroski, Term to expire on August 7, 1960.

While the ballots were being passed out by the Tellers, Mr. Georgoulis, Chairman, read the qualifications and the Committee recommendations of the candidate.

MR. GEORGOU LIS said the Committee unanimously recommends the confirmation of this appointment and MOVED for approval.

The ballots were counted and the appointment was CONFIRMED by a vote of 33 in favor and 1 opposed.

- (2) Appointment, JOHN J. CARRIGAN, 63 Sherman Street, Democrat, on SEWER COMMISSION, as replacement for Michael J. Sweeney, Term to expire December 1, 1959.

MR. GEORGOU LIS said it had been decided at the Steering Committee to hold up the presentation of this appointment until the Mayor's return. Upon his return, investigation was made and it was found to be perfectly proper to present the name of this candidate, even though it was replacing a Republican member of the Sewer Commission with a Democrat, because there were five members of the Sewer Commission and this appointment would then make a majority of three Democratic members, one Independent and one Republican, which would be perfectly proper under the circumstances.

The ballots were passed out by the Tellers.

MR. GEORGOULIS MOVED for approval of the appointment.

MR. FREDERICKS read from Sec. 501 of the Charter:

"Appointive Board Members. Each appointed board, except the Personnel Commission, the Board of Public Safety and the Public Welfare Commission, each of which shall consist of three members, shall consist of five members. All members shall be resident electors of the municipality and not more than a bare majority of the members of any Board shall be registered members of the same political party."

There was a great deal of discussion at this point as to the interpretation of the meaning of this section of the Charter.

MR. FINDLAY MOVED that this appointment be recommitted to committee. Seconded by Mr Huizinga.

MR. IACOVO: "I believe a Republican should be replaced by a Republican."

CHAIR: "The last member appointed, I believe, was a Republican replacing a Democrat, Mr. Jordan."

VOTE taken on this being recommitted to Committee. LOST by a tie vote of 17 in favor and 17 opposed.

MR. GEORGOULIS MOVED that the Board go ahead with the vote on Mr. Carrigan. The ballots were collected and counted. Result: A tie vote. LOST, 17 voting in favor and 17 opposed.

Public Works Committee:

MR. TOPPING, Chairman, presented the following report of his Committee, in response to several letters received from taxpayers residing in the affected area, which were referred to his Committee for investigation and report to the Board:

REPORT - PUBLIC WORKS COMMITTEE - PROPOSED DREDGING IN
COVE HARBOR AND HOLLY POND - MEETING HELD TUESDAY,
AUGUST 28, 1956

The history of plans to improve Cove or Holly Pond and Cove Dam goes back over twenty years through the administrations of Selectmen Hanrahan and Barrett and Mayor Phillips and Barrett. There were various effects made to get Darien and Stamford to co-operate on an over-all plan to put the pond and dam in such condition that Cove Pond would have water in it at all times. The two towns could not agree, so nothing came of these efforts. In 1945 a bill was passed in Hartford which gives either Darien or Stamford the right to carry out plans for the improvement of Cove Pond without the consent of the other.

Today, Thruway construction has created a great demand for gravel and fill. It was thought that this offered an opportunity to the City of Stamford to get some work performed in Cove Pond in return for giving a contractor some much needed material. The Cove Harbor and Holly (Cove) Pond Dredging Project is the result. The present contract stems from a conversation between Mayor Quigley and a member of the Corps of Army Engineers, in which the engineer suggested that a channel could be dredged from Bald Rock in the Harbor to Millers Bridge at the Post Road, and eliminating the Cove Dam.

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At the August 20th, 1956 meeting of the Steering Committee the Public Works Committee was asked to prepare a report on this project for the Board of Representatives. We have tried, in the short time at our disposal, to gather as many facts as we could and also obtain opinions from qualified persons. We will try to present them to this board in as comprehensive a manner as possible.

The first step in gathering the facts was a field trip to Cove Island and vicinity. This took place Sunday, August 26th and the following Public Works Committee members participated: Thomas Topping, Chairman, Alan H. Ketcham and Anthony Kolich. At this time the maps and plans that had been attached to the proposal for dredging were studied on the site of proposed operations. Also a copy of the map submitted to the State Water Commission and the Army Engineers, showing the location of a proposed channel. The Committee toured the mainland and Cove Island. We checked the maps with the actual location and found them substantially correct. However with the passage of time there has been a build-up of material North of the spit and breakwater located South of Cove Dam. We were fortunate in being on the spot at low tide, therefore we had a good view of the area to be dredged.

On Tuesday Aug. 28 at 10 a.m. in the Board of Representatives Room at City Hall, the same three members of this committee met with Mr. Scarella, Mr. White, and Mr. Chase.

Mr. Scarella and Mr. White said that there was no intention of dredging a channel at this time. That the actual dredging would be south of the dam, removal of the sand spit and rock jetty, and dredging south of the spit, to a point to be determined at the time of dredging and at the direction of the city engineer.

Mr. Scarella and Mr. White said that no definite depth had been specified, and no limitation had been placed on the depth to be dredged. (We are informed that test borings have indicated gravel to a depth of plus 40 feet in this area).

NO mention was made of where this depth was to be measured from, whether the spoil areas were to be located, and some of the areas to be filled in. (See map)

When questioned, Mr. Scarella stated that the excavated material would not be used for the creation of Crescent Beach under the terms of the present contract.

According to the present contract, Cove Dam and the sand spit and break water to the south of the dam are to be removed.

In answer to the question of how much storm protection the dam and spit afforded Cove Pond, Mr. Chase said that at present, storms break over the spit and the dam and he did not think their removal could cause any further hazard from storms. Also that the new jetty to be constructed would contribute to storm protection. Mr. White and Mr. Scarella added that the new jetty would control the erosion of Crescent Beach and tend to trap the sand on the beach.

Mr. Scarella was asked if the dredging was done in the area as indicated on the map, could it cause Crescent Beach to erode, and the answer was, "NO".

In answer to a question as to the cost of dredging Cove Pond, Mr. Scarella said that it needs further study and could cost the City millions of dollars. Mr. Scarella was asked if the dredging in the proposed location conformed with the Development Plan of Cove Island. In reply he stated that this plan to dredge came out before the Development Plan for Cove Island was submitted, so he could not say one way or another, as he was not too familiar with what the Development Engineer would present.

It was also said that property owners on the Darien side, who owned riparian rights on the pond, would have to give their approval before the dam could be removed.

As of Aug. 28, 1956, no approval had been given by either the Connecticut State Water Commission or the Army Engineers. Such approval is necessary before work can begin.

On Wed. at 8 p.m. the third meeting was held at 28 Lenox Ave. Present were members of this committee, also Capt. John Ryle, former Stamford Harbormaster, Capt. Mayhew of the Oysterman's Association, and Mr. Robert Stevens, chairman of the Joint Committee on Parks and Recreation.

When asked his opinion on whether or not dredging in the location as indicated by Mr. White, and removal of the sand spit could cause erosion of Crescent Beach or any other part of Cove Island, Capt. Ryle said that in his opinion Crescent Beach could be torn out in a very few years and that the northerly portion of what would be left on the sand spit could also be eroded by the action of the tides and currents.

Capt. Ryle also stated that when the sand spit and dam are removed, it will open Cove Pond to southeast and southerly storm damage. That removing the dam would cause all the water to run out at low tide and expose more of the mud flats in Cove Pond.

Captain Ryle continued by saying that even if a dam or jetty is covered at high tide, it gives protection because it controls the under-water currents that really do the greatest amount of erosion.

When asked if he thought that the building of a new jetty, at the point indicated on the proposal map, would protect Crescent Beach from erosion, he said "NO". In his opinion, if the dredging was to be done to a depth of 30 feet or more in the area indicated, the new jetty as well as Crescent Beach would soon slide into the hole.

Captain Ryle offered this suggestion: That a channel be dredged 100 feet wide and 7 feet deep at mean low water, which is the same size as the channel that runs up the canal, known as the East Branch of the Stamford Harbor. If such a channel were to be dredged around the sand spit, and the area north of the sand spit and south of the dam were to be dredged to form a boat basin not over 7 feet at mean low water, and no dredging done south of the sand spit except in the channel, and the sand spit not removed, then, in his opinion, (based on his knowledge of the currents and tides in the Cove Area, and his long experience as oysterman, Harbormaster, and dredging consultant) the city would get some material for fill at the same time.

Captain Mayhew concurred in Captain Ryle's opinion, and added that the water depth at mean low tide low water along the Darien shore was from 28 feet in some areas to 7 feet in others and that at the present time

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it is possible for small boats to navigate as far as the dam at low water.

After this committee had explained just where they had been told the dredging was to be done, Mr. Stevens said that the Joint Committee on Parks and Recreation would be opposed to any dredging or removal of any jetty or sand spit that might cause erosion of the beaches or any part of Cove Island.

On Friday evening the fourth meeting was held. Mr. Kolich could not be present.

This committee conferred informally with a consulting engineer, whose opinion was that before such dredging in this area be attempted, engineering studies should be made to determine tidal currents, possible effects of dredging to the depth proposed, what erosion the removal of Cove Dam and the sand spit could cause to the beach and surrounding shore areas, and also what conditions could thereby be created in Cove Pond.

Another Consulting Engineer familiar with this type of work recommended dredging to no greater depth than 7 or 8 feet.

The Park Commission would not like to see any of the sand spit removed as beach areas are very few in Stamford.

This committee appreciates the well intended efforts of our Public Works Department in securing for the city some work in exchange for some material. But in our zeal to secure a bargain for the city, let us not fail to consider the possible damage or costs to the city, if in the future the work we would be performing under this contract, should cause the city additional work that could run into millions of dollars.

The facts as this committee sees them are as follows:

1. The work projected does not include the dredging of the proposed channel through Cove Dam, including the sand spit and south of sand spit.
2. SPECIFIC areas to be dredged are not delineated on the maps and plans that are a part of the contract.
3. The approximate depths of the area to be dredged are not specified in plans that are a part of the contract. (With the only specification of a one foot to three foot slope a depth of plus 70 feet could be dredged under terms of the contract.)
4. HYDROSTATIC studies have not been made to determine the possible erosive effects of proposed dredging, on beach and shore areas.
5. THERE is no mention in the contract, nor on the attached plans, of the type or kind of material the city will receive as a result of the dredging.
6. THERE is no reference in the contract as to what control the City would have over the dredging operations.

As this work will continue for two years, will it mean that Cove Island will be encumbered with heavy machinery for that period of time?
Where will the contractor be permitted to establish a dump area necessary

for the drying of the excavated material?

Before this dredging project is started, this Committee feels that any dredging plans should be correlated with the over all plans for the development of Cove Island.

The Committee also feels that competent engineering surveys should be made to determine the possible effect of such dredging on this area, and to determine the ultimate costs of any necessary or desirable operations in this Cove area that might have to be done by the city in the future.

Respectfully submitted,

Public Works Committee
Board of Representatives

Thomas J. Topping, Chairman

Alan H. Ketcham

Anthony Kolich, Jr.

Mr. Topping read two letters from Mrs. William E. Barry, Weed Circle, dated August 16, 1956 and August 21, 1956 and attached correspondence with Mr. E. F. Phillips, President of the Seagate Association, Inc., concerning Cove Pond and Cove Harbor.

Mr. Fredericks asked if there was a limitation on the depth to which the contractor can go.

MR. TOPPING said: "No limit, if they can get their 1,000,000 cubic yards, then they have to go into the Pond."

Mr. Chase was questioned as to where the contractor would stockpile what is dredged out, as it will be wet and cannot be used until it dries out. Mr. Chase replied that the City Engineer would pick out the place where the contractor was to stockpile his material.

MR. PLOTKIN MOVED that a letter be sent to Mrs. Barry, telling her that the contractor will not go into the Pond unless he is unable to obtain sufficient gravel. Seconded and CARRIED unanimously.

Mr. Snyder asked Mr. Chase a question. He said: "Are there going to be trucks stockpiling this material on the Island?"

MR. CHASE: "Yes, they will have to go on the Island in order to do this work."

MR. HUIZINGA: "I have received several calls criticizing the Board for voting for this. Is there any minimum depth to which they can dredge? Someone has said that this material, if stockpiled, would cover the whole of Cove Island to a depth of 7 feet. Is there any way in which we can control the depth to which the contractor can go?"

Mr. Chase said he thought that after they reached a certain depth it would have a tendency to pull the muck out of Cove Pond and help fill up the hole.

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MR. RAITERI MOVED that Mr. Topping's report be accepted. Seconded by Mr. Waterbury and CARRIED unanimously.

Letter dated July 24, 1956, from Mr. Fred C. Burfeind, Blueberry Drive, re need for storm sewers.

Mr. Topping said the above complaint had been referred to his Committee at the August 6, 1956 Board meeting. He said he did not believe anything could be done to relieve this situation until after action is taken by the Board of Finance.

Letter of complaint dated August 6, 1956 from residents of Culloden Road, re flooding conditions resulting from sudden rainfalls.

Mr. Topping said there were six catch basins in this location and evidently sand and debris had been flushed into them during rain storms and stopped them up. He said the Public Works Department had been endeavoring to clean them out, but sand spread on the roads during recent oiling had been flushed into the catch basins by sudden storms and evidently stopped them up again. He said the Public Works Department was taking care of the situation.

Letter of complaint dated August 6, 1956 from Mrs. John Burke, 42 Forest Lawn Avenue, re difference in grades between Marian Street and Elizabeth Avenue.

MR. TOPPING MOVED that this be referred back to Committee. Seconded and CARRIED unanimously.

Planning and Zoning Committee:

Mr. Murphy, Chairman, presented the following report of his Committee:

REPORT, PLANNING & ZONING COMMITTEE
Meeting held Thursday, Aug. 30, 1956

The Committee met on August 30, 1956.

- (1) On the appeal of the Zoning Board's decision re: Application of Harold Cooper, et als, for alteration of Section 14, Par (B) of the Zoning regulations of the City of Stamford, the committee's views are contained in the Joint Report presented (see above) by the Legislative & Rules Committee.
- (2) We recommend acceptance of Saw Mill Road, which extends westerly from Long Ridge Road for a distance of approximately 5,364 feet, and Dundee Road, which extends southerly from Saw Mill Road for a distance of approximately 1,600 feet. These roads are shown on Map #5545 and #5546 filed in the Town Clerk's office.
- (3) We recommend acceptance of Robin Hood Road which extends easterly from Hope Street for a distance of approximately 402 feet. This road appears on two maps filed in the Town Clerk's office, being Maps #5558 and #5654.
- (4) We recommend acceptance of Dee Lane, extending westerly from Fairfield Avenue approximately 540 feet, as shown on Map #4865 filed in the Town Clerk's office

William D. Murphy, Chairman
Helen J. Peatt

George E. Russell
Gerald J. Rybnick

(1) SAW MILL ROAD (for description, see above report)

MR. MURPHY MOVED for acceptance of this road as a city street. Seconded by Mrs. Peat and CARRIED unanimously.

(2) DUNDEE ROAD (for description, see above report)

MR. MURPHY MOVED for acceptance of this road as a city street. Seconded by Mrs. Bankowski and CARRIED unanimously.

(3) ROBIN HOOD ROAD (for description, see above report)

MR. MURPHY MOVED for acceptance of this road as a city street. Seconded by Mr. Russell and CARRIED unanimously.

(4) DEE LANE (for description, see above report)

MR. MURPHY MOVED for acceptance of this road as a city street. Seconded by Mrs. Peatt and CARRIED unanimously.

Parks & Recreation Committee:

Request from Lions Club in letter dated August 14, 1956 for return of \$200.00 fee paid to the City during recent Cristiani Brothers Circus held at the Magee Avenue Grounds.

MR. KELLY: "The Stamford Lions Club, who recently sponsored a one-day appearance of the Cristiani Brothers Circus at the Magee Avenue grounds for the benefit of their general activities fund, which is used for charitable purposes and youth activities, have petitioned the Board as follows:

"The City of Stamford has been paid the sum of \$200.00 which we understand is specified in a City Ordinance, the purpose of which is to cover the expense involved in furnishing the Police and Fire protection, cleaning of grounds, etc. As these items have been paid for separately by our organization, and the \$200.00 fee represents a large portion of our income from the Circus, it would be sincerely appreciated by our full membership if the Board of Representatives would take the necessary action to have the fee waived and returned to us, to be used to further the local activities of our organization in the best interests of Stamford....."

MR. KELLY: "Your Committee approves the request and seeks to have the approval of the Board, and I so MOVE. Seconded by Mr. Giuliani.

MR. HUIZINGA: "I don't think it is proper for this Board to waive the fee for one organization and not do the same thing for another."

MR. FREDERICKS: "Can the Board waive this fee?"

MR. HANRAHAN, Corporation Counsel, being present, was asked for his opinion. He called attention to Sec. 13 of Ordinance No. 24 Supplemental, which makes provision for the waiver or modification of license fee by the Board of Representatives, with the approval of the Mayor. He said that some of the licenses have a rebate figure

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and it is quite possible to refund a fee paid without too much trouble.

Mr. McLaughlin asked to be excused at this time.

MR. RAITERI MOVED this request be re-committed to committee. Seconded by Mr. Nolan and CARRIED by a vote of 21 in favor and 12 opposed.

Personnel Committee:

Re: Pensions requested for Miss Mabel O'Keefe and Miss Katherine T. Quinn

MR. RYBNICK, Chairman, MOVED that this be referred back to Committee, pending further clarification from the Corporation Counsel. Seconded by Mr. Findlay and CARRIED unanimously.

Education, Welfare & Government Committee:

MR. MACRIDES, Chairman, presented the following report of his Committee:

MINUTES OF MEETING HELD AUG. 28, 1956

The Committee on Education, Welfare and Government met at the offices of Macrides, Zezima & Schwartz at 7:00 P.M. on Tuesday, August 28, 1956. Mr. Gilbert and Mr. Macrides were present. Mr. Brett, Mr. Lilliendahl and Mr. Czupka were absent.

A trip was made to the home of Mr. and Mrs. Downey, who had complained about the situation which threatens the safety and quiet enjoyment of their home and children, because of their proximity to the Stamford High School recreation area and an adjacent right-of-way, which is used by the pupils of said school.

After talking to Mr. and Mrs. Downey and inspecting the location, this committee decided that the situation definitely warranted attention. They then contacted Mr. Reginald Neuwien, Superintendent of Schools, who told them that the planned changes in the High School recreation area will do much toward alleviating the problem. He offered to go over these plans with the Chairman of this Committee, so this Committee asks that the matter be re-committed to it.

Respectfully submitted,

JOHN C. MACRIDES,
Chairman

MR. MACRIDES MOVED that the above condition, as referred to in the committee report, be recommitted to committee. Seconded by Mrs. Bankowski and CARRIED unanimously.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS

- (1) Letter dated August 23, 1956 from State Representative Webster C. Givens, thanking the Board for the inscribed bucket presented to him at the recent picnic held at his farm.

MRS. PEATT MOVED that a vote of thanks be sent to Mr. and Mrs. Givens for their hospitality in extending the use of their farm for the annual picnic. Seconded by several voices and CARRIED unanimously.

- (2) Letter dated August 21, 1956 from A. J. Donahue, Chairman, Board of Public Safety, re closing of PRECINCT TWO as of September 15, 1956.

MR. HUIZINGA: "I thought Precinct Two could not be closed without the approval of this Board."

MR. FREDERICKS read from Chapter 43 - Police Department, Sec. 433, Jurisdiction, of the Stamford Charter in reference to this matter:

".....The Police Department maintained by Stamford outside the former city limits on the effective date of this Act shall continue as a Precinct, until changed, modified or altered by the Board of Public Safety, and approved by majority vote of the entire membership of the Board of Representatives....."

MR. FREDERICKS MOVED that this matter be referred to the Health & Protection Committee. Seconded by Mr. Huizinga.

MR. MILANO said he had talked with Chief Kinsella in regard to the elimination of Precinct Two and the centralization of all operations in the new Police building. He explained that this move would be in the interests of all concerned because of increased operating efficiency out of one unit.

MR. FREDERICKS: "What are the plans for the policing of the Town area?"

MR. MILANO: "There are to be no changes in the policing of that area."

Mr. Hanrahan, Corporation Counsel, was requested to speak on this. He explained it more fully and said that the most the Board of Public Safety could do is to report to this Board as to their recommendations.

MR. FREDERICKS: "We are entitled to have a ^{detailed} report to this Board explaining the reason why this was done, as well as to future plans for policing the Town area."

VOTE taken on Mr. Fredericks' motion and CARRIED unanimously.

- (3) Letter dated August 31, 1956 signed by 52 nearby residents in vicinity of Mill River Street, requesting that Mill River Street be widened by removing 20 feet of city park for safety reasons.

Above request referred to Public Works Committee for investigation and report to the Board.

NEW BUSINESS:

- (1) Corporation Counsel's opinion re legality of appointment, Personnel Director, as to residency.

MR. RUSSELL MOVED that at the next regular meeting of the Board the Corporation Counsel be requested to give an opinion as to the legality of the position and appointment of Mr. McCutcheon as Personnel Director of the City of Stamford, in view of the questionable status of his being a bone fide resident of the City of Stamford at the time of his taking the examinations and also, at the time of his appointment. Seconded by Mr. Georgoulis and CARRIED by unanimous vote.

- (2) Expression of sympathy to William C. Kaminski and family 2nd District Representative.

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MR. MACRIDES MOVED that a letter of sympathy be written to Mr. Kaminski on the recent death of a member of his family. Seconded by Mr. Topping and Carried by unanimous vote.

(3) Research Drive - Reimbursement of Developer and additional appropriation for work still to be done.

MR. MACRIDES MOVED to hear from Mr. Hanrahan on this subject. Seconded by Mr. Georgoulis and CARRIED unanimously.

MR. HANRAHAN presented the following letter, copies which were sent to all members of the Board:

OFFICE OF THE CORPORATION COUNSEL

July 31, 1956

Board of Finance

Gentlemen:

In connection with an item in the 1956-1957 capital budget, entitled 'Research Drive' the attached estimate was prepared under the direction of the Public Works Department.

You will note that the project, according to the estimate involved a breakdown into three parts, i. e.

- Part 1 - An estimate of-----\$8,337.50
to complete the highway to Larkin St.
- Part 2 - An estimate of-----10,219.00
to complete the drainage to Larkin St.
- Part 3 - Reimbursement of-----34,363.80
to the owner for work performed by him
prior to the submission of this proposal
to the appropriate boards.

The estimate was reduced by the Mayor to \$50,000.00 and submitted to the Board of Finance, where it was reduced to \$35,000.00, although I am given to understand that at the time the Public Works representatives advised the Board, in answer to its specific inquiry, that at least \$50,000,00 would be required for the project.

The Public Works Department and the City Engineer have actually verified by the use of a steam shovel in opening up the proposed highway in three places, that the quantities of muck removed to get to the gravel base and the quantities of gravel placed in the excavation to form the road bed are substantially as contained in the estimate.

They have also determined by measurement that the quantity of muck which was piled adjacent to the proposed road is in substantial proportion to that claimed to have been removed. They further verified with the Stamford Water Company that the water line was placed in the road in an appropriate fashion on an appropriate base.

The unit prices used for reimbursement were determined by the Public

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Works and Engineering Departments.

On page 12 in its letter of transmittal of the capital budget, the Board of Finance made reference to the procedures of Chapter 64 of the Charter, having to do with assessments of benefits and damages, when it was apparent that the proposal, as submitted in the capital budget was not intended to be under that procedure.

This project, as you will remember, originally started out as the "extension of Cowing Place" in the proposed budget, and because of certain opposition from surrounding property owners, it was modified in the present budget to its present form.

The developer originally offered to dedicate a 25 foot drainage easement, as well as a strip of land for the highway for the extension of Cowing Place. When that project was abandoned, he was prevailed upon by the City to make the dedication of the drainage easement and to modify his development in such a way as to permit the extension of Research Drive.

In order to permit his development to progress in an orderly manner, pending the determination of the City's attitude on the extension of Research Drive, it was necessary for him to put in the water line and for that purpose to make the improvement in the right-of-way of the proposed highway, with the understanding that if the project was approved, he would be reimbursed for his actual expenditures.

The record seems to indicate that the developer fulfilled his obligation, in reliance upon the action of the City's various Boards in approving the extension of Research Drive.

Under the circumstances, it would appear to me that it would be inequitable at this time for the City to change its mode of procedure at the expense of the developer.

I am accordingly, recommending to the Mayor and your Honorable Boards that, in view of the verification by the Public Works and the City Engineering Departments of the performance of the work by the developer, that he be reimbursed for the work in accordance with the estimates and that an additional appropriation be made for the remaining highway and drainage work that will be necessary to complete the work as envisioned by the original proposal of the Public Works Department.

I would appreciate the comments of your Honorable Board on this proposed course of action as soon as is reasonably possible, in order that the proposed extension of Research Drive can proceed as rapidly as possible.

Very truly yours,

John M. Hanrahan,
Corporation Counsel

JMH:A.
Enc.

December 13, 1955

RESEARCH DRIVE
ESTIMATE FOR STORM WATER SEWER & ROADWAY

September 4, 1956

2,000.00	C. Yds. Gravel Fill	@ \$2.25	\$4,500.00	
1,800.00	Sq. Yds. 8" Oiled Gravel Road	@ 1.50	2,700.00	
375.00	Sq. Yds. 3.0' Premix Asphalt			
	Gutters	@ 2.50	937.50	
2	ea. Trees to be removed and disposed of.....	@100.00	<u>200.00</u>	\$8,337.50

DRAINAGE

324.00	Lin. Ft. 24" Con. Culvert Pipe	@ 8.50	\$2,754.00	
495.00	Lin. Ft. 18" Rein. Con. Culvert Pipe	@ 7.50	3,712.50	
150.00	Lin. Ft. 12" Rein. Con. Culvert Pipe	@ 5.00	750.00	
12	Vert. Ft. Standard Manholes	@ 45.00	540.00	
4	Standard Catch Basins	@ 250.00	1,000.00	
585.00	Lin. Ft. Con. Saddle	@ 2.50	<u>1,462.50</u>	\$10,219.00

Reimbursement to Glenbrook Sand & Gravel Co. for gravel,
10,888 Cu. Yds...@ 2.25 \$24,498.00

Reimbursement to Glenbrook Sand & Gravel for gravel spread
10,888 Cu. Yds...@ .35 \$3,810.80

Reimbursement to Glenbrook Sand & Gravel Co. for removal
of muck to gravel base..... \$6,055.00 \$34,363.80

Total..... \$52,920.30

Land Dedicated to City by the Glenbrook Sand & Gravel Company
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Mr. Hanrahan explained that the reason for bringing this up was that clarification was needed as to whether the figure, as cut by the Board of Finance to \$35,000 was intended to cover the whole project, or just a part.

MR. HUIZINGA: "I remember this question being discussed as to whether the \$35,000 was for the whole project or was for a part of the work. I remember that the Board of Finance told us that the \$35,000 was the total amount they were willing to spend for the whole project, or just a part.

MR. RHOADES: "I have been interested in this for some time. If Research Drive had been completed before last year's floods, these people on Viaduct Road would not have been flooded out. I am sure it was the intention of this Board to have this work done, and I think this work should be completed."

MR. HANRAHAN: "We have since verified the figures which were submitted to us. We might have been able to do the work cheaper by doing it ourselves, because we would have been using City labor."

Mrs. Bankowski asked to be excused at this time (12:20 A.M.).

MR. TOPPING: "The original specific request was for \$50,000, and we thought this was to be used to complete the road, and the Board of Finance cut the figure to \$35,000. Our Board had no knowledge as to what this money was to be used for."

MR. RHOADES: "I would like to make a motion: I MOVE that it is the intention of this

Board to see that Research Drive is completed." Seconded by Mr. Kolich and CARRIED by unanimous vote.

(4) Re: 1955/1956 Capital Budget (1) Broad Street Extension, (2) Incinerator Plans.
(See Mayor's letter of July 31, 1956 on above subject)

Mr. Hanrahan asked for an expression of opinion from the Board on the above request because of negotiations in progress on the acquisition of certain property and because of the nature of one of these being a non-profit organization, namely the Stamford Day Nursery, he would prefer to negotiate and not condemn.

MR. FREDERICKS MOVED as follows: "That it is the opinion of this Board that appropriations be made for the Broad Street extension." Seconded by Mr. Findlay and CARRIED by unanimous vote.

There being no further business to come before the Board, upon MOTION of Mr. Fredericks duly seconded, the meeting was adjourned at 12:42 A.M.

Respectfully submitted,



George V. Connors,
President
Board of Representatives

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