

January 5, 1959

2090

A regular meeting of the Board of Representatives of the City of Stamford, Conn. was held in the Cafeteria of the Dolan Jr. High School, Toms Road, Glenbrook, on Monday, January 5, 1959.

The meeting was called to order by the President, Mr. Norton Rhoades, at 8:15 P.M.

INVOCATION was given by Rev. John P. McNerney, Chaplain, St. Joseph's Hospital.

ROLL CALL was taken by the Clerk. There were 39 present and 1 absent. The absent member was Michael J. DeVito.

MR. RHOADES: "The President wishes to report with the greatest personal sorrow the death of the son of Michael J. DeVito, 5th District Representative. He was a close personal friend of your President all the way through high school."

The Clerk was instructed to write a letter, expressing the sympathy of the members of the Board.

A moment of silence was observed in tribute to the memory of Michael DeVito.

MR. RHOADES: "The President would also like the members of the Board to observe a moment of silence in tribute to the memory of a very distinguished public servant, Agnes Convery, our Controller, who died last week."

A moment of silence was observed in memory of Mrs. Agnes Convery.

RESIGNATION - Clement L. Raiteri, Jr., 6th District Representative

MR. RHOADES read a letter of resignation from Mr. Raiteri. He called for nominations for a successor to Mr. Raiteri.

MR. NOLAN presented the name of Fred C. Blois, from the 6th District as replacement for Mr. Raiteri. He said Mr. Blois had been recommended by the Democratic Town and City Committee and he therefore moved the nomination of Mr. Blois to fill out the unexpired term of Mr. Raiteri. Seconded by Mr. Vittti, who moved that the Secretary cast one vote.

MR. RHOADES said he could only accept this motion in the event there were no further nominations. There being no further nominations, the motion of Mr. Vittti was accepted. Seconded by Mr. Colatrella.

VOTE taken on the appointment of Mr. Fred C. Blois as replacement for Mr. Raiteri from the 6th District, and CARRIED unanimously, the Secretary casting one vote for Mr. Blois.

Mr. Blois was sworn in by the Town Clerk, Joseph V. Toner and thereupon assumed his seat as a member of the Board.

Committee Appointments:

MR. RHOADES announced the following Committee appointments: Fred Blois replacing Mr. Raiteri on the Legislative and Rules Committee; Patrick Fortunato replacing Mr. Raiteri on the Steering Committee; George Connors replacing Mr. Raiteri on the Charter Revision Committee.

MR. RHOADES: "There is also one other assignment to be made. As you will recall, the Mayor, at our last meeting, requested that certain designated members of this Board be asked to attend a meeting in his office on January 8th at 4 P.M. in regard to

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Urban Redevelopment. The President appointed Mr. Russell, who is Chairman of the Planning & Zoning Committee. It became obvious this afternoon that this meeting will largely deal with the District which Mr. Longo and Mr. Wynn represent, that they should certainly have a voice in that meeting and they have been appointed."

ACCEPTANCE OF MINUTES - Meeting of December 8, 1958

The Minutes were approved, with the following corrections: Page 2087, first line, second sentence, second word "the" changed to "though". Page 2069, at the conclusion of the Steering Committee report, the word "Fiscal" be changed to "Steering".

COMMITTEE REPORTS:

MR. RHOADES, Chairman, presented the following report of the Steering Committee:

Steering Committee Report
Meeting held December 22, 1958

The Steering Committee of the Board of Representatives met in the Mayor's Office on December 22, 1958.

The meeting was called to order by the Chairman, Norton Rhoades, at 8 P.M. Present were: George E. Russell, Joseph P. Milano, Stephen Kelly, Norton Rhoades, Alanson R. Fredericks, Rutherford G. Huizinga, Thomas J. Topping, Ellis B. Baker, Doris M. Zuckert, John R. Nolan, John C. Macrides, William D. Murphy, Bernard B. Geronimo and Clement L. Raiteri, Jr.

There was general discussion of all items on the Agenda prepared by Mrs. Farrell prior to her departure for her vacation.

Mr. Fredericks requested that Mr. Julius M. Wilensky, his alternate on the Charter Revision Commission be made a permanent member of that Commission in his stead, due to business commitments.

Respectfully submitted,

Doris M. Zuckert, Clerk

APPOINTMENTS COMMITTEE

MR. LEWIS, Chairman, said the Committee met Tuesday evening, December 30, 1958 and interviewed the Mayor's appointees.

MR. LEWIS: "There seems to be quite a bit of ambiguity insofar as our Charter is concerned with regard to the placing of names in nomination. Speaking as a member of the Committee, and not as the Chairman, my colleagues on the Committee were of the opinion these should be acted upon tonight, (with the exception of Mr. Cameron and Mr. Hawthorne, who were previously considered). I was, and still am, of the opinion, that if you will refer to your Minutes of the past several years, you will note that it has been the procedure to present the names at one meeting and act upon them at the next.

"There is no question that the names of John Cameron and Robert Hawthorne should be acted upon tonight, in my opinion. However, I think there should be an expression from the Board as to their feelings."

MR. RHOADES: "The President feels, Mr. Lewis, that the matter now before us would be the name of John L. Cameron and at the point when we reach the new ones, we can have whatever discussion as may be necessary."

- (1) JOHN L. CAMERON (R), Wire Mill Road, to ZONING BOARD, for a 5 year term, ending 12/1/63 (Replacing Joseph McCue, Jr.)

MR. LEWIS: "The report of the Committee is as follows: The intellectual qualifications of the above candidate is satisfactory to this Committee. However, the Democratic members of the Appointments Committee have reserved the right to not state their position as to their voting for the candidate."

MR. LEWIS read the qualifications of Mr. Cameron, recommended the candidate for appointment and MOVED for approval.

MR. NOLAN: "I do not like to interrupt the Chairman at this point. However, I would like to elucidate on our position, that is the Democratic members of this Committee. We felt that by saying we were in favor of a given person that we would be revealing our secret ballot. I personally, am not in favor of a secret ballot. But, if we are going to have a secret ballot, I don't think we should deprive the Committee members of that privilege and we would be doing so by saying that we are in favor of certain candidates."

The Tellers distributed the ballots. VOTE: 33 in favor; 6 opposed. CARRIED.

- (2) ROBERT D. HAWTHORNE (R), 413 Courtland Avenue, to PERSONNEL COMMISSION, for a 3 year term, ending 12/1/61 (Replacing Henry F. Nolan)

MR. LEWIS read the Committee report and MOVED for approval of this appointment.

MR. NOLAN said the Chairman's report was a minority report and asked that this be referred back to committee in order to give the Mayor a chance to explain his interpretation of the Charter, and so MOVED. Seconded by Mr. Nolan and Mr. Kolich.

MR. NOLAN explained the reasons for his motion, namely, that a Republican is replacing a Democrat on the Personnel Commission. He presented the following letter and MOVED that it be sent to the Mayor.

"We respectfully call your attention to Chapter 50, Section 501 of the Stamford Charter, Revision of 1954, which states in part: 'all members (of city boards) 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.' We interpret this provision to mean that no political party should have absolute control.

"Chapter 73, Section 731(e) of said Charter which section sets forth the manner in which the Personnel Commission shall be organized, states in part: 'one member of said committee shall be appointed from a list of three members of the classified service nominated by the members of such service at a meeting.'

"This is a three-member Commission. The above provision states one of the three members must be a classified employee. On the present Commission there is one Democrat, one Republican and one classified employee. The civil service employee should not represent either political party. Therefore, if the Personnel

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Commission were to replace the incumbent Democrat with another Republican, absolute political control would be given to one political party."

MR. NOLAN: "Mr. President, I would first MOVE that this matter be referred back to committee and then I will Move to have this letter sent to the Mayor."

MR. RHOADES: "Any vote on the letter at this time would be out of order. The President allowed the letter to be read because its body explained the reason for the motion to recommit."

"This is debatable and if and when the vote is taken, would require a simple majority to pass." (referring to the motion to recommit)

MR. FREDERICKS: "It is indeed amazing to hear the reasons given for recommitment. The particular subject was discussed in detail at a meeting of the Charter Revision Committee of this Board last week. It is my impression that ~~it was for this reason~~ *of* that the way section 503 is worded it is mandatory that all members of a Commission shall be resident electors of a municipality and not more than a bare majority of any board shall be registered members of the same political party."

"Now, that language means exactly what it says. It is indeed unfortunate that the Democratic members feel this way. It was for quite some time that we had NO member (of the Personnel Commission) from the classified service and we had one Democrat, who was the SOLE member of the Personnel Commission. It was the consensus of opinion that the same needs of the Charter Revision Committee that perhaps consideration should be given to amending Section 731 of the Charter to provide that ~~there should not be from~~ the two appointive men on the Commission, as distinguished from the member representing the classified service, ~~that they~~ should not be of the same political party. It was still the consensus, insofar as the language was concerned, *this* was permissible. And, Mr. Nolan was present at that Meeting. *present* *appointm*

"I would like to point this out. The Mayor is asked for his interpretation of the Charter. The interpretations of the Charter are given by the Corporation Counsel. The Corporation Counsel is asked as to whether or not there were any legal objections to his name being proposed. The answer was 'no'. It was my understanding that a letter to that effect would be in my hands this evening, but I am sorry to say that I do not have it. I have, however, checked with the Assistant Corporation Counsel and he tells me that was his understanding of the Corporation Counsel's interpretation. There are no legal impediments."

MR. NOLAN: "Will the speaker yield?"

MR. FREDERICKS: "Not right now, thank you."

MR. FREDERICKS: "I submit to you, ladies and gentlemen, that the request of the Majority Leader is fair and kind and has no other reasons back of it. But, I also submit to you, ladies and gentlemen, there are a great many other reasons. He is giving lip service to this question and frankly, he really doesn't care. He wants a delay. He would like to have a Hawthorne appointment referred and recommitted to the Committee and he doesn't care what the Mayor has to say about it."

MR. NOLAN: "Mr. President ----- there are certain things I would like to be allowed to say at this time-----."

MR. FREDERICKS: ".....and making rash statements....."

MR. RHOADES: "The President has the floor, and agrees with Mr. Nolan. A couple of remarks of the Majority Leader are out of order. The imputing of motives to any member of this Board is not within our province. However, the Minority Leader may continue, if he wishes."

MR. FREDERICKS: "I will yield temporarily, to the Majority Leader."

MR. NOLAN: "Mr. President, at the time I asked the speaker to yield temporarily, I was just going to----- For one thing, he was a little hard to keep up with, but he made a point about having a decision in his pocket - a decision of the Corporation Counsel - and here is the great exponent giving a curbstone opinion-----the night not too long ago I remember so well, you screaming about curbstone opinions-----well, we don't want any curbstone opinions....."

MR. LEWIS: "A point of order, Mr. Chairman. If there is any question as to the legality of the ruling, Mr. Nolan, we have the Assistant Corporation Counsel here, who is qualified, I believe....."

MR. NOLAN: "Well, if he would like to give us another curbstone opinion, let him give it to us-----"

MR. RHOADES: "The President does not feel that this discussion is getting us anywhere at all. The Minority Leader has a point which he wishes to make....."

MR. NOLAN: "Well then, let him make it, rather than to be making personal remarks."

MR. RHOADES: "The President feels that some of the language used on both sides here is completely out of order. Let us please proceed with the discussion as to whether this man should be nominated now, or whether his name should be re-committed and let us keep personalities out of it."

MR. VITTI: "All I want to add to this discussion is that Mr. Nolan is acting and speaking for the entire Democratic members of this Board. He is not acting on his own - he is merely following out the request we made to him. He is our Majority Leader and therefore he speaks for us as a group. That is not a one-man position he occupies - he is acting as our spokesman for the entire Democratic members of the Board of Representatives of the City of Stamford. I want that understood."

MR. HUIZINGA: "I believe the Majority Leader made a statement - something to the effect that he wishes the Mayor to come before this Board to give his interpretation of the Charter. Isn't that what you said, Mr. Nolan? The point that I am getting at is that you said you would like the Mayor to give his interpretation of the Charter to this Board."

MR. NOLAN: "I don't care how he gets the interpretation - he can get the Corporation Counsel to give it. However, I thought the Mayor was the one who was making this appointment."

MR. HUIZINGA: "That is the thing I wanted to clear up for the record. Your implication was that the Mayor was not thinking of the Charter, but merely appointed this man. I want everyone to know for our records that before this man (Hawthorne) was appointed, he very definitely sought legal counsel on the interpretation of the Charter. Good, sound thinking went into the legality of this question which you are bringing up now and with very good and proper advice, he appointed this man. I don't think the implication that he did this without obtaining good and proper advice is right at all. I just want that put in our record."

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MR. MACRIDES: "In answer to the last statement that was made - I believe that what Mr. Nolan is doing is trying to point out the fact that the Mayor is inserting politics into the classified service, which is strictly against the intent in our Charter. That, in labeling Mr. Hogan as a Democrat and in making him the Minority representative, he is making a politician out of Mr. Hogan, which is definitely not envisioned by the Charter as it reads and as it should read.

"With respect to Mr. Huizinga's remarks, I wasn't at all clear as to some of the things that he attributed to the consensus of opinion of the Charter Revision Committee. I intend to make a full report afterward as to exactly what the Charter Revision Committee decided, but I can make a couple of points which I think are relevant at this point.

"Number one - it was unquestionably the opinion of the Committee, that the Charter as it now reads, is ambiguous and badly written with respect to the two provisions which are cited. There is unquestionably a conflict. For instance, if Mr. Hogan were to resign, that's one. And, if we had appointed another Republican, and if, at that point the Civil Service people came up with three Republican nominees, the Mayor would be in a position where he would have to appoint one of these three people, where he would have to put on to the Personnel Commission a THIRD Republican and this, we feel is definitely in complete contrast to what one of the provisions requires - that there be Minority representation on each of these Commissions.

"It was also a split feeling of the Committee, that one of two alternatives be given to the Charter Revision Commission, for them to act upon, with reference to amending the Charter. And, if one of the two is actually two remaining people on the Personnel Commission, outside of the Classified Employee's choice, is to be split between the two major parties, or at least that no more than one of these two is to be on any one of the two major parties."

MR. LEWIS: "A point of information, Mr. Chairman. I am sure that our Majority Leader should be in a position to answer this. Under the prior administration, and prior to the appointment of the present classified employees' representative, on the Personnel Commission-----can he tell me the make-up of that Commission?"

MR. NOLAN: "I have been waiting to have a chance to answer a question like this so that it can be inserted in the record. I have the history here, going back to 1950 under Mayor George Barrett, as you all know, who was a Republican, and who set this in motion. He appointed a Mr. Weldon P. Manson, a Republican and also a Mr. John J. Hizman, who was a Democrat. Then we had a Ralph J. Kandetski, who was a Firefighter, the Employees' representative."

MR. LEWIS: "What was Mr. Kandetski's affiliation? That's what I am driving at."

MR. NOLAN: "Well, you see, up until this point, records weren't kept as to the political affiliations of the Classified Employees' representative on the Personnel Commission. Our present Mayor now looks into the affiliation of Civil Service employees. These records were not kept - they never thought to look into his affiliation. They didn't care whether he was a Republican or a Democrat. This is taken right from the records of the Civil Service Commission. All it states is 'Ralph Kandetski; Firefighter'. It doesn't say 'Ralph Kandetski, Republican, or 'Ralph Kandetski, Democrat, Socialist' or anything else. He was a Firefighter, and that's who he represented.

2867 "It goes on to 1951 and reads: 'Weldon Monson' who is still on the Commission, 'John J. McMahon, a Democrat, 'Fred W. Darling' not a Republican or a Democrat, but the employees' representative from the Board of Education, so he represented the Civil Service employees and was not affiliated with any particular political party."

MR. LEWIS: "Mr. Nolan....."

MR. NOLAN: "Would you like to have this record? You were the one who asked for it."

MR. LEWIS: "I asked the question because....."

MR. NOLAN: "You asked the question, Now, do you want to hear it or not? It's the record."

MR. RHOADES: "I believe the answer was satisfactory, Mr. Nolan."

MR. LEWIS: "I don't think the answer has been satisfactory, Mr. Chairman."

MR. RHOADES: "Perhaps the word satisfactory was the wrong word. What I meant was lengthy enough."

MR. LEWIS: "I agree. I think that perhaps our Majority Leader in his search for vital information has neglected to probe just a little bit. Today, you cannot imply that McMahon was a Democrat, Republican or whatever he was. But, I think that information could be had very readily. As a Committee member when this was discussed the other evening, I thought it sounded as if we should look into the merits and I asked again why, under this administration this excuse is coming forth. We lived with a one-man Personnel Commission, which was certainly improper to say the least. I am sure that when we check back again we will find that the makeup was two to one. And, I think that this is a very poor time to bring this up - it is a matter for the Charter Revision Committee."

MR. WILENSKY: "It was before the Charter Revision Committee and we had three different versions the other night. I was there and listened carefully. I would like to appeal to my Democratic colleagues, whom I respect very greatly in Charter Revision matters. Let us refer to what happened the other night. Granted that Mr. Macrides brought forth a situation that could occur, which would cause the Charter to have to be re-written, or something would have to give, if we found ourselves with three Republicans. The situation which we are confronted with now. There is no question but that we have one Democrat and one Republican on the Personnel Commission. If the Republicans are to be considered the Majority party, they have got to have another Republican. There is nothing wrong with the presently considered appointment, and therefore I cannot understand the reason for recommitment."

MR. MACRIDES: "Just in answer to what Mr. Wilensky said. What happens here is the setting up of a possibility, which I think would be a reprehensible one, in terms of the Charter. This is the thing which we should try to stay away from - the setting up of this kind of a situation. What Mr. Nolan was pointing out is that in EACH of the previous administrations in EACH of the years, since the inception of the Charter, we have always had one Democrat, one Republican among the non-classified members of the Commission and we think it should remain that way. We want to know from the Mayor why it should now be changed."

MR. FREDERICKS: "Mr. Macrides, you say that it follows as night does the day that if there were two Republicans appointed and there was then a vacancy on the Personnel Commission from the Classified Service, and it should so happen that there were only three names certified, all of which were Republican, we would then HAVE to have three Republicans on the Personnel Commission. That could obviously be the case. There could not possibly be three Republicans on there. The Charter does not permit this. It would be a question of multiplication of your Classified Employees. That would be your problem involved in this thing. Obviously a Republican could not go on there."

party affiliation

MR. MURPHY: "I would like to state that the concept of Civil Service is not related, as far as I see it, to which political party a city worker belongs to, and if we are going to start appointing city workers under a Democratic mayor, they are going to have to elect a Democratic member of their Civil Service, because our Democratic Mayor is going to then appoint two Democratic members to the Personnel Commission, or vice versa under a Republican administration. I think we are injecting politics into Civil Service.

"I would just like to remind this Board that Mr. Nolan has given us the names of Weldon Monson, Republican; and John Hinman, Democrat and Ralph Kandetski, Firefighter, appointed by a Republican Mayor, George Barrett.

"Now, when the Charter first went into effect, Mr. Moore, a Republican, was the Mayor, Mr. Barrett was the first Selectman, a Republican, the Majority of all workers who then went into Civil Service were Republicans, because the Democrats were thrown out and the Republicans took their place - patronage. Now as to the Personnel Commission at that time, perhaps Mr. Kandetski was a Democrat, but no political affiliation was given. But, if the Civil Service workers thought enough of Mr. Kandetski to make him their representative on the Personnel Commission, regardless of what his party affiliations were, evidently it was their intention that politics were not going to enter into Civil Service."

MR. HUIZINGA replied to Mr. Murphy's argument that according to the Charter the Mayor had to appoint two Republicans and one Democrat to the Personnel Commission.

MR. MACRIDES pointed out that what he was trying to show when he spoke previously was that under this interpretation of the Charter, the Mayor might find himself in a very possible situation, where under one specific Charter provision he would have to put in a third Republican as a member of the Personnel Commission, and would have to appoint this one Republican which would then create a three Republican member Personnel Commission, and under another specific Charter provision he could not possibly put in this third Republican as a member of the Personnel Commission. And, then he would find himself in an absolutely impossible situation. He said that the Charter Revision Committee is now considering how this apparent discrepancy in the Charter can be remedied.

A great deal further discussion took place on this question.

MR. RHOADES: "The President feels that this discussion has been eminently worthwhile and very much to the point. I am sure that the Board will turn this over to the Charter Revision Committee and steps will be taken to correct the language of the Charter so that discussions of this sort will no longer be necessary in the future."

VOTE taken on recommitting to Committee the matter of the appointment of ROBERT HAWTHORNE (Republican) as a member of the Personnel Commission, replacing Henry Nolan (Democrat). A rising vote was taken with a vote of 21 in favor, 16 opposed, 1 abstention and the President not being required to vote except in a tie. CARRIED.

MR. NOLAN MOVED for approval of the letter to the Mayor, which he previously read. Mr. Nolan's motion was seconded by Mr. Longo.

MR. HUIZINGA requested that the letter be read again. The Secretary read the letter for the second time.

MR. HUIZINGA: "This letter will be implying that we, as the Board of Representatives, agree with everything that is being said in Mr. Nolan's letter."

MR. NOLAN: "I would think they would."

MR. HUIZINGA said he disagreed with Mr. Nolan.

MR. RHOADES: "No such implication is implicit, either in the letter or in any vote that is taken here. What the letter will represent, if it is sent, will be a series of questions which a majority of this Board would like to have answered."

MR. HUIZINGA: "Mr. Chairman, I would go along with the letter, providing that we append after the letter the number of votes which were taken for and against - in other words, the number of Republican votes and the number of Democratic votes."

MR. RHOADES: "Mr. Huizinga, there is no way that this can be accomplished unless you record a vote on a personal basis and it would have to be done by a roll call vote."

MR. HUIZINGA: "Can I then amend Mr. Nolan's motion?"

MR. RHOADES explained that immediately following Mr. Nolan's motion, Mr. Huizinga could then ask for a roll call vote which would require a simple majority vote.

A roll call vote was then taken on Mr. Nolan's motion to send the letter previously read to the Mayor. The vote was as follows:

THOSE VOTING IN FAVOR

Fred C. Blois (D)
Rocco G. Colatrella (D)
George V. Connors (D)
Patrick J. Fortunato (D)
George Georgoulis (D)
Bernard Geronimo (D)
Stephen E. Kelly (D)
Anthony Kolich, Jr. (D)
Frank W. Longo (D)
John C. Macrides (D)
Anthony F. Marciano (D)
Joseph P. Milano (D)
Llewellyn J. Nilan (D)
John R. Nolan (D)
Peter J. Robertucci (D)
Gerald J. Rybnick (D)
Peter C. Sileo (D)
Anthony D. Truglia (D)
Vincent J. Vitti (D)
Edward P. Wynn, Jr. (D)

THOSE VOTING IN OPPOSITION

Ellis B. Baker (R)
Joseph A. Cullen (R)
Jack S. Cummings (R)
John L. DeForest (R)
Alanson R. Fredericks (R)
William G. Haring (R)
Virginia D. Horner (R)
Rutherford G. Huizinga (R)
Alan H. Ketcham (R)
Robert Lewis (R)
Jack McLaughlin (R)
Thomas D. Roche (R)
George E. Russell (R)
Thomas J. Topping (R)
Julius M. Wilensky (R)
Doris M. Zuckert (R)

ANSWERING PRESENT

John Maffucci (R)
Norton Rhoades (R)

RESULT OF ABOVE VOTE: CARRIED by a vote of 21 in favor, 16 opposed. 2 answering present, there being 39 present at the time of voting and 1 absent.

Re: balance of nominees as set forth in the Agenda, nos. 3 through 13

MR. LEWIS: "I did mention before - the proper procedure. I mentioned Mr. Georgoulis name. I thought as the former Chairman of the Appointments Committee he could enlighten us a bit as to past procedure. I am prepared to report, however, that I did feel these names should be presented to the Board as in the case of the last two names. I would like you to please call upon the Parliamentarian, as this is quite ambiguous."

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MR. RHOADES: "The discussion at this point, ladies and gentlemen, is whether or not the name before us (the other eleven) should properly be voted on at this meeting. Mr. Lewis has called upon Mr. Georgoulis to explain how things were handled during his term as Chairman of the Appointments Committee."

MR. GEORGOULIS: "It should be voted on."

MR. RHOADES: "The President would like to give his interpretation on this matter. He will be glad to listen to Mr. Nolan if his interpretation does not seem to be correct. The President feels, in reading over the section in question, that all these names should have been presented to this Board at our December meeting. The Charter calls for that. They then should have been ready for our action at this meeting tonight. However, the President knows that this is impossible for the Mayor - that it was the result of a failure to confirm on the part of some of the candidates themselves. The President is very well aware of the fact that our Charter has in it an escape clause - Section 21, which reads as follows:

'Any appointment to office or election by the Board of Representatives to fill a vacancy required herein to be made on or before a certain day shall be, if made after that day, as valid and effective as if made on the day specified. If the day on which any meeting specified herein to be held shall be a Sunday or a legal holiday, the meeting shall be held on the first business day following. Any meeting required by this act to be held on a certain day shall be deemed, for all purposes, to be a regular meeting. The Mayor shall designate the place of all meetings provided for in this act, unless the place of meeting is specified herein or fixed by Ordinance. However, in the absence of any such designation by the Mayor, the person responsible for calling the meeting shall designate the place thereof.'

"This means that we can act on these names tonight, if we so wish; we can act on them at our next meeting - it means that the whole matter is left to the discretion of the members of this Board. The President does not believe that the Charter either prevents or requires us to act tonight, either one."

MR. FREDERICKS: "I would like to take the opportunity at this time to MOVE that the following nominations be recommitted:

Alfred G. Kanzler, Michael Beluk, Frederick M. Peterson, Joseph P. Zone, Mrs. D. Lorenzen, Lucian V. Sciafani, William C. Kaminski, Charles D. Alexander, Richard D. Jones, Paul DuBois and James J. Healey."

Mr. Fredericks' motion was seconded by Mr. Lewis.

MR. NOLAN, Minority Leader, requested a five minute recess.

MR. FREDERICKS: "I did not ask for a recess. The question of recommitment is left to the independent judgement of the members of this Board. We are not going into the merits of the individuals involved. I think that under the circumstances that I would respectfully request we do NOT have a five minute recess at this time. The time is getting late and we have a long Agenda."

Mr. Nolan withdrew his request because of the objections of the Minority Leader.

2871 VOTE taken on Mr. Fredericks motion that the above names be recommitted. CARRIED by a vote of 25 in favor, 13 opposed (the President not voting).

FISCAL COMMITTEE

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2100

FISCAL COMMITTEE

MR. HUIZINGA read his committee report. He said a regular meeting of the Fiscal Committee was held on December 22, 1958 and those present were Messrs. Topping, Fortunato, Huizinga, and Mrs. Zuckert. The absent members were Messrs. Cummings, Robertucci, Wynn and Kolich.

- (1) \$4,000 - Ferguson Library - Repairs to boilers (Requested in Mayor's letter of Oct. 10, 1958)

MR. HUIZINGA MOVED for approval of the above request. Seconded by Mr. Topping

MR. MACRIDES said the Education, Welfare and Government Committee concurs in the recommendation for approval.

VOTE taken on above request and CARRIED unanimously.

- (2) 1959/1960 Budget for Board of Representatives

The following budget request for the next fiscal year was APPROVED by unanimous vote:

<u>Code Number</u>	<u>Description</u>	<u>Appropriation</u>
200.1	Salary, Executive Secretary	\$4,472.00
200.1A	Overtime meetings	350.00
200.3	Stationery and Supplies	800.00
200.4	Official Notices	300.00
200.5	Telephone	75.00
200.8	Travel and Special Committee Expenses	1,000.00
200.12	Service on office machines, including new tube for Thermofax machine	100.00
		<u>\$7,097.00</u>

Mr. Rybnick was excused at 9:30 P.M., leaving 38 now present.

LEGISLATIVE AND RULES COMMITTEE

MR. BAKER: "A joint meeting of the Legislative & Rules and the Charter Revision Committees was held Monday evening, December 22. Those attending were Messrs. Baker, Raiteri and Russell of L & R. Committee, and Messrs. Macrides, Fredericks, Raiteri, Nolan and Baker of Charter Revision Committee.

- (1A) Proposed Bill for submission to Legislature, from Mrs. Doris Zuckert

MR. BAKER: "A proposed Bill to be submitted to the 1959 session of the General Assembly, had been referred to these committees for review and recommendation. The proposal, which originated with Mrs. Doris Zuckert, had been directed to the Board for comment, in keeping with the published request that the Board be given an opportunity to review any Bills to be presented to the Legislature.

"The joint committee voted to take no action as a Committee with respect to this proposal, other than to present it to the Board as a whole for such action as it deems appropriate."

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MR. BAKER read the following proposed Bill:

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TO AMEND General Statutes of Connecticut, Title 63, Chapter 388, Section 7906 - Qualification of Jurors

All jurors shall be electors not less than twenty-five years of age, esteemed in their community as persons of good character, approved integrity, sound judgement and fair education, and with no permanent disability impairing their capacity to serve as jurors.

TO READ AS FOLLOWS:

All jurors shall be electors not less than twenty-one years of age, esteemed in their community as persons of good character, approved integrity, sound judgement and fair education, and with no permanent disability impairing their capacity to serve as jurors.

Presented by:

Mrs. Doris M. Zuckert

MR. RHOADES: "Does anyone care to express an opinion regarding this proposed Bill?"

MR. NILAN wanted to know how Mrs. Zuckert arrived at her decision to present this Bill.

MRS. ZUCKERT: "Well, I didn't understand why if one could vote at twenty-one, one could not serve on a jury. You see, they usually have great difficulty in getting jurors. That was the only reason I made the suggestion. I have inquired, and no one seems to know why the age was limited arbitrarily to the age of twenty-five.

"Perhaps they felt that one was more mature at twenty-five, but I just thought that if you could vote there was no valid reason why you could not also act as a juror."

MR. NILAN: "It is my belief that wisdom comes with age. I think that twenty-one is too young." He said he definitely opposed the Bill.

MR. MACRIDES said he thought the Bill was all right. He said: "Some people get older and wiser and some people just get older. I don't think that there is anything sacrosanct about the age of 25. The age of 21 is every bit as good, especially if they possess the qualifications as outlined in the Bill. Persons of this type are of proved integrity, sound judgment, fair education - I think they would be every bit as capable at 21 as at 25."

MR. FREDERICKS: "In order to bring this matter to a head, I wish to MOVE that the Board of Representatives go on record that they do not have any objection to this Bill."

MR. RHOADES: "The President does not like negative language in a motion. Would you care to change the language of your motion by making an affirmative motion?"

MR. FREDERICKS: "I like my motion just the way it is." Seconded by Mr. Longo.

MR. MACRIDES: "I would like to MOVE AN AMENDMENT to the Bill to put it in more positive language, by changing it to read that the Board of Representatives wishes to go on record as being in favor of this proposed Bill." Seconded by Mr. Lewis.

VOTE taken on Mr. Macrides' amendment. CARRIED.

VOTE taken on Mr. Fredericks' motion as amended. CARRIED by a vote of 23 in favor and 3 opposed (12 not voting).

(1) Peddlers, Vendors and Solicitors Ordinance (As amended at 12/8/59 meeting)
(For final adoption)

MR. BAKER: "A meeting of the Legislative and Rules Committee was held on December 18, 1958. Present were Messrs. Raiteri, Fortunato, DeForest, Russell and Baker. Mr. Colatrella was absent.

"As indicated in a notice to all members of the Board, the meeting was called for the purpose of discussing the suggested amendments to the proposed revision of the above Ordinance. The members were asked to give any suggestions they might have for further changes to any member of the Committee by the date of the Committee meeting. One letter mailed to the Chairman on the 17th was received by him on the 19th. One other member commented verbally at the Steering Committee meeting on December 22nd. No other communications were received.

"The Committee reviewed all of the changes which were voted or proposed at the December 8th meeting of the Board and considered several other items proposed by Committee members. The suggested change contained in the letter received the next day had been mentioned on the floor at the December 8th meeting and thus was considered."

MR. BAKER then listed all the changes which had been incorporated in the Ordinance, at the last Board meeting.

MR. BAKER: "The provisions specifying a seven day waiting period, letters of recommendation and the payment of a \$10.00 fee in order to obtain a solicitor's permit and the requirement for the wearing of a badge by solicitors were previously eliminated. The provision for a \$75.00 license fee for vendors was reviewed and was not changed, the Committee feeling that this afforded a measure of protection to local merchants as requested in the petition to the Board seeking an increase in the previous \$25.00 fee. It should be noted that veterans are exempt from this fee under State Statutes. The inclusion of a provision restricting the vending of products from a vehicle within 200 feet of a store selling the same products was not included, on the advice of the Corporation Counsel that such a provision would be unconstitutional.

"It was voted by the Committee to:

- (1) Furnish each member of the Board with a copy of the above changes prior to the January 5th Board meeting, to permit their copies of the amended Ordinance to be brought up to date and to acquaint them with the changes prior to the meeting.
- (2) Obtain press coverage of the changes made since prior publication of the amended Ordinance; and
- (3) To propose the amended Ordinance, as it now stands, for adoption at the January 5th meeting.

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"The members have been furnished copies and a summary of the changes was published in the Advocate on December 23rd. The amended Ordinance is therefore ready for adoption."

MR. BAKER MOVED for adoption of the following Ordinance. Seconded by Mr. Colatrella. After considerable debate, the Ordinance was adopted by a standing vote of 32 in favor and 4 opposed:

ORDINANCE NO. 77 SUPPLEMENTAL

PEDDLERS, VENDORS AND SOLICITORS

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 23 of The Code of General Ordinances of the City of Stamford, Connecticut, 1956, be amended to read as follows:

Article 1. In General

Sec. 1. License required.

No person shall sell, offer to sell, or exhibit for immediate sale, any goods, wares or merchandise or conduct any business from a vehicle, basket, stand, container or similar equipment or device, situated, contained, located, operated or placed on any of the streets or sidewalks in the City without first having obtained a license therefor and paid the license fee provided for in Sec. 2 of this Chapter.

Sec. 2. License fee.

The license fee to be paid under the provisions of this Article shall be in the sum of seventy-five dollars per year or part of a year, for each vehicle, truck, basket, cart, stand, container or similar equipment or device, used, operated and located as aforesaid; provided, however, that any person who has paid a personal property tax to the City on any personal property other than motor vehicles and boats, owned by him or it, and located within the limits of the City, on the Grand List of September first, last preceding, shall be entitled to an exemption to an amount equal to such personal property tax thus paid. A minimum license fee of twenty-five dollars per year for each vehicle, truck, basket, cart, stand, container or similar equipment or device, used, operated and located as aforesaid, shall be required irrespective of such exemption.

No person shall be entitled to the exemption provided for in this Section, by reason of his being temporarily associated with any such person who has paid his personal property tax, or who uses the name of such taxpayer for the purpose of obtaining the benefits of such exemption.

The fee provisions of this Section shall not apply to veterans entitled to the exemptions specified in Section 37 of Public Act 163 (1957).

The fee provisions of this Section may be waived by a two-thirds vote of the Board of Representatives upon the written request of a local religious, charitable or veterans organization.

Sec. 3. Issuance; transferability and duration of license; pro rata payment of license fee.

Upon tender of payment of the license fee, as required by Section 2 of this Chapter, the Controller shall issue a peddler's license to the applicant. Such licenses shall not be transferable and shall, in each case, expire on the thirty-first day of December of the year for which such license shall have been issued. No license shall be issued for a fractional period of a year, nor shall any pro rata payment be permitted. All licenses issued under this Article to expire on the thirty-first day of October 1958 are automatically extended without additional fee to expire on the thirty-first day of December 1958.

Sec. 4. Vehicle, etc., sign, tag or badge.

Each vehicle, stand, basket, container or similar equipment or device used, operated and located as aforesaid, when used for the purpose for which same is licensed, shall have plainly displayed thereon, a sign, tag or badge, designed and furnished by the Controller, at the expense of the City, bearing the number of the license and the year in which such license is in force.

Sec. 5. Restrictions on locations of vehicles, etc.

No such vehicle, basket, stand, container or similar equipment or device, shall be so located or placed as to impede traffic or be detrimental or injurious to public safety, or obstruct or interfere with the use of the street or sidewalk by the public at large. The failure to obey this provision of this Section shall be grounds for revocation of such license without the return of the license fee, in addition to any other penalty which may be provided for, by the Statutes of this State or any other local Ordinance now in force.

Sec. 6. Operation of business in public parks prohibited.

No license so issued under the provisions of this Article shall be construed so as to permit the conduct of any business in any of the public parks of the City.

Sec. 7. Exemptions.

The provisions of this Article shall not apply to:

- (a) Sales by farmers and gardeners of the produce of their farms and gardens.
- (b) The sale, distribution and delivery of milk and cream, (except ice cream) teas, coffees, spices, groceries, meats and bakery goods.
- (c) Sales made to retail or wholesale stores or to professional or industrial establishments.
- (d) The sale of newspapers.

The provisions of this Article shall not be construed to exempt any person from securing any other license, or paying any other license tax which may be authorized and imposed by the General Statutes of the State, or any provision of this Code.

2876 Sec. 7A. Violations and Penalties.

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Each violation of the provisions of this Article shall be deemed a separate offense and shall be subject to a fine of not more than twenty-five dollars.

Article II. Future Delivery

Sec. 8. Permit required.

It shall be unlawful for any person over sixteen years of age to solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door, or on any street or highway within the City without first obtaining from the Controller of the City a permit to be known as a "Solicitor's Permit".

Sec. 9. Application for permit.

Every person requiring a solicitor's permit shall make application to the Controller of the City, in writing, on the form provided by the Controller and containing the following information:

- (a) The name, home address and local address, if any, of the applicant.
- (b) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes.
- (c) The name and address of the person, firm, or corporation for whom or through whom, orders are to be solicited or cleared.
- (d) The nature of the goods, wares or merchandise for which orders are to be solicited.
- (e) A statement as to whether the applicant has been convicted of any crime or misdemeanor, and if so, what.
- (f) A statement as to the period during which the applicant intends to solicit orders.

The applicant, at the time of executing such application, shall also submit:

- (a) Identification satisfactory to the Controller and containing a specimen of the applicant's signature.
- (b) A photograph of the applicant.

Sec. 10. Form and contents of permit.

The "Solicitor's Permit" shall be in a form provided by the Controller of the City and shall contain the following information:

- (a) The name, home address and local address, if any, of the applicant.
- (b) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes.

- (c) The name and address of the person, firm or corporation for whom or through whom, orders are to be solicited or cleared.
- (d) The nature of the goods, wares or merchandise for which orders are to be solicited.
- (e) The expiration date of the permit.

Sec. 11. Issuance and duration of Permit.

The Controller of the City shall, upon application, as set forth in Section 9 of this Chapter, issue a "Solicitor's Permit" for a period not to exceed one year; provided, however, the Controller shall not be required to issue a solicitor's permit to any person who shall have been convicted of any crime or misdemeanor without first obtaining from the Chief of Police of the City his endorsed approval. No such permit shall be transferable.

Sec. 12. Permit.

The "Solicitor's Permit" provided for in the preceding section shall be in the possession, at all times, of the person so soliciting and shall be exhibited by him upon the request of any police officer of the City or any purchaser or prospective purchaser.

Sec. 13. Permit does not constitute permission to enter privately policed areas.

A "Solicitor's Permit" issued under this Article shall not constitute a permit to enter privately policed areas.

Sec. 14. Suspension or revocation of permit.

The Controller may suspend, pending trial, a "Solicitor's Permit" issued to a person charged with violation of any provision of this Article and the Controller shall immediately revoke any solicitor's permit issued to a person found guilty of violation of any provision of this Article.

Sec. 15. Conduct of solicitor; receipts.

Any person soliciting an order of purchase for future delivery of goods, wares and merchandise within the City shall conduct himself, at all times, in an orderly and lawful manner and shall give a written receipt, signed by the solicitor, of all orders so taken. Such receipt shall set forth a brief description of the goods, wares and merchandise ordered, the total purchase price thereof, the amount of down payment received by the solicitor from the purchaser and the approximate date of delivery.

Sec. 16. Exemptions.

The provisions of this Article shall not apply to:

- (a) Sales by farmers and gardeners of the produce of their farms and gardens.
- (b) The sale, distribution and delivery of milk and cream (except ice cream) teas, coffees, spices, groceries, meats and bakery goods.

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- (c) Sales made to retail or wholesale stores or to professional or industrial establishments.
- (d) The sales of newspapers.
- (e) The sale of insurance.

The provisions of this Article shall not be construed to exempt any person from securing any other license, or paying any other license tax which may be authorized and imposed by the General Statutes of the State, or any provision of this Code.

Sec. 17. Violations and penalties.

Each order solicited in violation of the provisions of this Article and each false statement or misrepresentation of fact for the purpose of obtaining a "Solicitor's Permit" shall be deemed a separate offense and shall be subject to a fine of not more than twenty-five dollars.

Article III. Solicitation of Funds

Sec. 18. Entering upon private property.

No person over sixteen years of age shall enter upon any private residential property in the City for the purpose of soliciting alms or donations of money or property or financial assistance of any kind; nor for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter; nor for the purpose of selling or distributing any ticket or chance whatsoever without the consent of the occupant of said premises. But, this section shall not apply to persons to whom licenses and identification cards have been issued in accordance with the provisions of Section 19 of this Article.

Sec. 19. Soliciting contributions in public.

It shall be unlawful for any person, organization, society, association or corporation or their agents or representatives to solicit donations of money or property or financial assistance of any kind upon the streets, in office or business buildings, by house to house canvass, or in public places in the City, except upon a license issued by the Controller of the City and an identification card issued by the Chairman or District Chairman of any charitable drive and any such regulations as hereinafter provided.

Sec. 20. Application required.

Application to solicit funds for any cause whatever, as provided for in this Article, shall be made in writing to the Controller of the City and shall contain the following information:

- (a) Name and purpose of the cause for which permission is sought.
- (b) Names and addresses of the officers and directors of the organization.
- (c) Time for which permission is sought and localities and places of solicitation.

(d) Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such solicitation.

(e) Such other information as the Controller may require.

Sec. 21. Exceptions.

The provisions of Sections 18, 19 and 20 of this Article shall not apply to any corporations organized as religious corporations; nor to any regularly established volunteer fire department or company operating in Stamford; nor to solicitation at the regular exercises or services of any lodge, benevolent order or fraternity or any branch thereof whenever such solicitation is made at the regularly appointed meetings and regular places of worship or exercises of such lodge, order or fraternity.

Sec. 22. Violations.

Any person, organization, society, association or corporation or their agents or representatives violating any of the provisions of this Article or making any false statement or misrepresentation of facts for the purpose of obtaining permission to solicit funds shall, upon conviction thereof, and in addition to other penalties provided by law, be subject to a fine not to exceed twenty five dollars (\$25.00), each solicitation being deemed a separate offence.

Article IV. Separability

Sec. 23. Separability.

In the event that any Article or Section of this Chapter shall be declared unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining Articles or Sections thereof.

This Ordinance shall take effect on the date of its enactment.

Note: This Ordinance will be enacted January 31, 1959

Mr. Kolich was excused at 10 P.M., leaving 37 now present.

(2) Building Code - Introduction of Electrical, Plumbing, Heating and Air Conditioning and Basic Building Code

MR. BAKER: "The basic Building Code and the related Electrical Code, Plumbing Code, and Heating and Air Conditioning Code have been completed and are ready for public hearing. The Committee is compelled to report, however, that even with overtime authorized by Commissioner Kelemen, the Reproduction Department was unable to have sufficient copies available to permit distribution to each Board member. It is anticipated that the collation of the copies will be finished by Wednesday, January 7. Assuming that this will be the case, your Committee requests authority to hold a public hearing on these Codes on Friday, January 23, 1959. Copies will be made available for examination, as prescribed in the Charter, at least 7 days prior to the hearing and appropriate notices will be published in the Advocate."

MR. BAKER MOVED that authority be given to hold a public hearing on the basic Building Code, Electrical Code, Plumbing Code and Heating and Air Conditioning Code on Friday evening, January 23, 1959. Seconded by Mr. Kelly and CARRIED unanimously.

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MR. BAKER: "Your Committee would like to acknowledge the assistance of Commissioner Kelemen, the Reproduction Department and the Purchasing Agent, in connection with the Codes. In particular, Mr. Benevelli (Purchasing Agent) was located in his office at 10:30 P.M. on December 22nd and asked to obtain five sets of Standards from four different Associations in time for the public hearing on the Codes, which contain reference to the Standards. Telephone orders were placed on December 23rd and all of the Standards were received by December 29th. Your Committee feels this to be worthy of commendation before this Board."

MR. BAKER took up item No. 4 on the Agenda next, as follows:

- * (4) Neglected cemeteries - Re interpretation of Sec. 4719 of State Statutes (1930) on expenditure of tax monies for maintenance (See Mayor's letter, with attachments, dated 11/26/58) (Also referred to Parks & Recreation Committee)

*(#3 and #4 are reversed)

MR. BAKER: "The matter of the maintenance of neglected cemeteries was received too late for Committee action, but will be referred to the Corporation Counsel for a ruling as to whether public monies may be used for such a purpose. Your Committee therefore requests recommitment of this item, and I so MOVE." Seconded by Mr. Marciano. Mr. Kelly, Chairman of Parks & Recreation Committee, concurred in the recommendation made by Mr. Baker. VOTE taken on Mr. Baker's motion and CARRIED unanimously.

- * (3) Holbrook Estates - Apple Tree Drive, Boxwood Drive, Holbrook Drive and Pine Tree Drive. (See Resolution #266, page 1732, Minutes of 3/3/58, and pages 1854 thru 1848. Also see Minutes of 4/7/58, page 1876.

MR. BAKER: "The remaining item on the Agenda, ladies and gentlemen, is one on which I have commented on several previous occasions. It was at my request that it was added to the Agenda. It was not considered as a Committee item, although it does appear under the Committee heading. It is one about which I have had more contacts from my constituents than all other subjects which have been before the Board during my two terms - namely, the acceptance of the four Holbrook Estates roads.

"I am not going to take your time to detail all that has transpired in connection with this matter. Briefly: some months ago the Board voted unanimously to publish a notice that the roads would be accepted if no written objection were filed with the Board in the ensuing 30 days. A notice was published. There was no objection.

"At the next meeting, Mr. Topping pointed out that the Board could not legally take action to accept the roads, since the property owners abutting the roads, who had petitioned for acceptance, were not owners of the road. He went on to say that he had called upon Mr. Walter N. Maguire, who was one of the developers of the area, and had received assurance that the present owner - the Brookdale Development Corporation, would deed the road to either a responsible Association of the property owners, or directly to the City.

"The first of these alternatives is not legally possible, there being no incorporated property owners Association which could accept title to real estate.

"I have this month discussed this matter with Mr. Walter Maguire, who is legal counsel for the owners, and with his concurrence, a deed has been prepared by the Corporation Counsel, in which the Brookdale Development Corporation deeds the roads to the City. Since the President of the Corporation is in the south on vacation, the actual signing will take place after January 15th, which is a certainty.

"It now becomes a question of whether the City will accept the deed. The power to accept the deed rests solely with this Board. You will note by reference to the Minutes of the December meeting, that the Board last month accepted Morgan Street and Strawberry Hill Court, and that there is a note associated with each of those items, reading, and I quote:

'No petition on this street, as it was donated to the City by the adjacent property owners.'

"You are also probably aware that these two streets were improved some time ago by the City, prior to their acceptance as City streets. So, there is no question of this Board's power to accept the gift of the roads nor is the fact that the Board has already established a precedent. Ladies and gentlemen, the Board voted in good faith to correct this deplorable situation. The technical difficulties which then prevented the consummation of the acceptance will be corrected by the deed from the owners. I reiterate that the people in the area are not asking for a fancy, complete rebuilding job - they merely ask that emergency repairs be made, and if the City so wishes, the removal of the gates which constitute a fire hazard. They are quite willing to let more substantial improvements await their normal turn in the long range Public Works program.

"I remind you that the abutting property owners have been, for 33 years, paying taxes covering the maintenance of roads. I plead with you to complete the action you started months ago and dispose of this troublesome matter by accepting these roads."

MR. BAKER MOVED for the acceptance of Holbrook Drive, Boxwood Drive, Apple Tree Drive and Pine Tree Drive, contingent upon their being deeded to the City by their present owners and contingent upon their giving to the City an appropriate title certificate. Seconded by Mr. Cullen.

MR. ROCHE said he agreed with Mr. Baker.

MR. TOPPING quoted from the June 2nd, 1958 Minutes (see page 1934). He explained the reasons why the streets cited by Mr. Baker (namely Morgan Street and Strawberry Hill Court) were accepted was because it was a saving to the City to use these streets to run a sewer line through to service St. Joseph's Hospital, and other developments in that area, and constituted a public improvement.

MR. TOPPING opposed the acceptance of these roads. He said the Board could not consider the acceptance of the roads until the petitioners own them. He said the conditions regarding the status of these roads has not changed since the June 2, 1958 Board meeting. He said: "If Mr. Maguire wishes to deed these roads to the City, the City can ONLY accept them under the provisions of Sec. 640 of the Charter, because that is the procedure that has been set up by this Board in the acceptance of private roads." Mr. Topping went on to say that there are many roads in the city which are private roads in bad condition which are now being brought up to acceptable shape by the owners of these roads, with the idea in mind that the City will then accept the roads in question.

MR. TOPPING: "If we are to accept a road that has been deeded to the City for no other reason than it has been deeded to the City, every private road in the City of Stamford can be deeded to the City and the City would then be compelled to accept it, and the taxpayers of the City would be compelled to pay for the maintenance and the putting of those roads into acceptable shape."

2882 MR. RUSSELL spoke against the acceptance of these roads. He said: "As the Chairman of the Planning and Zoning Committee, I have been responsible for the acceptance

of roads for a long time, it puts me in a rather awkward spot, for as Mr. Topping says, if we are going to start accepting roads by deed rather than by specification, then we set up a new regulation, which means that you will have to change the regulations of the Planning Board and our own Ordinances regarding road acceptance. The only requirements at the present time for accepting roads in general, are that they must comply to certain specifications before they can be accepted."

MR. RUSSELL explained at some length the manner in which roads are accepted at the present time under the City regulations.

Mr. McLaughlin was excused at 10:20 P.M., leaving 16 now present.

After a great deal of debate on this matter of road acceptance, MR. TOPPING MOVED this be referred to the Planning and Zoning and Public Works Committees for processing under Sec. 640 of the Charter, providing Mr. Maguire is willing to deed this property to the City. Seconded by Mr. Russell, and CARRIED unanimously.

MR. RHOADES announced that Mr. Baker, the Chairman of the Legislative & Rules Committee was in receipt of a letter from the Associated Builders and Contractors of Fairfield County, appointing Mr. John Porcelli of Lauren Hill Estates and Mr. Nicholas Mercede of Frank Mercede & Sons as representatives of their Association to assist the Committee in the preparation of the new Building Code.

PUBLIC WORKS COMMITTEE

MR. TOPPING presented his Committee report. He stated that a joint meeting was held with the Health & Protection Committee on December 29, 1958. Members of the Public Works Committee present were: Anthony Marciano, Bernard Geronimo, Llewellyn Nilan and Thomas Topping. Mr. Walter Maguire, Commissioner of Public Works and Mr. Chase, Assistant, were also present, as were also members of the Health and Protection Committee.

- (1) Allyn Place residents - Request for fence on city-owned property at street end
(To prevent children gaining access to the New Haven railroad tracks - presented by Mr. Colatrella at Dec. 8th Board meeting)

MR. TOPPING read a letter from Mr. Colatrella on the above subject. He said the Committee was informed that the Public Works Department will make every effort to satisfy the request of the residents.

- (2) Clearview Avenue, Springdale - Dangerous condition (Outlined in letter of Oct. 21, 1958 from resident to Mr. Cummings, 17th District Representative - referred at 12/8/58 meeting. Also referred to Health & Protection Committee)

MR. TOPPING: "This is in regard to a letter from Mrs. Thomas Bayer of 41 Buena Vista St., Springdale, about a sidewalk on the middle section of Clearview Avenue. This letter is dated Oct. 21, 1958, but was not referred to this Committee until December 22, 1958 by the Steering Committee." Mr. Topping read the letter at this point.

MR. TOPPING: "The widening of this section of Clearview Avenue has been projected in the 1962 Capital Projects Budget at an estimated cost of \$80,000. After discussion, Mr. Maguire and Mr. Chase said that when the weather permits, the Public Works Department would construct a narrow temporary sidewalk on the East or drop off side of the road, for use until this section of the road can be reconstructed."

(3) Re: Meadow Park Avenue North

MR. TOPPING: "My face is slightly red on this one. A title search has revealed that Mr. Gary Wellington does not own the property where the barrier is located. Therefore, I would like permission of this Board to negotiate with the owners of record, instead of Mr. Wellington, and I so MOVE." Seconded by Mr. Hearing and CARRIED, one negative vote.

MR. CUMMINGS pointed out a correction to Mr. Topping's remarks under item (2) above as to the date the Public Works Committee received the letter from Mrs. Bayer. He said the date should read December 8, 1958 instead of December 22, 1958, and referral to the Minutes of the December 8, 1958 meeting will show the correct date of referral.

(4) Wenzell Terrace, between Fenway St. and Hope St. - Hazardous condition
(Also referred to Health & Protection Committee - see (4)
on Agenda under that Committee)

MR. TOPPING: "At the request of both Committees, Mr. Maguire will have a lighting survey made of Wenzell Terrace, where we have had considerable complaints about poor lighting."

HEALTH & PROTECTION COMMITTEE

MR. MILANO: "Regarding items already reported on by Mr. Topping's Committee (Public Works Committee), I wish to say that our Committee concurs in the recommendations of the two matters reported."

(1) Parking Authority - Request in letter of 11/13/58 from Parking Authority for permission to install meters on both sides of Atlantic Street, from railroad bridge to Henry Street. (Recommitted at Dec. 8, 1958 Board meeting)

MR. MILANO: "The Committee met on Jan. 2, 1959 in reference to the above matter. The Committee recommends that this remain in Committee for further study and I so MOVE." Seconded by Mr. Marciano and CARRIED.

(2) Wright Technical School - Disposition of building after it is vacated

(Referred to above committee at Dec. 8, 1958 Board meeting - also referred to Education, Welfare & Government Committee)

MR. MILANO: "The Committee took no action on this matter, so there can be no recommendation at this time."

PLANNING & ZONING COMMITTEE

Petition re dangerous condition on Crystal Lake Road - Request for acceptance of road and removal of barrier (See letter from Mayor dated 12/8/58, enclosing petition)

MR. RUSSELL asked that this be held in Committee for the reason that no meeting had been held. No objection was heard to his request.

PARKS & RECREATION COMMITTEE

(1) Request to name Quonset Hut area site on Shippan Avenue in honor of General Pulaski

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MR. KELLY: "I have a request to name the Quonset Hut area on Shippan Avenue in honor of General Pulaski. The Park Commission has not had a meeting since our last meeting and we must meet with them in order to vote on this particular request."

(2) Neglected cemeteries (See item #4 under Legislative & Rules Committee)

MR. KELLY: "This matter is in the hands of Legislative & Rules Committee."

MR. ROCHE: (Regarding requests to name Quonset Hut area site) "We are getting all kinds of requests to name that area and I would like to have them referred to the Steering Committee for recommended action."

PERSONNEL COMMITTEE

MR. CONNORS, in the absence of Mr. Rybnick, presented the following report as to their meeting with the Personnel Commission on Monday, December 15, 1958:

Present were: Henry F. Nolan, Chairman, Personnel Commission
 Thomas C. Barker
 John F. Hogan
 John F. McCutcheon

Representing the Personnel Committee of the Board of Representatives were:

William Hearing	George Georgoulis
George Connors	Gerald Rybnick, Chairman

The following requests for reclassification were tabled, pending results of the classification and wage scale survey:

Civil Defense Senior Clerk	to Administrative Officer
Park Department Secretary	to Executive Secretary
Park Department Chief Clerk	to Administrative Clerk

A letter was read from Mr. Neuwien, Superintendent of Schools, requesting consideration be given to paying time and one half to Classified Employees for overtime over specified work week. This was tabled for further consideration.

The Commission approved the forwarding to the Board of Trustees of the Classified Employees Pension Fund the names of six employees eligible for retirement July 1, 1959.

In Executive Session, the Personnel Commission and the Personnel Committee of the Board of Representatives conferred with Mr. Robert White, representing Barrington Associates Management Consultants, regarding the contemplated survey of Classified positions in the Civil Service System. Mr. White explained the type and the extent of the survey his firm would conduct, and answered questions put to him by the Personnel Commission and the members of the Board of Representatives.

The meeting adjourned at 11:00 P.M.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE:

MR. MACRIDES: "All other items on the Agenda that have been referred to our Committee were taken care of previously under the reports of other committees."

Re: Smoking Regulations in Schools:

MR. MACRIDES: "Mr. Russell, at our last meeting, asked for a report in regard to smoking regulations in schools, and I am in receipt of a letter from the Superintendent of Schools, explaining the regulations." Mr. Macrides went on to read the letter, in which it was explained that the smoking regulations do not permit smoking on the part of pupils in any of the schools, but that there are assigned places such as teachers' rooms and offices where the employees are permitted to smoke. The letter also stated that some public usages of the schools are permitted, such as meetings in the High School Cafeteria and other such places where smoking is permitted by the public.

MR. RUSSELL: "I would like to explain that the purpose of my question was that where there are 'No Smoking' signs it means that there is to be no smoking. In industry, if you have a restricted area where there is no smoking, it is a must under a very strong State Law that you have to put up signs stating 'No smoking in this area'. The reason I asked this is because people going into public schools seldom look to see if there are any no smoking signs, but to my knowledge most schools, not only public schools (but I am referring to private schools as well) do not have obvious 'No Smoking' signs posted, so that strangers, even students, as far as that goes, may walk in the hallways or the stairways and smoke. I am not saying that it is right that they should - but they are apparently expected to know that smoking is not permitted. But, there are no signs placed anywhere telling people that they are not permitted to smoke in certain areas. Most of the fires that we read about, it usually turns out to be a carelessly discarded cigarette that caused the fire. In the recent Chicago school fire, obviously they were not permitted to smoke in that school either, but it was done, and with disastrous results."

Mr. Russell said he believed that obvious signs stating that no smoking is permitted should be placed at the entrance to all schools, in order that there be no doubt in anyone's mind.

CHARTER REVISION COMMITTEE

MR. MACRIDES presented the committee report. He said the Committee met on Monday, December 29, 1958, with all of the members present.

- (1) Funds for investigative purposes for the Board of Representatives, similar to Sec. 658.1 of Charter for the Board of Finance (Note: This is #2 on the Agenda)

MR. MACRIDES: "The Committee considered the suggestion of Mr. Cummings that a Charter change be made, giving the Board of Representatives powers similar to those given to the Board of Finance, with reference to the incurring and appropriating for expenses."

MR. MACRIDES MOVED that the following amendment be sent to the Charter Revision Commission for its consideration, which was seconded by Mrs. Zuckert and CARRIED unanimously:

Sec. 206. Funds for Investigation

The Board of Representatives shall have authority, by a two-thirds vote of the entire membership, to incur any expenses which it deems necessary or advisable, in connection with any matter before it. Expenses so incurred shall be paid by the Department of Finance on warrant issued by the Mayor and countersigned by the clerk of the Board of Representatives. The Board of Representatives may, by a two-thirds vote of the entire membership, appropriate funds to cover expenses incurred pursuant to this Section without request

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for such appropriation by any officer of any department of the Stamford Government, other than the Board of Representatives.

(2) Personnel Commission - Party affiliations of members (Item #3 on Agenda)

MR. MACRIDES: "The Committee then discussed Section 731 of the Charter, which concerns the makeup of the Personnel Commission. The Committee was evenly split between two possible amendments to this Section, although it agreed that some amendment was necessary. We therefore recommend that the following amendments be referred to the Charter Revision Commission for their consideration:

- (1) Addition to the first sentence of sub-section (e) of the following clause provided, however, that not all three such nominees shall be members of the same political party.'
- (2) Amendment of the second sentence of sub-section (e) so that it would read 'the other two members of the Commission should be known to be in sympathy with the merit principle as applied to Civil Service, should be members of different political parties, shall neither hold nor be a candidate for any other public office or position and should not be members of any local, state or national committee of a political party, or an officer in any political partisan club or organization.

* MR. MACRIDES MOVED that the above proposed amendments to Section 731 of the Charter be referred to the Charter Revision Commission. Seconded by Mr. Connors.

MR. MACRIDES: "The first (see (1) above) would look to the Personnel Commission member and would require that all three of the Personnel Commission members be NOT members of the same political party. In other words, they would have to be one Democrat, one Republican out of the three. This is the first of the two proposals.

"The second (see (2) above) looks not to the Civil Service member of the Personnel Commission, but to the other two members, and requires that they be of different political parties."

MR. FREDERICKS: "Is it not true that while this Board, by recommendation of the Charter Revision Committee, makes suggestions as to language, that does not keep the Charter Revision Commission from changing the language if they see fit?"

He was assured that this was the case.

MR. WILENSKY: "There is no doubt that everyone here recognizes this as the very same subject that we discussed earlier this evening. I would like to take this opportunity to commend the Chairman and the other Democrats who served with me on this Committee for the extreme fairness in the manner in which this was presented."

* VOTE taken on Mr. Macrides' motion and CARRIED unanimously.

(3) Pension plan for paid drivers in volunteer Fire Departments (See item (1) on Agenda)

MR. MACRIDES: "The Committee also discussed a proposed amendment to the Charter to set up a pension plan for full time paid drivers of the Volunteer Fire Departments in Stamford, which was submitted by Mr. Julius Wilensky, who will now report on same "

MR. WILENSKY: "Well, we have been all through the need for a pension plan on previous votes that we have taken on the matter. To review briefly, we want to correct an inequity which exists, whereby these full time paid drivers are ineligible for any pension, although their work is at least as hazardous as that of the downtown paid

firemen."

Mr. Wilensky went on at some length, explaining the need for a pension for these firemen.

MR. WILENSKY MOVED for approval of referral to the Charter Revision Commission for an amendment to Section 719.1 of the Charter to provide a pension for the full time paid drivers of the Volunteer Fire Department. Seconded by Mr. Huizinga.

MR. HUIZINGA pointed out that these Firemen are not employees of the City of Stamford and that the only way a pension could be provided would be to have the various volunteer fire departments arrange for it themselves, or a separate tax could be levied, to just tax the Districts who receive the benefit of their services. He said they definitely cannot be considered as employees of the City, because they are not paid by the city. He also stated that the volunteer fire departments expend several thousand dollars a year on various types of insurance, because they are not covered under the insurance for the city, being separate entities, and a pension plan for the drivers would also have to be handled the same way - separate and apart from city employees as they definitely cannot come under the Charter provisions as City employees.

MR. HUIZINGA read the following ruling from the Corporation:

Re: Pension benefits to paid drivers of volunteer fire departments

"In reply to your question concerning possible future provisions for pension benefits for paid drivers for the volunteer fire departments of this City, the following is submitted:

Section 719.1 of the Stamford Charter specifically prohibits such action. Any amendment to the Charter, changing or repealing said section, would, in my opinion, be of dubious legality, since these drivers are not city employees, are not under the control of the city in any way, or in any way included in the classification system of the city. On the contrary, they are employees of private corporations.

The use of city funds to provide the volunteer fire departments, for the purpose of providing said pensions would be permissible, however, providing any pension agreements controlling such situation, were entered into solely by the volunteer fire departments concerned and by the employees concerned and not by the city.

This, in effect, would not constitute city pensions, but would be a private pension plan, even though city funds were indirectly used to pay for the premium....."

Raymond G. Cushing
Corporation Counsel
City of Stamford

MR. HUIZINGA: "I hope it is now clear to all of us on this Board that it is impossible to grant these people a pension. We want them to have pensions - they can get pensions, individually, just like they now buy their own insurance to cover their equipment, but they cannot be covered by pensions as city employees."

The discussion continued for some time, with Mr. Lewis, Mr. Wilensky, Mr. Hearing, Mr. Macrides, Mr. Connors and Mr. Russell speaking on the subject.

Mr. Fredericks and Mr. Ketcham were excused at 11:15 P.M., leaving 34 now present.

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VOTE taken on Mr. Wilensky's motion to refer to the Charter Revision Commission the matter of a pension for the paid drivers of the volunteer fire departments. **LOST.**

Re: Replacement for Alanson Fredericks on Charter Revision ^{Commission} ~~Committee~~

MR. RHOADES announced that because of pressure of business Mr. Fredericks had asked to be relieved of his duties as a member of the above named ~~Committee~~ ^{Commission} and Mr. Julius Wilensky would take his place on this ~~Committee~~ ^{Commission} as a permanent member, having previously served as an alternate for Mr. Fredericks on this ~~Committee~~ ^{Commission}.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS

- (1) Petition from property owners on Duncanson Street for change of name to Riverview Lane. **REFERRED TO PLANNING & ZONING COMMITTEE.**
- (2) Letter from A. L. Gaudio, 5 Mohegan Avenue, Shippan, addressed to Mr. Roche, 1st District Representative, requesting land formerly occupied by the Quonset Huts be dedicated as "The Charles E. Moore Park". **REFERRED TO STEERING COMMITTEE**
- (3) Board of Tax Review meetings

The President announced that the Board of Tax Review met tonight and that there were two other dates which the members might be concerned with - January 7, 1959 Wednesday, from 2 to 5 P.M. and again on January 10, 1959, Saturday, from 9 A.M. to 3 P.M.

NEW BUSINESS

(1) Assessment for Board obligations

MR. RHOADES: "The Chair would be delighted to have someone move that we assess ourselves 50¢ to take care of various personal obligations of this Board."

MR. CONNORS MOVED that the members be assessed 50¢ to take care of various obligations of the Board; seconded by Mr. Marciano and **CARRIED** unanimously. It was referred to Mrs. Zuckert, Clerk, to handle this matter.

Re: Designated skating areas in city

MR. NILAN brought up the matter of the need for the designation of various public skating areas in the city. He said he would like to see this brought before the Board of Recreation.

Re: Next Board meeting and next Steering Committee meeting

MR. RHOADES announced that the next Board meeting would be held on February 9, 1959 instead of February 2nd, which would ordinarily be the designated meeting date. The reason for this was because of a conflict of dates; Mr. Kelly being honored on February 2nd by a testimonial dinner.

MR. RHOADES also announced that the next Steering Committee meeting would therefore be postponed to Monday, January 26, 1959.

A VOTE was taken on approving the above change in meeting dates and **CARRIED** by unanimous vote of approval.

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ADJOURNMENT

There being no further business to come before the Board, upon motion, duly seconded and CARRIED, the meeting was adjourned at 11:40 P.M.

vf

Respectfully submitted,

Welma Farrell
Executive Secretary

APPROVED:

Monton Rhoades
President, Board of Representatives