

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, February 9, 1959.

The Meeting was called to order by the President, Mr. Norton Rhoades, at 8:05 P.M.

INVOCATION was given by Rev. William D. Henderson, Pastor Calvary Baptist Church.

ROLL CALL was taken by the Clerk. There were 36 present and 4 absent. The absent members were: Vincent Vitti, Joseph A. Cullen, Virginia D. Horner and Rutherford G. Huizinga.

ACCEPTANCE OF MINUTES: Meeting of January 5, 1959

The Minutes were approved, with the following corrections:

Page 2093, Mr. Fredericks' remarks, 5th paragraph, third line, beginning with "It is my impression that-----"

Change to read:

"It is my impression that by reason of the way section 503 is worded....." etc.

Page 2093, 6th paragraph, 6th line and 7th line, delete "there" (last word in 6th line) and delete the words "should not be from..." (first four words in 7th line)

In the same paragraph, 8th line, after the words "classified service, delete the words "that they..."

Also in the 6th paragraph next to the last sentence should be changed to read: "It was still the consensus, insofar as the present language was concerned, this appointment was permissible."

Page 2096, also Mr. Fredericks' remarks at bottom of page, the next to last sentence should be changed to read:

"It would be a question of party affiliation of your Classified Employees."

MR. GERONIMO: "Nowhere in the Public Works Committee minutes do I find where I gave my reasons for - one of the reasons on the objections to the acceptance of city roads - much more than the point that I brought out on the street where I live on where the property owners have to have a private contractor brought in in order to put the road into acceptable condition by the city. For the record, I would like to have that inserted somewhere....."

MR. RHOADES: "If you would care to submit a sentence, in writing, to Mrs. Farrell, I am sure that it can be inserted in the proper place."

COMMITTEE REPORTS

STEERING COMMITTEE REPORT:

Mr. Rhoades, Chairman, presented the following report of the above committee:

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STEERING COMMITTEE REPORT

The Steering Committee met in the Mayor's Office, City Hall, on Monday, January 26, 1959. The meeting was called to order by the Chairman, Mr. Norton Rhoades, at 8:10 P.M.,

The following members were present:

Ellis Baker
Rocco Colatrella
George Connors

Patrick Fortunato
Rutherford Huizinga
Robert Lewis

John Macrides
John Nolan
Norton Rhoades
Thomas Topping
Doris Zuckert

Messrs. Kelly, Milano and Russell were present, but not as members of the Committee.

The following matters were discussed:

Building Code:

Copies of the Building Code were distributed to all those present.

Mr. Baker, Chairman, Legislative & Rules Committee, explained that although the Building Code will appear on the Agenda, no action can be taken on passage at the February meeting for the reason that an extension of time has been granted to certain organizations represented at the public hearing in order that they may have time to present certain suggested changes in the Code.

Annual Report 1957/1958:

Copies of the Mayor's Annual Report were distributed.

Fiscal matters:

Requests for additional appropriations granted by the Board of Finance on 1/9/59 were placed on the Agenda. Those matters involving other Committees were referred to the Committees concerned as well as the Fiscal Committee.

Letter from Supt. of Schools to Mr. Baker, dated 1/22/59:

Mr. Baker mentioned a letter he had received regarding the desirability of legislation to provide for the responsibility of Driver Education for school children being placed under the Motor Vehicle Department rather than the schools.

For the reason that this is the responsibility of the Legislature, no action could be taken.

The second subject in the above letter concerned the desirability of a single Fire Marshal.

Letter to Mr. Baker from Stark-Glenbrook PTA - Re: Proposed change in Ordinance governing licensing of amusement places

Mr. Baker brought up the above matter in which a change is recommended in existing Ordinances to prevent children under 14 from attending any public place of amusement other than skating rinks and theaters, unless in the company of an adult.

2914 REFERRED TO LEGISLATIVE & RULES COMMITTEE.

Nash Court - Request for abandonment of street or portion thereof:

This having been in Committee for some time, Mr. Baker requested that it be placed on the Agenda. Although no letter from the Planning Board has yet been received, it was anticipated that action would be taken at their Jan. 27th meeting.

Helen Place and Lawn Avenue - Hazardous conditions:

Mr. Fortunato, 9th District Representative, presented a letter dated 1/24/59 on the above matter. REFERRED TO PUBLIC WORKS COMMITTEE.

Parking Authority - Statement of Cash Received and Expenditures Incurred from July 1, 1958 through December 31, 1958

REFERRED TO FISCAL COMMITTEE

Park Commission Fees - 1959 Season:

Carbon copies of correspondence regarding fees to be charged by the Park Commission for the coming season were discussed. REFERRED TO PARKS & RECREATION COMMITTEE.

Fire Protection, City Schools:

Carbon copy of letter dated 1/28/59 from Chairman of Board of Finance to Ryle School PTA, replying to criticism, in which is explained budgetary matters relating to fire protection in the school system and how it has been handled.

Copies sent to all members of Fiscal Committee, Chairman of Education, Welfare and Government Committee for information.

Holly (Cove) Pond Dam:

Carbon copy of letter dated 12/27/58 to Mayor from the Park Commission regarding request for funds in 1959/60 Capital Projects Budget for construction of above dam. Copies sent to Chairman of various interested committees for information.

Board of Tax Review:

Carbon copy of letter of 1/29/59 from above Board to Mayor, favoring tax reappraisal.

Copy sent to Fiscal Committee for information.

Study of Pension system of City:

Mr. Huizinga reported progress on the study his Committee is making. He said it would require a great deal of further study before any recommendations could be made.

There being no further business, the meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Norton Rhoades, Chairman

Steering Committee

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APPOINTMENTS COMMITTEE:

MR. LEWIS, Chairman: "Mr. Chairman, in keeping with the Appointments Committee findings, as we reported last month (I have not been advised of any change in the procedure) I, as a representative take great pleasure in presenting the various names, whereas the Appointments Committee, by a 3 to 2 vote, decided that they did not want to take a stand as to yes or no on these appointments. I will, therefore, lead off with the appointments as they are presented on the Agenda."

MR. LEWIS presented the following appointments. Ballots were distributed by the Tellers with the following resultant votes:

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

VOTE: 21 yes, 14 no and 1 blank ----- CARRIED

- (2) ALFRED G. KANZLER (R) - 49 Parker Avenue, Glenbrook, to FLOOD AND EROSION CONTROL BOARD, for a 5 year term, ending 12/1/63

VOTE: 35 yes, 1 blank ----- CARRIED

- (3) MICHAEL BELUK (IND.) - 39 Rachele Avenue, to HUBBARD HEIGHTS GOLF CLUB COMMISSION, (Reappointment) for a 5 year term, ending 12/1/63

VOTE: 13 yes, 23 no ----- LOST

- (4) FREDERICK M. PETERSEN (R) - 35 Brandtwood Lane, to the PARK COMMISSION, for a 5 year term, ending 12/1/63 (Replacing John Scalzi, Independent)

VOTE: 33 yes, 2 no and 1 blank ----- CARRIED

- (5) JOSEPH P. ZONE (D) - 55 Westcott Road, to PLANNING BOARD, for a 5 year term, (Reappointment) ending 12/1/63

VOTE: 20 yes, 16 no ----- CARRIED

- (6) MRS. DOROTHY LORENZEN (R) - Dogwood Lane, to the BOARD OF RECREATION, for a 5 year term, ending 12/1/63 (Reappointment)

VOTE: 34 yes, 2 no

- (7) LUCIAN V. SCALFANI (Ind.) - 53 St. George Avenue, to the SEWER COMMISSION, for a 5 year term, ending 12/1/63 (Reappointment)

VOTE: 34 yes, 2 no ----- CARRIED

- (8) WILLIAM C. KAMINSKI (D) - 21 Friar Tuck Lane, Springdale, to the BOARD OF TAXATION, for a 5 year term, ending 12/1/63 (Replacing Thomas F. Burns, Democrat)

VOTE: 25 yes, 11 no ----- CARRIED

- (9) CHARLES D. ALEXANDER (R) - 1 Ralsey Road South, to the BOARD OF TAX REVIEW, for a 5 year term, ending 12/1/63 (Reappointment)

VOTE: 30 yes, 4 no and 2 not voting ----- CARRIED

- (10) RICHARD D. JONES (R) - 191 Southfield Avenue, to the ZONING BOARD OF APPEALS, for a 5 year term, ending 12/1/63 (Replacing William A. Pflugner, Republican)

VOTE: 16 yes, 19 no, 1 marked improperly ----- LOST

- (11) PAUL DU BOIS (D) 18 Janes Lane, to the PUBLIC WELFARE COMMISSION for a 3 year (Reappointment) term, ending 12/1/61

VOTE: 31 yes, 5 no ----- CARRIED

- (12) JAMES J. HEALEY (D) - 1064 Newfield Avenue, to the PARKING AUTHORITY, for a 3 (Reappointment) year term, ending 1/1/62

VOTE: 33 yes, 3 no ----- CARRIED

FISCAL COMMITTEE:

In the absence of the Chairman, Mr. J. S. Cummings, Sr., Vice-Chairman, presented the Committee report. He read two reports - one of the regular committee meeting held January 21, 1959, at which time all members were present, except for Anthony Kolich, Jr., Jack S. Cummings and Mrs. Doris M. Zuckert, at which meeting the matters on the Agenda were approved.

The second meeting held was a special meeting, held jointly with the Public Works Committee, on February 6, 1959, in order to take up the matter of some \$43,000 for Incinerator Addition for the Public Works Department, approved by the Board of Finance at a meeting held Jan. 30, 1959, after the Steering Committee meeting when the Agenda was approved. At this meeting were present all members of the Committee with the exception of the following: Thomas Topping and Rutherford Huizinga.

- (1) \$200.00 - PLANNING BOARD - Code 520.10, Subscriptions & Miscellaneous
(Requested in Mayor's letter of 12/9/58)

MR. CUMMINGS MOVED for approval of the above request. Seconded by Mrs. Zuckert and CARRIED unanimously.

- (2) \$400.00 - DEPARTMENT OF CIVIL SERVICE - Code 731.9, Medical Examinations
(Requested in Mayor's letter of 11/26/58)

MR. CUMMINGS MOVED for approval of the above request. Seconded by Mr. Hearing and CARRIED unanimously.

- (3) \$3,000.00 PUBLIC WORKS DEPARTMENT - Code 414B.12 - Treatment Plant, Repairs to Equipment (Requested in Mayor's letter of 12/10/58 - But only partially approved by the Board of Finance, \$12,000 for Salary Account being denied on 1/9/59)

MR. CUMMINGS MOVED for approval of the above request. Seconded by Mr. Topping, who said the Public Works Committee concurred in the approval. CARRIED by unanimous vote.

- (4) \$1,746.67 - POLICE PENSION FUND - Pension for Sgt. William T. Ryan, Police Dept., effective 1/15/59, based on annual pension of \$3,765.25 or 66% of annual salary of \$5,704.92

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(As requested in Deputy Mayor's letter
of 1/8/59)

MR. CUMMINGS MOVED for approval of the above request. Seconded by Mr. Colatrella and CARRIED unanimously.

- (5) \$2,424.12 - PUBLIC WELFARE DEPARTMENT - Code 460-1, Salaries for part-time Case Worker for next 6 months (As requested in Deputy Mayor's letter of 1/9/59)

MR. CUMMINGS MOVED for approval of the above request. Mr. Macrides said the Education, Welfare and Government Committee concurs in the approval and seconded the motion. CARRIED unanimously.

- (6) \$7,900.00 - PARK COMMISSION - Re amendment to 1956-1957 and 1957-1958 Capital Projects Budgets - Transfer of funds from one account to another (As requested in Deputy Mayor's letter of 1/9/59)

MR. CUMMINGS introduced the following resolution on the above matter and MOVED for approval. Seconded by Mr. Topping. Mr. Kelly said the Parks and Recreation Committee concur in the approval. CARRIED by unanimous vote:

RESOLUTION NO. 289

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, in accordance with Section 611.5 of the Stamford Charter, to approve an amendment to the 1956-1957 and 1957-1958 Capital Budgets for the transfer of funds in the amount of \$7,900.00 from "Roads, Paths" in 1957-1958 Capital Budget to "Bridges" in the 1956-1957 Capital Budget.

- (7) \$43,000.00 - PUBLIC WORKS DEPT. - Re amendment to Capital Projects Budget, fiscal year 1958-1959 (See Mayor's letter of 1/30/59) - Reduced by Board of Finance at meeting of 1/30/59.

MR. CUMMINGS MOVED for suspension of the rules to take up the above request.

MR. RHOADES: "This will also have to involve in the same motion the suspension of our usual procedure of referring matters of this sort to another committee. So, assuming that the motion involves both these matters, it has been moved by Mr. Cummings, seconded by Mrs. Zuckert that we suspend the rules to consider this item."

VOTE on suspension of the rules. CARRIED unanimously.

MR. CUMMINGS MOVED for adoption of the following resolution. Seconded by Mr. Topping and CARRIED unanimously.

RESOLUTION NO. 290

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, pursuant to Section 611.5 of the Stamford Charter, to approve an amendment to the Capital Projects Budget for the year 1958-1959 by including therein an item in the amount of \$43,000.00 to be known as "Incinerator Addition" and

BE IT FURTHER RESOLVED to approve the appropriation of \$43,000.00 for said "Incinerator Addition", which said sum is to be financed by direct taxation.

LEGISLATIVE AND RULES COMMITTEE:

MR. BAKER: "With the indulgence of the Chair, I will report on items Nos. 1 and 3 on the Agenda, these being the items which were jointly considered with the Planning & Zoning Committee at a joint meeting."

MR. BAKER read his Committee report pertaining to the following two items. He said a joint meeting of his Committee and the Planning and Zoning Committee was held on January 26, 1959, with the following members present: Messrs. Wilensky, Geronimo and Marciano from the Planning & Zoning Committee and Messrs. Fortunato, Colatrella, Blois and Baker from the Legislative and Rules Committee. Messrs. Russell and DeForest were absent due to illness and Mr. Murphy absent because of his night employment. Also present in an advisory capacity were Mr. Cushing (Corporation Counsel) and Mr. DiSesa (Assistant Corporation Counsel).

- (1) Appeal from decision of Zoning Board re approval on 12/10/58 of application of THE STADIUM CLUB RESTAURANT to change in Section 14 of the Stamford Zoning Regulations, by adding G. (concerning liquor outlets in the B-D District)

MR. BAKER: "The Zoning Board, at its meeting of December 10, 1958, approved the application of the Stadium Club Restaurant for a modification of Section 14 of the zoning regulations, commonly referred to as the 1500 foot rule, to stipulate that in any Designed Business District, wherein is permitted a restaurant where liquor is sold for consumption on the premises, no building shall hereafter be used for such purpose if such building is within 500 feet radius of another such restaurant in said District.

"A petition dated December 16, 1958, signed by 113 land owners within 500 feet of the affected area was filed with the Zoning Board on December 23, 1958, appealing this decision. The appeal was referred to the Board of Representatives by the Zoning Board on January 5, 1959, all of this procedure being as set forth in Section 553.2 of the Stamford Charter.

"Transmitted with the appeal petition were (1) a copy of an affidavit, signed by Donald F. Zezima, attorney for the appellants, attesting to the validity of the petition signatures; (2) a copy of the excerpts of the Minutes of the meeting at which the Zoning Board decision now appealed was made; and (3) a copy of the transcript of the public hearing held by the Zoning Board on the application.

"On January 20, 1959 a letter dated January 19 was received from Daniel E. Ryan, Jr., attorney for the Stadium Club, transmitting a second petition signed by 27 of the individuals who had signed the appeal petition, requesting the withdrawal of their names from the appeal petition. Mr. Ryan's letter also alleged that the referral to the Board of Representatives is improper and invalid in that a number of those signing the appeal petition were not land owners within the prescribed limits or that for other reasons the signatures should be ruled invalid.

"The Committee caused a map to be prepared by the City Engineer's Office, showing the land owners of record within 500 feet of the B-D District and compared this with the signatures on the appeal petition. Where a doubt existed as to the validity of the signature, the Committees contacted the signers personally to verify the question of ownership. It was determined that there were enough valid signatures to meet the Charter requirement.

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"The matter of the petition withdrawing signatures was considered, together with a copy of a Connecticut Court opinion on the subject, and upon advice of Counsel, it was decided that this petition could not legally be recognized.

"The facts of the case, as brought out in the public hearing, and in the Minutes of the Zoning Board meeting, were discussed, and after reasonable consideration as to the character of the District and its peculiar suitability for particular uses, it was decided, by a vote of 4-3 to recommend to the Board of Representatives that the proposed amendment to the Zoning regulations be approved. It was the majority opinion that the proposed amendment would be in the public interest, would conserve the value of buildings by encouraging the most appropriate use of land throughout the municipality."

MR. BAKER: "I therefore MOVE that the proposed amendment to the Zoning regulations be approved."

Seconded by Mr. Marciano.

MR. WILENSKY: "I have a minority report of the Joint Committee meeting on this matter:"
(The following is the minority report as presented by Mr. Wilensky)

MINORITY REPORT OF JOINT COMMITTEE MEETING
HELD JANUARY 26, 1959 - PLANNING AND ZONING
COMMITTEE AND LEGISLATIVE AND RULES COMMITTEE

We cannot agree with the Zoning Board's reasons for a change in Section 14 of the Stamford Zoning regulations. It is not in the public interest to have bars, taverns, or saloons every 500 feet in a B-D District. The new section G makes the exception for "a restaurant where liquor is sold for consumption on the premises." Stamford already has many examples of so-called "restaurants" and "grills" where the bar does a much bigger business than the kitchen. These are bars, taverns, and saloons in every sense of the word, even though they may be called restaurants.

This Section G opens the door for them to be established every 500 feet in a B-D District. The particular Club whose application led to this change could quickly be surrounded, at 500 foot intervals, with plenty of low grade company. This B-D District extends for approximately 2,500 feet on both sides of High Ridge Road.

To picture the overall effect this can have, you need only to turn to towns which do not have a 1,500 foot rule. At our meeting the other night, Greenwich Village and Joplin, Mo. were cited. We do not want a string of dives in our town, even at 500 foot intervals.

The Zoning Board also gave as their reason, to "conserve and stabilize the value of property by means of more equitable distribution of restaurants serving alcoholic liquor." They have completely lost sight of the purpose of the 1,500 foot rule. Connecticut has won the championship officially as the biggest alcohol consuming State in the Union, on a per capita basis. There will be as many alcohol consuming outlets as our regulations permit. One good restaurant every 1,500 feet, may conserve and stabilize property values; a string of bars, taverns and saloons every 500 feet will destroy them.

We also oppose this amendment on the basis that it is a positive down-grading of the B-D zone as originally conceived, and described in Section 8 of the Zoning regulations. This will have the effect of creating future problems similar to the one now created on High Ridge Road. It will also cause even more opposition to the creation of additional B-D Districts than has been experienced previously. The B-D District, if located properly and created at the propitious time, offers a sensible solution to the probable need for additional future commercial zoning as Stamford grows further. Certainly, we should not be forced to accept a string of bars, taverns and saloons at 500 foot intervals with our new B-D Districts. We may not be willing to do so, thus stifling future growth.

The present regulations do not prohibit the establishment of restaurants serving liquor in B-D Districts. They merely specify them to be 1,500 feet apart, the same as in the rest of Stamford and nearly every other town in Connecticut. We submit that this is not unreasonable, and we therefore request the Board to support our opinion.

Rocco G. Colatrella, Assistant Chairman,
Legislative & Rules Committee
Bernard B. Geronimo, Planning & Zoning
Committee
Julius M. Wilensky, Planning & Zoning
Committee

MR. MURPHY: "Unfortunately I was working the night of the meeting, or I would have signed the minority report, which could easily have become the majority report." Mr. Murphy quoted remarks from the meeting of the Zoning Board on this matter.

MR. MARCIANO spoke in favor of the majority report.

MR. KETCHAM said he was not in favor of "chipping away at the 1,500 foot rule" and that irrespective of any hardship that might be caused that this should go back to the proper Board and have the issue resolved.

MR. CUMMINGS spoke in favor of the minority report.

MR. TOPPING spoke in favor of the minority report.

MR. KOLICH MOVED for a secret ballot on this issue.

Mr. Kolich' motion was seconded by Mr. Colatrella.

MR. NOLAN (Parliamentarian) ruled this would require a simple majority vote which is undebatable.

VOTE taken on secret ballot and CARRIED by a vote of 22 in favor, 9 opposed.

MR. RHOADES: "Let me make the voting situation completely clear here. I informed both caucuses before this meeting that the President's interpretation of the Charter is that if there are 21 votes or more in favor of this motion, then the amendment, is passed. If there are 21 votes, or more, in opposition to the amendment, it is defeated. If there are less than 21 votes both ways, that is to say, if there is no total of 21 votes either way, then the Corporation Counsel is going to give the answer."

MR. WILENSKY: "What does 'yes' mean and what does 'no' mean?"

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MR. RHOADES: "Yes is in favor of the amendment to the zoning law - the amendment to the 500 foot exception to the 1500 foot law in the B-D District. No is in opposition to it. You will simply check either 'yes' or 'no' on the ballot."

MR. MACRIDES announced that he wished to abstain from voting.

VOTE taken on Mr. Baker's motion that the proposed amendment to the Zoning Regulations be approved.

RESULT OF VOTE: 15 in favor
19 opposed
1 blank
1 abstention

MR. RHOADES: "Without a question, we will now hear from Mr. Cushing, the Corporation Counsel."

MR. MURPHY: "Would it be possible, since the vote came out this way, if I could make it an affirmative motion to override -- no, I want to uphold the appeal."

MR. FREDERICKS: "Mr. President, I rise to a point of personal privilege. I believe our Parliamentarian will agree with this: You cannot vote to reconsider on a ballot vote, because how can you tell which is the prevailing side?"

MR. RHOADES: "Excuse me, Mr. Fredericks, that is not correct. On a ballot vote the Chair is expected to assume that anyone who moves to reconsider was on the winning side. But, there are restrictions on moving to reconsider, nevertheless - of a little different sort. I don't believe that Mr. Murphy is moving to reconsider. He is presenting another motion. Mr. Murphy, will you word your motion as you wish to make it?"

MR. MURPHY: "I MOVE that this Board uphold the appeal from the ruling of the Zoning Board changing the amendment to the Zoning Regulations in the B-D District."

MR. NOLAN (Parliamentarian): "I don't think this requires a parliamentary ruling - it is rather a point of interpretation of the Charter. I think that we should therefore hear from the Corporation Counsel on this point."

MR. RHOADES: "Mr. Cushing - two questions: First, what does the result of the secret ballot indicate, the vote being 15 yes and 19 no?"

MR. CUSHING (Corporation Counsel): "The vote indicates first of all that Section 556.1 headed 'Vote Required by Board of Representatives.' (which must be complied with) which reads:

'In deciding all matters referred to the Board of Representatives pursuant to this Chapter, the affirmative vote of a majority of of the entire membership of said Board shall be required.'

"Affirmative there, of course, meaning affirmative action of any kind, either for or against. Now, the result of this is, by referring back to Section 553.2 skipping the immaterial part of it, which reads:

'.....The failure by the Board of Representatives either to approve or reject said amendment.....'

"Which is what has occurred because of the lack of 21 votes either for approval or for rejection.

'.....shall be deemed as approval of the Zoning Board's decision.'

"I may say that, although I am delivering this orally and therefore it has no force - I will supply this in writing, in order to comply with the requirements of the Charter for an opinion."

MR. RHOADES: "That's the answer to the first question. Is a motion, similar to the one just made by Mr. Murphy, a motion that can be accepted by this Board? The Chair has an opinion on it which he will give eventually, but we have you here and would like to make use of you."

MR. CUSHING: "Mr. Murphy is moving to vote to support the appeal. This is a little bit more off the cuff, because I haven't had a chance to study that particular one, but in view of the fact that the Board's vote is, in effect tantamount to not acting, and Mr. Murphy's motion is therefore in effect tantamount to submitting it to a vote again, I see nothing wrong with it, since the Board has not yet done any action inconsistent with Mr. Murphy's motion."

MR. RHOADES: "Thank you."

MR. FREDERICKS called for Mr. Baker's motion which has been voted on, read again. The Secretary read the motion again.

MR. RHOADES: "This motion was then defeated."

MR. FREDERICKS: "That is correct."

MR. WILENSKY: "I would suggest to Mr. Murphy that we do not have any right to vote on an appeal. Actually, all this appeal did was to refer the matter to us, but we should vote on it if we are going to vote again -- just the contrary to the original motion which would be to deny the amendment to the Zoning Regulations. I would like to make a motion to that effect."

"While Mr. Cushing is still on his feet, I have another question. In reading the Charter, you mentioned affirmative and that word in any dictionary you will find means 'yes'. I maintain, and I wish you'd study it further (you have promised to anyway) that that word means that the proponent of any amendment has to have a majority, therefore if the vote that we have -- they only got 15 votes, they do NOT have a majority and it doesn't constitute no action by us."

MR. CUSHING: "Mr. Wilensky, that question was not first raised to me this evening, but I have done a little studying on it, unlike the second question which was asked. I think that 'affirmative' in this case means a positive act. In other words a vote as opposed to no vote being taken, and the purpose here being, if most of the people on this Board chose to abstain from voting, and two people voted for and one against, you would actually have THREE affirmative votes -- affirmative not in the sense of supporting, but in the sense of affirmative action, rather than inaction."

"While I have the floor - Mr. Fredericks has pointed out a section which I have not as yet considered, until I received the wording in the motion that Mr. Murphy made -- it has been pointed out -- this causes me to reverse my stand on the second question. It has been pointed out that the vote taken by this Board is either for or against the amendment, not for or against the appeal. That being the case, the motion for the appeal, or against the appeal, would not comply with the required vote."

MR. RHOADES: "The President would have to agree with that. He feels, and has always felt that motions on these matters should refer ONLY to the amendment and not to the

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appeal. He does, however, agree with the contention that the 15-19 vote represents no action and that therefore, if no further action is taken during the course of this evening, that Charter provisions which apply there are the ones which say that no action being taken, it reverts to the Zoning Board's action.

"But, since no action has been taken, the Chair can see no reason why motions of any sort are not in order in connection with this matter. The Chair is limited only by a provision in Robert's Rules of Order which says that the Chairman shall not permit ridiculous motions to be made. Just as if someone lost a vote and then insisted on making the same motion over and over again several times, it would obviously be a ridiculous situation and the Chairman would not permit it.

"The Chair feels that Mr. Murphy's motion will be in order when it has been properly worded."

MR. WILENSKY: "I would like to MOVE that the proposed amendment to the Zoning Regulations be rejected." Seconded by Mr. Cummings.

MR. FREDERICKS: "This Board has moved very carefully in the questions of appeals from either the Planning Board or the Zoning Board. The motion and the proper motion, which Corporation Counsel after Corporation Counsel have approved, and seen the proper motion to bring, has always been a motion to approve or the alternative, a motion to reject - the other side of the point. That motion was put, because the Chair went to one caucus and then went to the other caucus and said 'There must be an affirmative motion' and it was so construed that it was to be a motion to approve - that motion was placed before you, and then it was moved, it being a secret ballot. A ballot was taken. It was lost.

"I cannot see, in my humble opinion, this Board doing violence to Robert's Rules of Order. I say that a vote having been taken and the issue having come before you and you gentlemen have voted upon it, then to move and for the Chair to entertain such a motion, is tantamount to the same matter coming before us and Robert's Rules, I am sure would be interpreted to mean, that it is a motion to reconsider and a motion to reconsider, gentlemen, must be raised by a person on the prevailing side and there is no prevailing side - there is no proof of it.

"It is exactly the same situation that we could run into every time that we ballot, as we are required by our rules, on appointments. And, we could re-ballot and re-ballot and re-ballot. I think we are doing violence to something. We are following the original rule of the Chair for an affirmative motion. It was voted on, I object to that on the grounds that it is a violation of Parliamentary Rules."

MR. RHOADES: "Before Mr. Murphy speaks, the Chair will once again explain its position. If there had been 21 votes in favor, if there had been 21 votes against, or more in either case, there would be no question about this having been an action completed, and the Chair would not entertain such motion. However, the ruling, curbstone or not by the Corporation Counsel, in this case seems to be as he indicated in his answer to the first question - that this Board has taken no action. If it had voted 'yes' or if it had voted 'no' by 21 or more votes, it would have taken action and the matter would then be settled. It has taken no action. If no further action is taken, it reverts to the Zoning Board.

"With no action having been taken, however, the Chair can see no reason why this involves a matter of reconsideration or a matter of a motion which is out of order - anything of that kind. The language of Mr. Murphy's motion was out of order and the Chair understands that it has been changed."

MR. FREDERICKS: "Mr. President, I would suggest that we entertain the motion as made by Mr. Wilensky as being the proper motion. I appeal from the ruling of the Chair on that."

MR. RHOADES: "The appeal from the ruling of the Chair is a parliamentary matter and requires only a majority vote to upset the ruling of the Chairman. No member may speak more than once and the Chair has the last word. This is spelled out in Robert's Rules of Order. There is, therefore, before us Mr. Wilensky's motion, which has been ruled to be proper by the Chair and an appeal from that decision by Mr. Fredericks and your vote will be on that."

A great deal of further debate took place at this point.

MR. RHOADES: "The vote will be on the appeal from the Chair's decision."

MR. FREDERICKS: "It would be better to word that: 'Will the Chair be supported?' It is much clearer by stating it that way."

MR. RHOADES: "Mr. Fredericks would prefer to have the vote taken as supporting the Chair or not supporting. I believe that he is correct."

"Now, the situation is this: Mr. Wilensky has made a motion to vote on the zoning matter, which the Chair has ruled to be a proper motion. Mr. Fredericks has appealed. You will therefore vote either to support the Chair or not to support the Chair."

VOTE taken on above. 14 votes in favor of the ruling of the Chair and 20 votes against.

MR. RHOADES: "The appeal from the ruling of the Chair has been sustained. At this moment the Chair feels that this is the end of the matter."

(2) Nash Court - Request for abandonment of street, or portion thereof, by William Ivler

MR. BAKER: "The second item on the Joint Committee report is item #3 on our Agenda."

"The proposal of the residents of Nash Court, as presented in several communications from Mr. William Ivler, dated from July 28, 1958 to February 3, 1959, asking for the abandonment, discontinuance or closing of all or a portion of Nash Court to Public use or the sale of a portion of Nash Court to the residents thereof, was next considered by the Committees."

"The Planning Board was asked for an opinion in the matter by letter from the Legislative and Rules Committee dated September 15, 1958. The Planning Board interviewed both parties concerned, i. e. Mr. Ivler representing the residents of Nash Court and Mr. Hertz, attorney for the owners of the Linden House Apartments, and on November 26 asked the Corporation Counsel for an opinion regarding the legal problems involved. Both parties forwarded briefs on the subject."

"Mr. Ivler wrote the Legislative & Rules Committee on January 21, 1959, contending that under the provisions of Section 523 of the Charter, the Planning Board by not taking final action in the matter within 60 days had, in effect, approved the proposal by default. After review of all correspondence, Counsel advised that this position was well taken and approval by default could be assumed."

"However, the Assistant Corporation Counsel on January 15, 1959 had rendered an opinion to the Planning Board which was relayed to the Committee on January 30, 1959. Substantially this opinion was to the effect that were the request submitted by Mr. Ivler to be granted and action taken effectively closing Nash Court to through

traffic, thereby preventing access from the abutting property to city streets, it would make the City potentially liable to an action for damages.

"The Committees jointly decided that to grant the request of Mr. Ivler would be inconsistent with its previous action to reduce the number of private streets by acceptance as public thoroughfares, and to discourage dead end streets. They further decided that to grant the request would create a definite precedent in similar situations.

"The Committees jointly recommend therefore, that the request filed by Mr. Ivler for the residents of Nash Court be denied, and that, to give partial relief to the conditions testified to by Mr. Ivler, the matter be referred to the Police Department for appropriate action regulating parking, speed, through traffic, etc., this phase of the problem having already been discussed with the Chief of Police by the Committee.

"I therefore MOVE that the recommended action be taken." Seconded by Mr. Blois.

MR. RHOADES: "Mr. Baker's motion is to deny Mr. Ivler's request and to have the matter referred to the Police Department through our Health & Protection Committee - is that essentially correct, Mr. Baker?"

MR. BAKER: "That is correct."

MR. RUSSELL said that the Planning & Zoning Committee concurs in the recommendation as presented by Mr. Baker.

VOTE taken on Mr. Baker's motion and CARRIED unanimously.

MR. BAKER: "Now I will revert to the report of the Legislative & Rules Committee and the remaining items on the Agenda."

MR. BAKER said that meetings of this Committee were held on January 8, 22, 23 and 28 and on February 5, 1959 and that a majority of the members were in attendance at all meetings.

MR. BAKER: "The meeting of January 8 was devoted primarily to a discussion of the Zoning Board appeal. This has been covered in the report of the Joint meeting with the Planning & Zoning Committee and requires no further comment.

"The meetings of January 22 and 23 and February 5 were given over to work on the Building Code and will be covered at a later point on the Agenda.

"The meeting of January 29 was devoted to consideration of items listed on the Agenda.

(3) Rent Controls for 1959-1960 - Adoption of Ordinance for publication
(See item #2 on Agenda)

MR. BAKER: "It is the considered opinion of our Committee that the shortage of rental housing accommodations referred to in paragraph 1 of Ordinance No. 71 Supplemental (Regulation of Rent and Housing Accommodations) has not materially abated during the period since the enactment of said Ordinance on March 21, 1958, and further, that said shortage has been prolonged by reason of the elimination of the Quonset Huts and of the High Ridge Road Veterans' Housing and by the partial vacation of the Magee Avenue Trailer Homes. It is further the opinion of this Committee that said shortage will lead to unreasonable increases in rent to the resulting injury to the public health, safety and welfare of the City of Stamford. It is felt that the shortage will be somewhat relieved by the completion of the Lawn Avenue Housing Project and by certain other private apartment projects now under construction or in the planning stage. The Committee therefore recommends for publication, a new Ordinance which,

except for termination date, reads the same as Ordinance No. 71 Supplemental, and effectively extends the provisions of that Ordinance to March 31, 1960, unless sooner terminated by the Board of Representatives.

"Each member of this Board has been furnished a copy of the proposed new Ordinance and I MOVE its publication." Seconded by Mrs. Zuckert.

MR. McLAUGHLIN spoke against the continuation of rent controls.

MR. WYNN spoke in favor of rent controls, from his experience as a member of the Rent Control Board.

MR. DEFOREST, also a member of the Rent Control Board, urged the continuance of rent controls.

MR. RUSSELL also urged that rent controls be continued.

MR. COLATRELLA spoke in favor of rent controls.

VOTE taken on approval of the following Ordinance for publication. CARRIED by a vote of 34 in favor, 1 opposed, and 1 abstention (Mr. Fredericks).

ORDINANCE NO. SUPPLEMENTAL

REGULATION OF RENT AND HOUSING ACCOMMODATIONS

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

1. FINDING AND DECLARATION OF NECESSITY

It is declared: That as a result of the lack of construction of private rental housing accommodations during the period of World War II and as a result of the construction of the State Thoroughway, it is hereby found and declared that there exists a shortage of rental housing accommodations, which shortage has and will lead to unreasonable increases in rent to the resulting injury to the public health, safety and welfare of the City.

2. DEFINITIONS

As used in this Ordinance, the term "housing accommodation" shall mean any building or part thereof, occupied or suitable for occupancy as a place of abode, with any land or buildings appurtenant thereto and any services, furniture and facilities supplied in connection therewith; "rent" shall mean any consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of any housing accommodation.

3. FAIR RENT BOARD

Upon passage of this Ordinance, the Mayor shall appoint a Fair Rent Board, consisting of six persons, three of whom shall be recommended for appointment by the Majority Leader of the Board of Representatives and Three of whom shall be recommended for appointment by the Minority Leader of said Board. The Commissioner of Finance shall furnish such Board with such necessary clerical assistance as they may need for the purpose of maintaining its records.

4. REGULATIONS

February 9, 1959

Said Board may make orders and regulations necessary to carry out its duties under this Ordinance and for the purpose of preventing unreasonable increases in rents and the resulting injury to the public health, safety and welfare. Such regulations shall provide for the making of individual adjustments in cases in which the rent is deemed to be inequitable, having due regard to the investment of the property owner, increases in property maintenance, taxes, or other applicable costs.

5. ADJUSTMENT OF RENTS

In any case where increases in rent are considered excessive by the tenants, they may apply to the Board for relief within thirty (30) days of written notice of said increase. Pending a determination of the Rent Board, the tenant shall continue to pay the rent in existence immediately prior to notice of said increase. The Board may determine the rent effective as of the date of such notice.

6. STUDIES AND HEARINGS

The Board may make studies and conduct hearings for the purpose of obtaining any information it considers necessary for the administration and enforcement of this Ordinance. For such purpose it may require any landlord or tenant, or any agent or employee of any landlord or tenant, to furnish, under oath, any information required by it and may require the production of any records or other documents and may inspect housing accommodation. Such Board may, for such purposes, administer oaths and issue subpoenas. The Board shall not disclose any information so obtained if a request for confidential treatment is made by the person furnishing such information, unless such Board determines that the withholding thereof is contrary to the public interest.

7. PROTEST TO BOARD

Any person affected by any order or regulation of the Board, may file a protest, setting forth his objections thereto, with written evidence in support of such objections. Statements in support of such order or regulation may be received by the Board. As soon as possible after such filing, the Board shall grant or deny such protest, provide for a hearing thereof, or provide an opportunity to present further evidence in connection therewith. If the Board denies such protest, in whole or in part, it shall inform the protestant of its reasons therefor. If the Board fails to grant or deny such protest within thirty (30) days after such protest is filed, it shall be deemed to be denied.

8. APPEALS

Any person aggrieved by any such decision of the Board may, within thirty (30) days, appeal to the Court of Common Pleas, or to any Judge thereof, when said Court is not in session, and said Court or such Judge shall review the findings of the Board in such case. Pending any such appeal to the said Court, or said Judge, the orders or regulations of the Board shall be in effect.

9. EVICCTIONS

So long as the tenant continues to pay the rent to which the landlord is entitled, the landlord shall have no substantive right to recover possession of, and no tenant shall be removed from, any housing accommodations by action to evict or to recover possession, by exclusion from possession or otherwise, nor shall any person attempt such removal or exclusion from possession, not-

withstanding; that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof, or which otherwise provides contrary hereto, unless:

- (a) The tenant who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration, but not in excess of one year, for a rent not in excess of the rent as prescribed by Sec. 5, but otherwise on the same terms and conditions as the previous lease or agreement, except so far as such terms and conditions are inconsistent with this Ordinance; or
- (b) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of inspection or of showing the accommodation to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein; provided such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodation is contrary to the provisions of the tenant's lease or other rental agreement; or
- (c) The tenant has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or is committing or permitting a nuisance or is using or permitting, a use of housing accommodations for an immoral or illegal purpose; or
- (d) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are sub-tenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodation is used by the tenant as his own dwelling; or
- (e) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodation, or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required; or
- (f) The landlord owns or has acquired the right to buy the housing accommodation; and has an immediate compelling necessity to recover possession of such accommodation for use or occupancy as a dwelling for himself or for members of his immediate family, or has served during the period of the war emergency, in the armed forces of the United States and in good faith seeks possession for his own occupancy; or
- (g) The Board certifies, on grounds other than those stated above, that the landlord may pursue his remedies in accordance with law. The Board may grant such Certificate if the landlord establishes that the ground for removal or eviction is not inconsistent with the purpose of this Ordinance. The Certificate of the Board in such case shall set forth the date after which the remedy in accordance with law may be pursued, which shall not be earlier than three (3) months from the date of the filing of the Petition by the landlord.

10. RECEIPTS

The landlord shall in every case of payment of rent, give a receipt, setting forth the amount and period for which the rent is paid.

11. PENALTY

Any person, who, after any such adjustment, as provided in Section 5, demands or receives rent in excess of the amount so determined, or who violates any regulation or order issued under Section 4, or who removes, or attempts to remove, any tenant from any housing accommodation in violation of Section 9, or because such tenant has taken, or proposes to take action authorized by this Ordinance, or any order or regulation issued thereunder, or shall refuse to give a receipt in violation of Section 10, shall be fined not more than twenty-five (\$25.00) dollars, or imprisoned not more than thirty (30) days, or both.

12. INJUNCTION

When, after inquiry, the Board finds that any person has engaged, or is likely to engage, in any practice designated in Section 11, it may apply to the Court of Common Pleas, or to the City Court, or to any Judge thereof, when said Courts are not in session, for an order enjoining such practice.

13. NEW CONSTRUCTION

The provisions of this Ordinance shall not apply to any building, the construction of which was not completed to such an extent that the premises were occupied July 7, 1947, and to any building which may be constructed after said date.

14. TERMINATION

This Ordinance and all regulations promulgated and orders issued hereunder shall cease to be effective upon termination by the Board of Representatives of the City of Stamford, or on March 31, 1960, whichever is sooner.

15. TIME WHEN OPERATIVE

This Ordinance shall take effect upon its adoption.

(4) Single Fire Marshal - Request for consideration of Charter revision

MR. BAKER: "The Committee is in receipt of a letter dated January 22, 1959 from the Superintendent of Schools, a portion of which reads as follows:

'At this same meeting (January 13, 1959) the Board of Education voted to request that you consider legislation which would provide that one Fire Marshal be established for the City of Stamford, so that the State Fire Code can be uniformly interpreted and implemented. At the present time, it is the feeling of the Board of Education that each of the six Fire Marshals who have jurisdiction, does a good and conscientious job in promoting good fire safety through the State Fire Code. However, it does produce complications when an agency such as the Board of Education, has school buildings and properties under five separate jurisdictions. It is the hope of the Board of Education that you would see the reasonableness of this request.'

MR. BAKER: "While the Agenda indicates that this matter was referred to the Charter Revision Committee, it is our feeling that this referral is premature, there being presently no coverage of the matter in the Charter. This Committee suggests that the letter from the Board of Education be withdrawn from the Charter Revision Committee and referred to the EDUCATION, WELFARE AND GOVERNMENT COMMITTEE for consideration of its merits in general and to the LEGISLATIVE AND RULES COMMITTEE as to its implications with respect to the Building Code and I so MOVE."

Seconded by Mr. Russell.

MR. WILENSKY: "I don't care which Committee it goes to, but there IS a section in the Charter which states that the volunteer fire department shall not be altered. That would have to be changed before you could do this, because this will certainly alter the status of the volunteer fire departments."

MR. RHOADES: "That would certainly have to be considered by any of the Committees that get it."

VOTE taken on Mr. Baker's motion. CARRIED unanimously.

(5) Licensing of Amusement Places - Proposed amendment to Ordinance

MR. BAKER: "A letter was received from the Stark-Glenbrook PTA proposing an amendment to the existing Licensing Ordinance. This Committee has written the organization, requesting an elaboration of the proposal and the reasons which motivated it. The Committee requests recommitment for further study."

The above matter was recommitted.

(6) Building Code

MR. BAKER: "A public hearing was held on Friday, January 23, 1959 in the Auditorium of Dolan Jr. High School, with some 100 persons in attendance. Considered were the proposed Building Code and the associated Plumbing Code, Electrical Code and Heating and Air Conditioning Code. All members of this Committee were present as was also Senator Raiteri. (former Chairman of this Committee)

"A number of helpful points were raised and the Committee is now engaged in appraising the suggested changes presented at the hearing.

"A meeting has been scheduled for Thursday, February 12 at which the Committee will receive the comments of the New Haven Railroad Co. and of other parties relative to provisions concerning the construction of unprotected metal buildings.

"The Committee is hopeful that its work on the Codes may be completed in time to permit their presentation for adoption at the March meeting of the Board. Any Board member who do not already have copies of the proposed Codes are asked to pick them up at the Board office, as they are too expensive to mail. Copies in each member's hands by the next meeting will preclude the necessity for reading the entire document when presented to the Board."

(7) Ferguson Library - Re provisions regarding appointment of Trustees

MR. MACRIDES: "There is an item under Charter Revision Committee with reference to a proposed change in the Charter on the method of appointing Trustees of the Ferguson Library. It was my understanding that it had been referred to the Legislative & Rules Committee as well."

MR. BAKER: "I have it here. It is a letter dated January 26, 1959 from Mr. Harry E. Terhune, one of the Trustees of the Ferguson Library, asking for a change in the manner of the term of office for their Trustees."

"This was discussed at the Joint meeting, which the L & R Committee held with the Planning & Zoning Committee. We took advantage of the fact that the Corporation Counsel and the Assistant Corporation Counsel were with us. We discussed this matter. The entire subject is covered in Section 2 of House Joint Resolution No. 251 and Section 4 of a Resolution incorporating the Ferguson Library through March 12, 1880, both of which are under the provisions of Special Acts. This, therefore, is not a matter properly before this Board, but should properly be submitted to the Legislature."

"We have discussed this matter with Senator Raiteri who was present. It is beyond the deadline and cannot be submitted to the Legislature for the current session. With the permission of the Board, we will return this, and I MOVE that a letter be written to the Trustees of the Ferguson Library, pointing this out and returning it to them for presentation to the representatives from Stamford in the State Legislature for the next session of the Legislature."

MR. BAKER'S motion was seconded by Mr. Hearing.

MR. MACRIDES: "I would agree in most respects with Mr. Baker's motion. However, if there is inherent in the motion the fact that it is not properly before this Board, I would disagree to that extent."

MR. RHOADES: "The Chair believes that it is inherent."

MR. MACRIDES: "I would disagree because of this: Mr. Terhune called me prior to submitting this proposed Special Act. (It is not a matter for the Charter I will agree.) And, he asked what was the proper means of submitting it to the Legislature and what about the possibilities of the Board of Representatives expressing its feeling on the matter. I told him about Mrs. Zuckert's Bill which had some general application but was not an amendment to the Charter, and that that had been considered by the Legislative and Rules Committee and the Charter Revision Committee and passed along to the Board for its approval or disapproval."

"Strictly by means of giving our opinion to the Legislators for a Bill which would affect Stamford, I therefore feel that it is properly before the Board, but I would agree with that part of the motion which says that we should send it back and tell them that it is too late for this session of the Legislature."

MR. RHOADES: "Mr. Baker, would you care to modify your motion?"

MR. BAKER: "I think the motion is all right, that we return it saying that it is a matter to be submitted to the Legislature and beyond the present session deadline and therefore would have to be brought up again. The motion is correct. As far as the letter is concerned, I appreciate the interpretation given by Mr. Macrides, but there is nothing in the letter that suggests that it is going to be forwarded to the Legislature and that is why I reported what I did, with the advice of Counsel."

VOTE taken on Mr. Baker's motion to write a letter to Mr. Terhune. CARRIED unanimously.

Re: Appeal from Zoning Board decision - STADIUM CLUB RESTAURANT (See item #1 under Legislative & Rules Committee)

MR. MACRIDES: "In line with what happened earlier with reference to the appeal on the Zoning regulations, I would like to point out that there will unquestionably be action brought in the Courts on this matter. We will be in a position that will be a little hard to explain to the Courts.

"I believe that there is grounds that the action of this Board on the appeal of the President's decision on the motion of Mr. Wilensky was invalid under the Charter. If the opponents go to Court and prove the fact that it was invalid, they are still faced with the fact that they can't show what would have happened had this action not been committed. I would like, if at all possible, to have a recording of what the action would have been of the Board of Representatives had the President's ruling been upheld."

MR. RHOADES: "The Chairman believes this is the future subjunctive in Latin---."

MR. FREDERICKS: "You can move to rescind action. It requires a two-thirds vote."

MR. RHOADES: "That is correct under Robert's Rules."

MR. FREDERICKS quoted from page 169 of Robert's Rules of Order. He said: "A motion to rescind which is in order when a motion to reconsider cannot be made. It requires a two-thirds vote, or by a majority of the entire membership, which is 21."

MR. MACRIDES: "I am not trying to alter the action of the Board in any way. What I am asking for is an expression for the record which could be used to determine what the Board would have done if they had not taken the action of over-ruling the President's ruling."

MR. RHOADES: "Mr. Macrides, the President is very sympathetic to your position in this matter, but he doesn't believe such a vote to be in order. We are getting a little too far out into the reaches of outer space. If we should get ourselves into a position of trying to determine what would have happened if-----we will find ourselves in a position of trying to determine our own vote. The Chair regrets that he will have to rule that such a motion, if you are making it as a motion, would not be in order."

MR. NOLAN: "I am just curious as to just how you can rescind action when you haven't taken any action."

MR. RHOADES: "Robert's Rules does not say you can rescind action - it says you can rescind a motion - a motion was made and a vote was taken. It probably could be rescinded, but I am sure that this is not what Mr. Macrides wants to do."

HEALTH AND PROTECTION COMMITTEE:

It was decided to take up the above Committee's report next instead of the report from the Public Works Committee for the reason that spectators are present because of the matter of the disposition of Wright Technical School.

MR. MILANO said a joint meeting was held of the above committee and the Education, Welfare and Government Committee on February 4, 1959, with representatives from the Mayor's Advisory Committee, Commissioner of Public Works and Commissioner of Finance present, and also the Fire Marshal.

- (1) Re: Disposition of Wright Technical School (Also referred to Education, Welfare and Government Committee)

February 9, 1959

MR. MILANO: "Both Committees agreed that this report be read as a progress report and that a recommendation on the disposition of the Wright Building will be made when additional information is made available."

MR. MACRIDES: "I would just like to say that everyone that attended this meeting brought together a great deal of information that was very useful. We were very much satisfied with the presentation."

MR. RHOADES: "The President would like to point out that the members of Sacred Heart Parish have had a very complete report prepared which I believe have been furnished to all members of the Board."

"I would also like to point out that there are some very complicated legal technicalities involved in this matter. After discussion with the Corporation Counsel previous to this meeting, it can be noted that the significant item in this connection which the Chairman would like to call particular attention of the members of this Board in the District involved, is Section 488 of the Charter, which states in very simple language how this thing is done. Section 533 of the Charter, which mentions specifically how a sale is to be consummated, and this is even more important - from the Code of General Ordinances, under the title of Administration, Section 24, page 13 is a section called "Rental or Sale of City Owned Property" which is as specific as anything possibly could be."

"There is a little conflict, as you nearly always find, in this matter, among these three Sections, which will have to be resolved before we can proceed."

- (2) Parking Authority - Request contained in letter of November 13, 1958 for parking meters on both sides of Atlantic Street, from railroad bridge to Henry Street. (Recommitted on Dec. 8, 1958, and on January 5, 1959)

MR. MILANO said the majority of the Committee are opposed to having this section metered and MOVED that these meters not be installed. Seconded by Mr. Marciano.

MR. LEWIS said he thought in fairness to the Parking Authority that this should be recommitted rather than to dismiss the request. He MOVED that this be recommitted to Committee. Seconded by Mr. Kolich and CARRIED unanimously.

PUBLIC WORKS COMMITTEE

MR. TOPPING said there was held on January 28, 1959 a joint meeting of both the Public Works Committee and the Planning and Zoning Committee. Members of Public Works Committee present were: Anthony Marciano, Bernard Geronimo, L. Nilan, John Maffucci and Thomas Topping. Members of the Planning and Zoning Committee present were George Russell, Julius Wilensky, Anthony Marciano and Bernard Geronimo.

- (1) Holbrook Estates - (Referred back to Planning & Zoning Committee and Public Works Committee on 5/5/58 - Referred again on 1/5/59 for processing under Sec. 640 of Charter)

MR. TOPPING: "After considerable discussion, it was decided that to accept roads by deed, without the road meeting specifications as set forth in Ordinance No. 73 Supplemental, dated March 3, 1958, or the road having been maintained by public funds as set forth in Resolution #256 adopted June 3, 1957, would set a precedent contrary to our present procedures on acceptance of private roads. It was recommended by all members present that the Holbrook Estates request for acceptance as city owned roads, be processed under Sec. 640 of the Charter, as amended, and I so MOVE."

MR. BAKER: "I understand that the Planning & Zoning Committee are going to introduce a proposal tonight that will have a bearing on this subject and I therefore would MOVE for recommitment." Seconded by Mr. Roche.

MR. TOPPING was asked if he would withdraw his motion and he replied that he would not.

The President over-ruled Mr. Topping's motion as a motion to recommit takes precedence.

* MR. TOPPING MOVED that the Holbrook Estates request be referred back to the same committee for processing. Seconded by Mr. Fortunato.

VOTE taken on recommitment of the above matter. CARRIED unanimously.

* VOTE taken on Mr. Topping's motion. CARRIED unanimously.

(2) \$3,000 for Public Works Dept. (See item #3 under Fiscal Committee)

MR. TOPPING: "This matter has already been taken care of."

(3) Meadow Park Avenue North - Removal of barrier

MR. TOPPING: "The Committee reports progress on this item. We had the Quit Claim drawn up. At the present time we have not yet had the opportunity to present it to the proper persons."

(4) Petition from Rep. Blois concerning street lights on North Street

MR. TOPPING: "The Commissioner of Public Works has an over all lighting survey of the City in progress at the present time and would like to complete it before making any changes. At the present time there are five lights between Summer and Washington on North Street."

(5) Petition from Rep. Fortunato dated 1/24/59 concerning lights on Helen Place and sidewalks on Lawn Avenue

MR. TOPPING: "Mr. Maguire said he would investigate the need for a light on Helen Place. I will amend that and say that tonight I spoke to him and he said that if I would give him the number of the light pole, he will have a light installed there."

"The sidewalks on Lawn Avenue will be considered with the construction of the new housing development."

(6) Carter Drive and Tupper Drive - Drainage conditions

MR. TOPPING: "We would like this referred back to Committee because we have not had time to process this request and I so MOVE."

Seconded by Mr. Fredericks and CARRIED unanimously.

(7) \$43,000 - Public Works Department (See item #7 under Fiscal Committee)

MR. TOPPING: "A special meeting was held on Friday, Feb. 6, 1959 at which time our Committee voted to approve this request for completion of the new incinerator."
(Previously approved under Fiscal Committee)

Re: Live ammunition in garbage cans

February 9, 1959

MR. LONGO called attention to the fact that some live ammunition had been thrown out in garbage and had caused considerable consternation at the City Incinerator when they began exploding.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL presented his Committee report. He said the Committee met on January 28, 1959, with the following members present: B. Geronimo, A. Marciano, G. Russell and J. Wilensky.

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

MR. RUSSELL: "The request from residents of the City accepted part of Crystal Lake Road to have the private section of same road opened up to High Ridge Road, by having the stone wall barrier existing there removed, was discussed. The Committee cannot make any recommendations to accomplish this, since the road section involved is private. The City could, of course, if it desired, go through condemnation. This would, however, involve benefits and damages to the property owners, as well as the City being compelled to bring that section of private road up to standard specification before it could be accepted as a City street.

"The residents of the private section involved have contacted the Chairman of the Committee and have suggested that they will present a change of street name for this section. Although this does not solve the complete problem, it would, at least in part, remove the safety and welfare hazard created by non-connecting similar named streets."

(2) West Hill Manor Roads

MR. RUSSELL: "The general problems of West Hill Manor development were discussed, as well as the conditions of the roads requested for acceptance. It was agreed that there are many serious drainage conditions arising in the newer sections being developed. However, the older section which was completed about a year ago, as well as the roads in this section which were completed the summer of 1958, are in acceptable condition. The Committee agreed to present those roads for City acceptance.

"I want to point out that this is a little unusual to do during the winter months, but these roads have been in committee for some time now and they were completed prior to October 31st, so we can present them for acceptance.

"The Committee agreed to present the following roads for acceptance, which were both certified in writing by the City Engineer and were inspected and met with Committee approval. All maps referred to are filed in the office of the Town and City Clerk."

MR. RUSSELL MOVED for acceptance of the following streets:

SKYVIEW DRIVE - Extending northerly from the already accepted portion to the northerly line of Westwood Road. Length 420 feet, width 30 feet, as shown on Map #5741

STANTON LANE - Extending easterly from Westwood Road a distance of 200 feet, length 200 feet, width 30 feet, as shown on Map #5741

WESTWOOD COURT - Extending easterly from Westwood Road to and including, a permanent turnaround. Length approximately 290 feet, width 30 feet, as shown on Map #5741

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WESTWOOD ROAD - Extending easterly and northerly from Skyview Drive to the northerly line of Westwood Court. Length 2,003 feet, width 30 feet, including curbing, as shown on Map #5741

Mr. Russell's motion was seconded by Mr. Topping and CARRIED unanimously.

MR. RUSSELL MOVED for suspension of rules in order to present a proposed Ordinance. Seconded by Mr. Geronimo and CARRIED unanimously.

MR. RUSSELL MOVED for approval for publication of the following proposed Ordinance. Seconded by Mr. Baker and CARRIED unanimously:

ORDINANCE NO.-----SUPPLEMENTAL

ESTABLISHING MINIMUM SPECIFICATIONS FOR WHICH UNACCEPTED,
SUBSTANDARD ROADS THAT WERE OPEN TO VEHICULAR TRAFFIC PRIOR TO
1953 MUST MEET BEFORE ACCEPTANCE AS CITY STREETS

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Those roads not accepted as City streets, because of failure to meet the existing road specifications of the City of Stamford, and which were open to vehicular traffic prior to 1953, and for which no performance bond is in existence, may, by permission of the Board of Representatives, be brought up to the following minimum standards for acceptance as City streets:

Sub Grade

The sub grades shall be of suitable consolidated material. Soft clay, spongy or unsuitable soil shall be removed and replaced with gravel or other approved material and compacted.

Wherever soil is of such nature that it retains an excessive amount of moisture or where conditions do not afford natural drainage, sub drains or side drains shall be provided.

Pavement Material

Bottom Course

At least 8" in thickness and below the finished grade shall be a layer of thoroughly compacted run-of-bank gravel. The finished grade shall be properly crowned and within tolerances set for roads by the City Engineer.

Undercoat

Upon the finished grade shall be applied, by pressure distributor, a penetrating coat of R C Special cut back asphalt, or approved equivalent, at the rate of 1-1/2 to 2 gallons per square yard.

Top Coat

Within 72 hours, a seal coat, applied by pressure distributor, of RC-4 or RS-2 asphalt, at a rate of 3/4 gallons per square yard, shall be applied. Immediately thereafter, the surface shall be properly sanded.

Minimum Width

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Finished pavement shall be not less than 20 feet wide. No obstruction may exist closer than 3 feet from edge of pavement.

PARKS & RECREATION COMMITTEE:

MR. KELLY presented his Committee report. He said the Committee met with the Park Commission on January 27, 1959, and discussions on several matters were held, including transfer of funds to provide for the building of a new bridge, the cost of planning and erection of a building at East Beach on Cove Island to provide facilities to open this beach.

Re: Naming of Quonset Hut Area

Mr. Kelly said the park Commission is considering several petitions in regard to this matter.

Rules, regulations and setting of fees for 1959 Season for Parks Department

Mr. Kelly said the above matter was referred to the Committee and was under consideration.

MR. KELLY: "The Committee met again on February 4, 1959. Present were Messrs. Roche, Colatrella, Wynn, Sileo and Kelly.

"As there is some conflict as to whether the fees proposed for boat owners is satisfactory, between the Finance Commissioner and the Park Commission, your Committee feels that a meeting between the Park Commission, Mr. Kelleman and the Parks & Recreation Committee is necessary before the matter of fees to be approved is brought before the Board. They also feel that the Park Department should not rent out the marinas until after the subject of fees has been decided upon and approved by the Board of Representatives." Mr. Kelly MOVED that this remain in Committee. Seconded and CARRIED unanimously.

Concerning Flooding of areas to produce ice skating

MR. KELLY: "We are in receipt of a letter from 10th District Representative Llewellyn P. Nilan, which was addressed to Mayor Givens, concerning the flooding of areas to produce ice skating for the people of Stamford. Several petitions were sent by your Committee Chairman to Mayor Givens concerning the same subject, and we will bring in a detailed report as soon as it is properly before this Board."

Maintenance and care of neglected cemeteries

Mr. Kelly stated that according to the interpretation of State Statutes by the Supt. of Parks, Mr. Connell, this is properly the responsibility of the municipality. He said the Corporation Counsel has been requested to give a legal opinion on this matter which they are awaiting before anything further can be done.

PERSONNEL COMMITTEE:

MR. RYBNICK: "The Committee met with the Personnel Commission on January 19, 1959. The various requests for reclassification and grade changes were reviewed by the Personnel Commission and tabled, pending the results of the survey now being made.

"Also, a request from Local #1083, Board of Education employees, for salary increases of \$600 per annum was also tabled, pending completion of the survey.

"A request from the Municipal Employees Association for an increase in transportation allowance from \$1.50 to \$2.00 per day, a 35 hour work week and a salary increase of

\$312 per annum for each employee, was also tabled, pending completion of the survey.

"A request from Patrolman Thomas Tunney that ten disability points be added to his final examination mark in the test for Police Lieutenant, which was given in September 1957, was referred to the Office of the Corporation Counsel.

"The Commission approved the 1959-1960 Civil Service Department operating budget in the amount of \$22,473.44, an increase in the amount of \$126 over the 1958-1959 budget, brought about by salary increments due.

"A conference was held with Gorden Herdman, Griffenhagen Consultant, regarding steps to be taken on the reclassification and salary survey now being conducted within the Classified System.

"A general meeting was announced by the Personnel Commission for Thursday, January 22, 1959 at Burdick Jr. High School, all Department heads and interested persons to be invited to attend, to hear Ralph Weindyling, representing Griffenhagen Associates, on the plan for conducting the reclassification wage survey and to answer any questions from those in attendance."

SPECIAL HOUSING COMMITTEE:

The following report was presented by the above committee:

A meeting was held by the above committee Friday, Jan. 16, 1959 on the grounds of the Southfield Village housing project. The following members were present: Messrs. Colatrella, Longo, Roche, Russell and Marciano.

A tour of the grounds, as well as the high rise buildings was made. The Committee was impressed by the general overall improvements made.

The mercury lighting on the main streets has accomplished much in removing the dangerous problems which inadequate lighting permitted. The stair wells in the various high rises were in exceptionally clean condition; this probably was attributed to the fact that new additional garbage disposals were placed at all the lower floor level apartments. The stairways were being painted and the doorways and entrance ways of all the older sections had been repainted.

All in all, a considerable impressive improvement was apparent. The Committee feels that due credit should be given to the City Housing Authority, the Administrators and the maintenance crews for a job well done. With such continued cooperation, the Committee feels certain that the many problems of Southfield Village will be resolved to a great degree.

The monthly reports of the Stamford Fire Department and Stamford Health Department were received. Again, a comment of congratulations for doing an excellent job is in order. The Committee well realizes that the monthly presence of these Inspectors contributes largely toward the improved conditions at the Village.

Respectfully submitted,

George E. Russell, Co-Chairman
Frank W. Longo, Co-Chairman

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MR. LONGO mentioned a recent case in Southfield Village where it was necessary to call the police. He said it took 1-1/2 hours to get them up there. He asked why these six policemen that had been requested for the Village some time ago, (the request having been granted by both the Board of Finance and the Board of Representatives) were not being used to give better police protection for the residents. He MOVED that the Police Investigating Committee look into the reasons why better Police protection was not being furnished the residents of Southfield Village. Seconded by Mr. Colatrella.

MR. CONNORS: "Is he referring to the same article that I read in the paper where the lady served the man coffee while she was waiting for the police to come and arrest him?" (Laughter)

MR. LONGO: "Well, I didn't want to bring up any specific case. I just wanted to point out it took them an 1-1/2 to get up there."

MR. ROCHE said he thought this was just an unfortunate occurrence - that the police had actually been up there much earlier and the lady and gentleman in question had gotten away in the meantime. The police had returned again on their second trip around, an 1-1/2 later.

VOTE taken on Mr. Longo's motion. CARRIED with one dissenting vote.

SPECIAL COMMITTEE ON HARBOR SAFETY:

MR. LEWIS spoke about Bill No. 158, now before the Judiciary Committee of the State Legislature, entitled "AN ACT CONCERNING THE REGULATION OF BOATS, VESSELS AND CRAFT IN THE STAMFORD HARBORS." He said Senator Raiteri had very kindly brought copies of this Bill to the meeting.

MR. LEWIS said there had been some discussion about there being a substitute Bill, but apparently nothing further was being done about it. He said that after the Bill is enacted, the Board of Representatives will prepare a suitable Ordinance. He MOVED that a letter be written to the proper Committee, going on record that the Board of Representatives is unanimously in favor of Senate Bill No. 158 as introduced by Senator Clement L. Raiteri, Jr. Seconded by Mr. Rybnick and CARRIED unanimously.

SPECIAL FACT-FINDING COMMITTEE RE POLICE DEPARTMENT:

MR. CUMMINGS: "Our regular weekly meetings have continued and initial sub-committee assignments have been completed under the very capable direction of Mr. George Connors and Mr. Alan Ketcham.

"Specifically, the program of gathering data from other Police Departments in the State and neighboring New York and New Jersey areas is completed. We have purposefully refrained from evaluating this information, since we feel that it cannot be complete without the results of the Griffenhagen survey. Furthermore, we feel that any results of our analysis that became known at this time might be unduly influential and make more difficult a thoroughly objective response to questions posed by the Griffenhagen firm.

"Your Committee has sent to every member of the Stamford Police Department a questionnaire seeking the opinions of those members on 26 questions concerning the organization and operation of the Department. In this connection as we previously reported to this Board, the Committee has met with the Board of Public Safety, the Police Chief and Captains, and representatives of the Stamford Police Association.

Since it would be patently impossible to meet with every member of the force, the questionnaire was an acceptable substitute. The Committee is gratified at the response to the questionnaires, which were being returned almost immediately. We feel that this was due to the guarantee of anonymity and the steps taken to preserve that anonymity. The actual returned papers are being destroyed, after being tabulated. Additional comments are being typed on other sheets. We feel that only by such means of security can the value of the answers be assured. As soon as enough time has elapsed to be certain every man has had an opportunity to respond, evaluation will be made. In order that the results will be truly representative, however, we urge that all members get their forms completed and returned at once.

"As a result of the activities of the Committee, we feel unanimously that a condition of the Charter exists which needs correction. Under the present wording, certain very limited powers are granted to the Board of Safety. These powers, which include the supervision of the purse strings, will necessarily vary, from time to time, according to the composition of the Board. Because its term is concurrent with that of the Mayor, there is no provision for continuity of policy or administration, except it be by the coincidence of re-appointment. That we have consistently been blessed with excellent membership is a credit to the appointing authorities. We feel, however, that the provisions of the Charter should offer more certainty that the quality will be continued and that a greater continuity of action be made possible. With such a provision, the Chief should be greatly aided in liaison with the Mayor and the public.

"To further aid him, we feel the Board should be granted additional power in the administration of the Department, in order to better exercise the power of the budget. This power, if granted, should be a welcome assistance to the Chief in having responsible assistance with his decisions and further the balance of power in this extremely important function. It is, of course necessary, that a police operation be subjected to civilian authority. Our proposed Charter revision would take the burden of detail off the Mayor, yet leave with him the ultimate responsibility as already set forth in Chapter 30 of the Charter.

"There had also been noted, increasing discussion of the advisability of providing for a full time Commissioner of Safety. The Committee does not feel the need exists for such a position. The City's operations have been notably successful with its unpaid Boards and we feel there is no justification for such expense to the taxpayer, if the recommendations below are accepted.

"Briefly, we recommend that the Charter be revised to broaden the powers of the Board of Safety. With broadened powers, it seems necessary that the Board then be staggered in expiration of terms. Thus, with three members, one member would be appointed each year, leaving two experienced members to provide continuity of effort. We would leave the method of establishing the initial terms up to the Charter Revision Commission. Specifically, those portions of the Charter which would require amendment are as follows:

CHAPTER 50:

Sec. 503 (6th line): Delete "except appointments to the Board of Public Safety."

Sec. 503.1: Revoke

Sec. 504 (2nd line): Delete "except members of Board of Public Safety."

Sec. 505 (2nd line): Delete "except members of Board of Public Safety."

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CHAPTER 58:

Add Sec. 580.1: "The Board shall have the power to approve or disapprove, by majority vote, any action of the Chiefs of the Police and Fire Departments in their exercise of duty. If aggrieved, either Chief may appeal decisions of the Board to the Mayor, within 15 days."

"This Committee unanimously recommends these revisions be referred to the Charter Revision Committee, for its consideration and referral to the Charter Revision Commission, and I so MOVE." Seconded by Mr. Lewis, and CARRIED unanimously.

COMMUNICATIONS FROM MAYOR:

Letter dated Feb. 4, 1959 appointing Adolph H. Nelson for membership on Parking Authority and George Cohen to the Hubbard Heights Golf Course Commission.

Above letter referred to the Appointments Committee.

Letter from Mayor, dated Feb. 6, 1959, with enclosure from Corporation Counsel giving opinion on political composition of Personnel Commission. (This was requested by the Board at their January 5, 1959 meeting - See pages 2092 through 2098 of Minutes)

February 6, 1959

Hon. Norton Rhoades, President
Board of Representatives
Stamford, Conn.

Dear Mr. Rhoades:

At your request, I am enclosing an opinion by the Corporation Counsel, Mr. Raymond G. Cushing, regarding your letter of January 6th, which I think is self-explanatory.

Sincerely,

Enclosure

WEBSTER C. GIVENS, Mayor

The following letter is the one referred to above:

February 5, 1959

Honorable Webster C. Givens
Mayor, City of Stamford
City Hall
Stamford, Conn.

Dear Mayor Givens:

With regard to your question concerning the political composition of the Personnel Commission, I submit the following:

Section 731 of the Stamford Charter states:

"No member of the Personnel Commission shall be an officer of a political party or shall hold any other public office."

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and with regard to the two members of the Commission who are not Classified Employees, the same section specifies that they

"-----shall neither hold nor be a candidate for any other public office or position, and shall not be a member of any local, state or national committee of a political party or an officer in any political partisan club or organization."

The political limitations upon the unclassified members of the Commission are therefore made reasonably clear. The question to be resolved is whether a classified member of said Commission is under any limitation as to political activity, which is often different from or greater than that imposed upon the other two members.

The controlling section of the Charter on this question is Section 743, which states:

"No person holding a position in the Classified Service shall take any part in the political management or affairs or in political campaigns further than to sign petitions for elective offices, cast his vote and to express his opinion privately."

In my opinion, a reading of the above sections indicates that all three members of the Personnel Commission are limited as to political activity in exactly the same way. It would seem that none of the three can go beyond mere registered membership in a political party. All three, therefore, are in the same position.

As to party affiliations from mere registration, no limitations are imposed and in fact, any such limitations would be unconstitutional if imposed.

Accordingly, since the three members of the Personnel Commission are presumably registered members of political parties and since the political activity of all three is equally restricted, the question then must be resolved by reference to Section 501 of the Charter which states:

"----not more than a bare majority of the members of any Board shall be registered members of the same political party."

Very truly yours,

RAYMOND G. CUSHING,
Corporation Counsel

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

MR. RHOADES: "We will receive tomorrow a communication from the Personnel Commission, requesting certain changes in the Pension Plan of the CLASSIFIED EMPLOYEES' RETIREMENT FUND. These are not changes that involve money. They are changes of wording in the document under which that Board operates - of which the President is a member under the Charter. This is to clarify certain ambiguous wording."

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"When this letter is received, it will be referred to the Personnel Committee, and also to the Fiscal Committee because a small sum of money is involved in a change from 2% to 3% in the interest which is paid on moneys that are held by the Trustees." (This was also referred to the Legislative & Rules Committee)

Letter dated Feb. 6, 1959 from law firm of Ryan, Ryan and Ryan, representing THE STAMFORD POLICE ASSOCIATION, INC., regarding upgrading of salaries in the Police Department

Referred to Charter Revision Committee, Special Police Committee and the Fiscal Committee by unanimous vote.

MR. RHOADES: "If there is no objection, the President will assign as the Major Committee on this matter, the Charter Revision Committee."

NEW BUSINESS:

Next Board meeting and next Steering Committee meeting:

MR. RHOADES announced that the next Board meeting would be held on March 2, 1959 and the next Steering Committee meeting would therefore be on February 16, 1959.

Re: Flood Control

MR. MARCIANO called attention to the problem of Flood Control, recently approved by a Committee in Washington. He said he believed it was the duty of the Board to be prepared for anything that Washington might send Stamford, in order to expedite projects that have long been necessary. He asked that a Committee be appointed to expedite Flood Control for Stamford.

MR. KOLICH urged that appropriate Committees of the Board be assigned to look into the matter.

MR. KELLY suggested that this be referred to the Public Works Committee, the Fiscal Committee, and to the Legislative and Rules Committee.

MR. RHOADES: "The Chair will therefore ask the Chairman of these three Committees to be on the watch for any matters pertaining to Flood Control for Stamford and to be ready to hold whatever meetings that may be necessary to investigate the possibilities."

MR. RYBNICK: "I thought the Flood and Erosion Control Board took care of that."

MR. RHOADES: "That is correct. What Mr. Marciano wants is for us to be ready to keep information available to this Board and to know what is going on. Not to take any action, but just for our own information."

MR. TOPPING: "I attend all the meetings that are held by the Flood and Erosion Control Board and consequently am informed as to what is happening."

Stop Signs - North Street

MR. DEVITO: "I was just looking at the Minutes of the December 8, 1959 meeting. I hate to bring this up so many times, but I was just reading where it says there are four stop signs up there. Now, I believe there are two up there, and according to this, it says that there are not too many accidents up there - that they have surveyed the area, but there have been two accidents up there and my constituents are on my neck all the time about this. I promised them that I would do something for them when I was elected and I would like to have some suggestion as to what can

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be done to help these people. Perhaps the reason is that they haven't any money, but I can't see where that would take very much money up there."

MR. RHOADES: "The President is a little uncertain himself, Mr. DeVito as to what can be done, if City officials constantly report to us that the situation is under control."

MR. MILANO: "I don't believe I ever mentioned any figure of stop signs up there."

Next Board meeting:

MR. BAKER: "This involves a matter that you brought up a few minutes ago. You said that the next Board meeting would be three weeks from tonight. Normally, this would no happen. If, however, we were to change the meeting night, which would be four weeks from tonight, or March 9th, then the subsequent April meeting would again be four weeks from that and would get us back on our proper cycle. It seems to me that three weeks is much too little time for effective Committee work to be done."

MR. RHOADES: "The President has a little objection, Mr. Baker. The Charter calls for us to meet on the first Monday of every month. It is true that we can change it. We have done so several times, but for quite strong reasons. The President would much prefer that we get back on our proper schedule if at all possible. There are long range schedules that are in connection with our meetings that should be adhered to as closely as possible in order not to throw other Boards off. As a matter of fact, we are getting close to our Budget sessions and if we have a little longer period between our March and April meetings it will stand us in good stead when we take up the Budget which might require some special meetings."

Re: Pedestrian lights on Summer and Broad Streets

MR. BAKER said he wanted to ask the Commissioner of Public Works as to the status of these lights. It was MOVED, seconded and CARRIED that Mr. Maguire give this information if possible.

Mr. Baker was informed that this ties in with the signal program for the extension of Broad Street and is being held up for this reason.

Re: Performance Bonds

MR. TOPPING: "I think if my memory is correct, that last August 1958 I presented two Performance Bonds - one a Performance Bond and the other an excavation bond or indemnity bond for excavating by Plumbers or drain layers. This was at that time referred to the Legislative and Rules Committee. Now, these are very important to our Public Works Department because they concern street openings; as to the present time, we have had no report on them. May we request that the Legislative and Rules Committee bring out a report at our next meeting?"

MR. RHOADES: "You certainly may."

MR. BAKER: "Your request is noted and it will be taken care of."

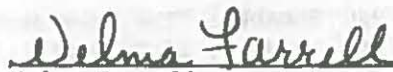
ADJOURNMENT:

There being no further business, MR. BAKER moved that the meeting be adjourned at 12:05 A.M., which was duly seconded and CARRIED.

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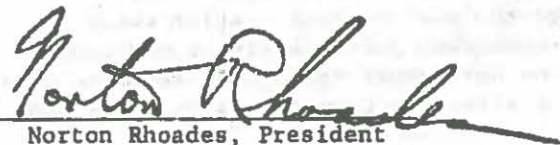
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Respectfully submitted,



Velma Farrell
Executive Secretary

APPROVED:



Norton Rhoades, President
Board of Representatives