

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, Stamford, on Monday, September 14, 1959.

The meeting was called to order by the President, Norton Rhoades, at 8:08 P.M.

INVOCATION was given by Rev. B. A. Galloway, Pastor, Bethel AME Church.

ROLL CALL was taken by the Clerk. There were 32 present and 8 absent at the calling of the roll. Mr. Russell and Mr. Maffucci arrived later, changing the roll call to 34 present and 6 absent. The absent members were: Joseph Milano, Vincent Vitti, Peter Robertucci, Bernard Geronimo, John Fahey and John Macrides.

ACCEPTANCE OF MINUTES - Meeting of August 3, 1959

The Minutes of the above meeting were approved, with the following corrections:

Page 2627, (1) under Legislative & Rules Committee, in 4th line under Mr. Baker's remarks, 4th sentence should be changed to read:

"This was not deleted prior to publication."

Page 2635, 2nd paragraph after proposed resolution, beginning with the words "Mr. Topping moved", change sentence to read as follows:

"MR. TOPPING MOVED that a letter be written to the Board of Finance requesting their approval of this work. Mr. Baker suggested that such action be withheld until the matter has been referred to the Legislative and Rules Committee in accordance with usual procedure. Mr. Topping changed his motion for referral to the Legislative and Rules Committee. Seconded by Mr. Baker and CARRIED unanimously."

COMMITTEE REPORTS:

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

STEERING COMMITTEE REPORT

Meeting held August 24, 1959

A meeting of the Steering Committee of the Board of Representatives was held in the office of the Commissioner of Finance, City Hall, on Monday, August 24, 1959.

Mr. John Nolan, Vice Chairman, presided in the absence of the President, Mr. Norton Rhoades, on vacation.

Mr. Nolan called the meeting to order at 8:00 P.M. Present were the following: Alanson Fredericks, Mrs. Doris Zuckert, George Connors, Ellis Baker, William Murphy, John Macrides, Joseph Milano, Thomas Topping, Rutherford Huizinga and John Nolan.

Also present, but not as members, were: George Russell and Stephen Kelly.

Absent were: Norton Rhoades, Bernard Geronimo, Vincent Vitti, Rocco Colatrella and Robert Lewis.

The following matters were discussed:

(1) Elimination of Steering Committee:

- (a) Vesting its power in the President, Minority and Majority Leaders.
- (b) Definition of duties of the various Committees.

Mr. Baker introduced the above, passing around a memorandum on it and requested that this be placed on the Agenda for the next meeting under L & R. CARRIED.

- (2) Parking Authority - Statement and balance sheet as of June 30, 1959 REFERRED TO FISCAL COMMITTEE
- (3) Urban Redevelopment Commission - Mr. Louis Greenbaum - Mayor's letter of August 5, 1959, re-submitting this appointment for a 5 year term, starting August 8, 1959 was presented. REFERRED TO APPOINTMENTS COMMITTEE
- (4) Hubbard Heights Golf Commission - Mrs. Eva Watt - Mayor's letter of July 20, 1959, submitting this appointment, to fill out the unexpired term of Mrs. Babette Ransohoff, term expiring December 1, 1962, was discussed. Mr. Lewis asked to have this placed on the Agenda under APPOINTMENTS COMMITTEE.
- (5) Fiscal matters:
Because there has been no meeting of the Board of Finance, fiscal matters await their prior approval and will go on agenda at that time.
- (6) Belltown Fire Department - Request dated July 24, 1959 for waiver of permit. Mr. Baker requested this go on the Agenda under Legislative & Rules Committee.
- (7) Ragweed Ordinance - Mayor's letter of August 21, 1959, regarding advisability of adopting an Ordinance to control the spread of ragweed. REFERRED TO LEGISLATIVE & RULES COMMITTEE
- (8) Re: Expired road bonds
This was discussed and Mr. Fredericks suggested that an opinion be obtained from the Corporation Counsel as to what procedure to adopt. REFERRED TO PLANNING & ZONING COMMITTEE
- (9) Cedar Ridge Park Association - Drainage problems - Letter dated August 17, 1959 - REFERRED TO PUBLIC WORKS AND PLANNING & ZONING COMMITTEES
- (10) Lincoln Avenue - Petition dated August 19, 1959 from 76 residents in vicinity complaining of poor drainage conditions and overflow of brook. REFERRED TO PUBLIC WORKS COMMITTEE
- (11) Use of Toilsome Brook as drainage for septic effluent - Mimeographed copy of letter dated August 12, 1959 to Sewer Commission and City Engineer from Weldon P. Monson. REFERRED TO PUBLIC WORKS COMMITTEE
- (12) Soundview Drive Association - Re: Damage to beach - Copy of letter dated August 14, 1959, complaining of inadequate drainage, addressed to Commissioner of Public Works. REFERRED TO PUBLIC WORKS COMMITTEE
- (13) Lafayette Street - Re: Storm water drainage problem in vicinity of Daskam Park (Letter dated August 19, 1959 to Mr. John Nolan, 9th District Representative from Commissioner of Public Works) REFERRED TO PUBLIC WORKS COMMITTEE

(14) Metropolitan Regional Council - Mayor's letter of August 20, 1959, suggesting that the Executive Secretary for the Council will be glad to come to Stamford to explain the matter. REFERRED TO EDUCATION, WELFARE & GOVERNMENT COMMITTEE

(15) All petitions for road acceptances - REFERRED TO PLANNING & ZONING COMMITTEE

(16) Election - Voting Hours

This was discussed and in order to acquaint everyone with the proper voting hours, as outlined in Ordinance No. 27 (1953) this was ordered on the Agenda under LEGISLATIVE & RULES COMMITTEE (See page 29 of Code of General Ordinances)

(17) Part-time help

The matter of getting part-time help to ease the burden of work in the office of the Board was discussed and referred to the Acting President and the Personnel Committee to proceed with the necessary steps to obtain same.

(18) License Ordinance (for pinball machines)

This having been discussed at the August 3rd Board meeting and recommitted, it was brought up for discussion again. Mr. Baker stated that he understood steps were being taken on a State level to outlaw these machines and would thereby not require action of the Board.

There being no further business to come before the Committee, the meeting was adjourned at 8:55 P.M.

Respectfully submitted,

John R. Nolan, Vice Chairman
Steering Committee

APPOINTMENTS COMMITTEE:

MR. LEWIS, Chairman, presented the following name, submitted by the Mayor for the second time. Mr. Lewis spoke in favor of this appointment and urged the members to approve it.

LOUIS GREENBAUM (Republican) - Appointment to URBAN REDEVELOPMENT COMMISSION as replacement for John Allison (R) for a 5 year term, ending August 7, 1964.

The Tellers distributed ballots and the result was as follows:

VOTE: 17 in favor - 16 opposed - CARRIED

MR. LEWIS presented the following appointment and read the qualifications of the appointee:

MRS. EVA WATT (Republican) - Appointment to HUBBARD HEIGHTS GOLF COMMISSION to fill out unexpired term of Mrs. Babette Ransohoff, term expiring December 1, 1962.

The tellers distributed the ballots with the following result:

3188 VOTE: 32 in favor - 1 opposed - CARRIED

FISCAL COMMITTEE:

There being no additional appropriations to present to the Board, Mr. Huizinga, Chairman, presented a report on the investigation the Committee has been doing in regard to a revision of the pension plan for the City.

MR. HUIZINGA: "This is an interim report covering the four pensions of the City of Stamford - the Police Pension Plan, the Firemen's Pension Plan, the Municipal Employees' Pension Plan and the Custodian's Pension Plan.

"The Fiscal Committee has been given the task of reviewing all pension plans of the City of Stamford, with instructions to bring before this Board their recommendations for placing all pension plans on a sound, actuarial basis. Up until now, we have confined our activities to two phases of the problem. No. 1, the securing of up-to-date information on each of the above named pension plans, and summarizing all information on each plan under the following headings: Service Retirement Benefits; Disability Retirement Benefits, Death Benefits Before Retirement; Death Benefits after Retirement; Contributions, Active members, Pensioners and finally, the statistics of all the pension funds.

"The second stage of the problem which we have discussed and studied is interviewing expert pension consultants, both individuals and consulting companies, not only in an endeavor to find some solution to the problem, but also with the hope of securing suggestions of how to proceed with a more definite study of the problem.

"We have not contacted any of the employee associations, as of this date, because we are not, as yet, in a position to discuss any changes in the existing pension plans. No actuarial valuation has been made covering the Police and Firemen's Pension Plans since March 31, 1955. As of that date, it was determined that over \$10,000,000 of additional contributions to the plan will be required in order to, and I quote 'meet the prospective payments to or on account of present employees if the benefits are to continue at the present rate.'

"Since that date, payrolls have substantially increased, thereby increasing the benefits. Also the number of employees has substantially increased. It is therefore most imperative that we immediately secure an up-to-date actuarial valuation of each of the pension plans.

"In the past 8 years we have spent over \$7,000 for actuarial investigations, but no action has ever been taken on the recommendations contained in the investigations, and securing new actuarial surveys by an outside professional consulting firm. Such a consultant will not only be required to furnish actuarial valuations, but they will also be asked to give detailed recommendations on how best to fund the current liabilities, as well as suggest the formula for a new, revised pension plan. In other words, this is pretty technical matters that we are involved with and I am sure that nobody on the Board is qualified to make actuarial studies of that nature.

"It is estimated that this study, by an outside professional pension consultant will require an appropriation of approximately \$10,000. It is the recommendation of your Fiscal Committee that a letter be written to the Mayor, requesting that he immediately initiate this appropriation, in order that it may come before the Board of Finance at their next meeting, which is this coming Friday. And, Mr. President, I SO MOVE."

Mr. Topping seconded Mr. Huizinga's motion.

MR. RHOADES: "You have all heard the motion. It is a motion to request the Mayor to initiate an appropriation of \$10,000 to make an actuarial study of pensions, differing from the Buck report of several years ago (1952) in that it is expected to make specific recommendations as to what system may be set up here to do away with the millions of dollars in arrears in which we now find ourselves."

VOTE taken on Mr. Huizinga's motion as outlined above. CARRIED unanimously.

LEGISLATIVE AND RULES COMMITTEE:

MR. BAKER read the committee report. He said there were two meetings held on the evening of September 3rd - one was a joint committee meeting with the members of the Health & Protection Committee in order to take up the matter of a proposed Ordinance to control ragweed. Present were Messrs. Blois, Geronimo, Russell, DeForest and Baker. Mr. Colatrella was absent. The Corporation Counsel was present to assist the committee. Messrs Milano, Longo and Hearing of the Health & Protection Committee were also present, with Messrs Lewis and Marciano absent.

(1) Proposed Ragweed Ordinance (Mayor's letter of 8/21/59)

MR. BAKER: "The joint meeting considered the Mayor's letter of August 21, 1959 in which he requested that the Board look into the advisability of drawing up a ragweed Ordinance and with which he transmitted a copy of such an Ordinance adopted by the Town of Greenwich. (This appears as item #4 under the Legislative and Rules Committee portion of the Agenda)

"After full discussion of the problem and ways of meeting it, it was decided by unanimous vote of both Committees to recommend to the Board that a reply be directed to the Mayor, advising him that it is the considered opinion of the Board that such an ordinance would be impossible of enforcement and that a more effective solution of the problem would be attained by the inclusion of an appropriate amount of money in the 1960-61 Budget of the Department of Health to provide for the treatment of noxious weeds, the work to be accomplished with the cooperation of the Department of Parks and Trees, and I MOVE that such a letter be sent."

Mr. Baker's motion was seconded by Mrs. Zuckert and CARRIED unanimously.

(2) Slot machines

MR. BAKER: "The joint meeting also considered the pending matter of an amendment to the license Ordinance to cope with the problem of game centers largely devoted to the use of slot machines. The meeting was informed by the Corporation Counsel that the legality of such operations is now the subject of a test case before the State courts and that it would be advisable to defer action on the problem until a decision in that case had been reached."

"Our next order of business was a joint meeting with the members of the Public Works Committee. Members of that Committee present were Messrs. Topping, Ketcham, Maffucci, Geronimo and Nilan, with Messrs, Vitti and Marciano absent.

(3) Amendments to Ordinance No. 84 Supplemental - Concerning Street Opening and/or Excavation Performance and Maintenance Bond

MR. BAKER: "The joint meeting considered the matter of amendments to Ordinance No. 84 Supplemental concerning street opening and/or excavation performance and maintenance bond, to meet objections raised since the Ordinance became effective on August 23, 1959. (This appears as item #7 on the Agenda under Legislative and Rules Committee)

"It should be clearly noted for the record that the Ordinance in question was passed for publication at the July 6, 1959 meeting of this Board and was published in the local newspaper on Wednesday, July 15, 1959. There were no comments either for or against the Ordinance resulting from its publication and it was finally adopted at the meeting of this Board August 3, 1959.

"The City Engineer, Mr. Charles White, the Corporation Counsel and Messrs. Medvecky and Bradley of the office of the Vice President and General Counsel of the Southern New England Telephone Company were present to assist the Committee in its consideration of this matter. Communications on the subject were also received from the Hartford Electric Light Co., the John T. Ostheimer Agency, the Associated Builders & Contractors Association of Fairfield County.

"The Committee considered each of the objections individually and incorporated changes in the Ordinance as follows:

1. A provision for a blanket \$25,000 bond to cover all openings made by the same permittee in any 12 month period was added to eliminate delays in obtaining individual bonds in cases where a contractor does many of these openings.
2. A provision that the bond requirements of the Ordinance are related to permits for street openings, etc. in public areas only. The quality of work done on private areas is a condition to be determined at the time of action for acceptance as public areas.
3. The provision for a maintenance bond for 5 years was changed to specify that repairs required by reason of negligent or improper methods or materials be made for a period of 30 months and be covered by an appropriate bond. The use of the word 'maintain' was eliminated to overcome counsel's feeling that its use would constitute an unconstitutional delegation of the City's responsibility for such maintenance. The term of 30 months was decided upon to protect the City against conditions which would develop in such openings over two complete span of seasons. While communications indicated a maximum bond availability of two years, the Committee members felt that the additional six months could be arranged in view of the substantially greater protection afforded.

It was noted that contractors on sewer contracts for the City have for a considerable period, been required to provide 5 year maintenance bonds and that no problem has arisen with respect to obtaining bonds for that period.

4. A provision was included to permit public service companies (gas, electric, telephone and water) to file a certificate issued by the State in lieu of filing the bond prescribed by the Ordinance. This was done to bring the Ordinance into conformity with State Statutes.

"These changes have been incorporated into a new proposed supplemental Ordinance, amending Ordinance No. 84 Supplemental and a copy has been furnished to each Board member with the changes indicated by underscoring.

"Since work on the street openings involved has been delayed pending a modification of the Ordinance and since the proposed changes have been designed to meet all the recorded objections, the joint Committee voted unanimously to recommend adoption of the new proposed Ordinance with a waiver of publication.

"I understand that there are some questions for discussion tonight, but this is the Committee report and I MOVE for adoption of the new Ordinance with a waiver of publication."

Mr. Blois seconded Mr. Baker's motion.

The following is the Ordinance as presented by Mr. Baker:

AN ORDINANCE AMENDING ORDINANCE NO. 84 SUPPLEMENTAL
CONCERNING STREET OPENING AND/OR EXCAVATION BOND

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Ordinance No. 84 Supplemental be and it hereby is amended to read as follows:

Section 35, Street Opening and/or Excavation Bond required; conditions, amount, etc.

No permit required by this Article shall be issued until the person applying therefor shall have filed with the City Engineer a Bond in the following form and in the penal sum set forth therein:

STREET OPENING AND/OR EXCAVATION BOND

KNOW ALL MEN BY THESE PRESENTS that we _____
_____ as PRINCIPAL and _____
_____ as SURETY, are held and firmly
bound unto the CITY OF STAMFORD in the penal sum equal to one
hundred percent (100%) of the estimated cost of the work to be
performed, but in no case less than One Thousand (\$1,000.00)
dollars or at the option of said PRINCIPAL in the penal sum of
Twenty Five Thousand (\$25,000.00) dollars for all work to be
performed within any consecutive twelve month period, said penal
sum to be paid to the said CITY OF STAMFORD, its agents or assigns,
for which payment, well and truly to be made, we bind ourselves and
our heirs, executors, administrators, successors and assigns,
firmly by these presents.

Signed with our hands and sealed with our seals this
_____ day of _____ 19 .

NOW THE CONDITION OF THIS OBLIGATION is such that whereas the
said PRINCIPAL has applied for and received a permit or, in the
event the aforementioned option is exercised, permits for street
opening(s) and/or excavation(s) in public streets, public alleys
or public ground in the CITY OF STAMFORD.

NOW, IF THE SAID PRINCIPAL shall well and faithfully perform all
work for which the CITY OF STAMFORD has issued said permit or
permits, in accordance with specifications for such work as set
forth by the City Engineer of the CITY OF STAMFORD, and have such
work approved and accepted by the said City Engineer of the CITY
OF STAMFORD, and IF THE SAID PRINCIPAL shall, for a period of thirty
(30) months after the approval and acceptance of said work by the
City Engineer of the CITY OF STAMFORD, perform any and all repairs

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required to be made to any public street, public alley or public ground as a result of negligent or improper methods or materials or any other fault, defect or omission in the performance and/or restoration of said street opening(s) and/or excavation(s), said repairs(s) to be performed as directed by, and within the time limits specified by, and subject to the approval of the City Engineer of the CITY OF STAMFORD, and

IF THE SAID PRINCIPAL shall indemnify the said CITY OF STAMFORD for all damages to any City property resulting from his work operations, regardless of whether such damage is done by himself, his agents, employees, or subcontractors, then this obligation shall be void, otherwise it shall remain in full force and effect.

For the purpose of this Section, any public service company may submit the certificate issued by the Secretary of State pursuant to Section 16 - 230 of the General Statutes of the State of Connecticut; Revision 1958, in lieu of the bond prescribed herein.

Signed, sealed and delivered in the presence of

(PRINCIPAL)

By _____

(WITNESS)

(SURETY)

BY _____

(WITNESS)

AFFIDAVIT

STATE OF CONNECTICUT)

) ss.

COUNTY OF FAIRFIELD)

_____ being first duly sworn, on oath

deposes and says that he is an Attorney-in-fact of the _____

_____ Company, surety on the attached

Bond, executed by _____

(CONTRACTOR)

Affiant further deposes and says that no officer, official or employee of the CITY OF STAMFORD has any interest directly, or indirectly, or is receiving any premium, commission, fee or other thing of value on account of the sale or furnishing of the policy, bond, undertaking or contract of indemnity, guaranty or suretyship in connection with the above mentioned contract.

Subscribed and sworn to before me this _____ day of _____

19 .

Notary Public

MR. FREDERICKS: "There are two ways of handling a street opening situation. One, by a license bond, or two, by a performance bond and then an additional maintenance bond.

"The Department of Public Works, because of its experience in other cases, recommended very definitely that it be not a permit bond and that it be a performance and maintenance bond combined. The bond was so drafted....."

MR. FREDERICKS spoke at some length, explaining the various methods of handling these matters.

MR. RUSSELL arrived at this time, changing the roll call to 33 present and 7 absent.

MR. FREDERICKS MOVED for a one year maintenance provision in the bond form. Seconded by Mr. Connors and accepted by Mr. Baker.

MR. NOLAN said he thought it would be best to repeal the old Ordinance and not try to amend this Ordinance with all the corrections it needs by doing it in haste tonight -- that it would be better to wait until next month to enact a new and better Ordinance and merely to repeal the old one tonight. He said he thought there would be too much confusion. He requested repeal of Ordinance No. 84 Supplemental, with the Committee to come in with another one at the next meeting.

MR. FREDERICKS said that a part of Mr. Baker's motion was to dispense with publication, which would require a two-thirds vote, and that a vote must first be taken on this before voting on the Ordinance itself.

MR. FREDERICKS: "It would seem to me that it would be a proper procedure to move for the Ordinance first for the waiving of publication."

"We have amended Ordinances other times subsequent to publication."

MR. NOLAN said he thought it would be best to vote on Mr. Baker's motion first and then vote on repeal.

MR. FREDERICKS: "Then, let Mr. Baker's motion be first with the dispensing of publication."

MR. RHOADES: "There is no question about the proper parliamentary procedure-- I am sure the Parliamentarian would agree. We would have to first vote on any amendments and then vote on the Ordinance."

MR. FREDERICKS said he would withdraw his amendment, provided the vote is taken first on dispensing with prior publication.

MR. CONNORS said he would also withdraw his seconding of the amendment offered by Mr. Frederick.

MR. RHOADES: "At the moment it would appear that the feeling seems to be that we should vote on waiving publication. If there is no further discussion we will vote on that."

MR. BAKER: "I think in the minds of a number of people here, the issue depends on the changing of that 30 months clause to one year. If we vote on it the way it now reads, I think a substantial number would be completely opposed to it."

There was a great deal of discussion at this point.

MR. NOLAN said he would like to have a test vote on waiver of publication.

MR. RHOADES: "The President does not understand why Mr. Fredericks wishes to withdraw his motion to amend. The Minority Leader knows very well that we will either vote on the amendment or on the motion and then the vote to waive publication."

MR. FREDERICKS: "The Majority Leader made it very clear that he felt that if we were going to make legislation on the floor that so far as he could speak for himself and for any Democrat who would happen to agree with him, under the circumstances that it would be self evident that we would not get our two-thirds vote."

"I fully intend to move for several amendments on this thing, but I see no purpose in making those amendments unless we clear up the point whether we will get enough votes to waive publication."

MR. NOLAN: "The best way to go about it would be to repeal the old Ordinance. If we get the two-thirds vote, then we could go on from there."

MR. RHOADES said he failed to understand the reason for taking a vote requiring a two-thirds vote when they do not know what it is on.

MR. NOLAN said by voting on waiving publication, it would be a way to see how things are going.

MR. RHOADES said the waiver of publication was a part of Mr. Baker's motion, but it could be separated if everyone preferred to vote on it separately.

MR. BAKER MOVED for waiver of publication.

MR. RUSSELL said he saw no reason why this could not be referred back to Committee and MOVED TO AMEND the present Ordinance (Ordinance No. 84) to take effect a date two months from now. He said this would give everyone time to re-write a good Ordinance.

Mr. Russell was reminded that the present Ordinance (No. 84) which is already on the books would first have to be rescinded.

MR. NOLAN said he still thought the best thing to do would be the repeal of the Ordinance (No. 84) which is now on the books.

MR. NOLAN called attention, as Parliamentarian, to Robert's Rules of Order regarding "Rescind, Repeal or Annul".

MR. NOLAN: "There are several things we can do. We can draft legislation here now on the floor, which most certainly do not want to do; or we can repeal it tonight (Ordinance No. 84) and then come in next month and bring in some good new legislation. That was my intention and Mr. Fredericks very kindly withdrew his motion so that we could do that - IF we have the vote, which we were going to try and find out."

MR. RHOADES: "On pages 169 and 170 of Robert's Rules of Order, it would indicate that rescinding of previous action by a Board can only be done by a two-thirds vote, unless previous notice has been given that the intention to proceed in this way

would be placed on the agenda.

"The reason, Mr. Nolan, why the President is referring this to you is that the item is on the Agenda and whether that constitutes a notice that an attempt will be made to rescind the Ordinance or not is something that must be determined."

MR. TOPPING said he thinks the Ordinance now on the books is a good Ordinance and if there are any bugs in it, that they can be ironed out tonight.

MR. DEFOREST said he did not see why we bother to spend the money to have an Ordinance published and adopted and then want to turn around and rescind it at the next meeting. He said he agreed with Mr. Topping and thought the Board could come up with some kind of a solution tonight.

MR. RHOADES: "The parliamentary situation is this: There is now before this Board a motion by Mr. Baker that the Ordinance be amended as indicated in his report and that we waive publication of the amended Ordinance. This requires a two-thirds vote. There are no amendments before the Board. Mr. Nolan and the President have agreed that a motion to rescind the previous Ordinance, to be made later, will also require a two-thirds vote. This is based on the fact that Robert's Rules of Order protect absent members. These members have the right to know that the Agenda as it was sent to them before this meeting contained every possible item that would be taken up. Unless a two-thirds vote can be mustered, their rights cannot be abrogated. That is the situation as it stands at the moment. Mr. Baker's motion is still before this body."

MR. FREDERICKS: "May I ask the Chair to separate Mr. Baker's motion into two parts. One, to move for waiver of publication. That is the first half. It is my very definite opinion that a two-thirds vote cannot be obtained for waiving of publication on this. It would mean that automatically it would have to be published and go over for another month."

MR. RHOADES accepted the suggestion of the Minority Leader, although he said he thought it should be done in the opposite order. He said: "We will vote first on waiving publication for an amended Ordinance. Let our records show that those exact words were used."

MR. BAKER: "I don't believe that there is any objection to splitting the motion at all, but I do think that you ought to express it as waiving publication on the proposed Ordinance. It is not an amendment - it is a brand NEW Ordinance."

MR. RHOADES accepted this change. He said: "The vote will be on waiving publication of the proposed Ordinance."

VOTE taken on waiving publication of the proposed Ordinance. LOST by a vote of 17 yes and 16 no. (Requires a 2/3rds vote)

MR. RHOADES: "The vote on waiving publication having been lost, we will now vote on the other half of Mr. Baker's motion which was to approve a new proposed Ordinance."

MR. NOLAN MOVED a substitute motion for repeal of Section 35 of Ordinance No. 84 Supplemental. Seconded by Mr. Kolich.

MR. BAKER objected at this point, saying that a substitute motion must not be contrary to the original motion and the one offered by Mr. Nolan is.

MR. RHOADES ruled that Mr. Baker was correct, that a motion for an opposite action cannot be substituted.

MR. FREDERICKS: "We now have before us an amended Section 35 of Ordinance No 84 Supplemental - is that correct?"

MR. BAKER: "No - we have a brand NEW Ordinance. The effect of it would be to amend Section 35, but it is a new Ordinance - on the advice of the Corporation Counsel."

MR. FREDERICKS MOVED that Section 35 be amended in the condition clause of the Performance and Maintenance Bond where it provides for a period of thirty (30) months, that the words "thirty (30) months" be amended to read: "one (1) year".

Mr. Topping seconded Mr. Fredericks' motion.

MR. RHOADES: "You have heard the amendment as offered by Mr. Fredericks. That is before you at the moment."

MR. NOLAN MOVED that this matter be tabled. Seconded by Mr. Connors.

The President ruled that this motion to table takes precedence, and that it requires a majority vote.

VOTE taken on tabling this matter. LOST by a vote of 15 yes and 18 no.

MR. RHOADES announced that there are now 34 members present, Mr. Maffucci having arrived.

MR. LEWIS: "Mr. Chairman, I raised the question before about one point that I was particularly interested in - we do have in our audience an authority on bonds -- on the underwriting, representing an underwriting company. Now I would MOVE that we take a few minutes to clarify this point and hear from one representative, whom I consider to be an expert in this particular field - Mr. John Ostheimer."

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

After some discussion on this matter, a vote was taken on Mr. Lewis' motion to hear from Mr. John Ostheimer. LOST by a voice vote.

Several members stated that because there was a member of the Board who happens to be a Vice-President of a Surety Company and well versed in this field, they did not think it necessary to hear from another authority in this matter. (Referring to Mr. Fredericks, 18th District Representative)

MR. NOLAN: "Here we are, getting into the very thing that I warned you about - trying to draft this on the floor of the Board. We have been years without this thing - I think we can repeal the old Ordinance and go another month without one. We can then take time to draft a better Ordinance in Committee and do it properly, but let's not be absurd and draft this on the floor tonight. The proper thing to do is to defeat this one and then to vote for the repeal of this Ordinance and bring in another one next month. This should be done in Committee, with proper hearings."

MR. TOPPING: "Point of order - I think that Mr. Nolan is out of order when he says that this is not a good Ordinance....."

MR. NOLAN: "I never said that....."

A great deal of debate ensued at this point. Mr. Fredericks, in answer to a request, explained the details of a bond of the type under discussion.

MR. CONNORS said he saw no point in arguing the matter all evening and getting involved with many amendments that would only confuse everyone.

MR. TOPPING said he saw no reason for delay and referring it back to Committee.

MR. RHOADES clarified the status of the matter at this point. He said: "The only possible procedures are these - if the Ordinance, as presented by Mr. Baker, with any subsequent amendments, is passed tonight, it will have to be published and will have to be voted on at our next meeting. If no action is taken by this Board, the Ordinance now in effect (Ordinance No. 84 Supplemental) will remain in effect. There is no way in which that Ordinance can be rescinded, except by a motion to suspend the rules, which requires a two-thirds vote; and a motion to rescind the Ordinance, which also requires a two-thirds vote. Those are the only possibilities."

MR. FREDERICKS: "The present Ordinance, which is now on our books, and can be found on page 2618 of our Minutes. That provides for a five year maintenance. Now, unless this Ordinance is amended and publication be waived, for the next thirty days, at least, we have a five year maintenance provision."

MR. RHOADES: "-----unless the Ordinance is amended."

MR. FREDERICKS: "That is correct."

MR. RHOADES: "The motion before this Board at the moment is an amendment made by Mr. Fredericks, seconded by Mr. Topping, to reduce this period to one year."

VOTE taken by rising vote - LOST 15 in favor with 18 opposed.

MR. RHOADES: "We are now referred to Mr. Baker's original motion, which is to present a new Ordinance, the terms of which include a period of 30 months, as a term for the bond."

VOTE taken on above motion. Lost by a voice vote.

MR. RHOADES: "This concludes the matter as far as the Agenda is concerned, although we are still in Mr. Baker's Committee." (Legislative & Rules Committee)

MR. NOLAN MOVED for suspension of the rules in order to consider a repeal of Section 35. Seconded by Mr. Connors. VOTE taken on this motion and LOST by a voice vote.

MR. NOLAN MOVED for suspension of the rules in order to consider amendments which are being offered to Section 35. He said: "It is obvious that we shall have to sit here tonight and draft an Ordinance." Seconded by Mr. Kolich.

MR. RHOADES: "It has been moved that we suspend the rules in order to restore to the Agenda the item under Mr. Baker's Committee which is item #7."

RISING vote taken on Mr. Nolan's motion. CARRIED unanimously.

MR. NOLAN MOVED to hear from Mr. Ostheimer. Seconded by Mr. Fredericks and CARRIED with two voting in opposition to the motion.

MR. OSTHEIMER addressed the Board and there followed a question and answer period.

MR. NILAN: "At this point, we have some 34 ladies and gentlemen of the Board of Representatives and as far as I'm concerned, the bonding companies are now writing our Ordinance. It may sound silly, but it's true. They are telling us how to write our Ordinance."

MR. OSTHEIMER replied that if the Surety Companies are going to refuse to bond people, that is the whole answer.

MR. RHOADES: "This now brings us back to a very interesting situation, for there is nothing on the floor. A motion was made to suspend the rules to hear from Mr. Ostheimer, which was carried. Now, a motion of some sort will have to be made."

MR. HUIZINGA: "I would like to MOVE that this entire Ordinance which has been proposed by Mr. Baker, be voted on tonight with just a few minor changes. First, have the \$25,000 bond changed to \$10,000, and secondly have the thirty months performance period changed to a one year performance period, beginning, of course with the completion of the work. That is what I would like to see Mr. Baker do."

MR. RHOADES: "Mr. Baker, do you want to make a motion so that we can get this thing on the floor?"

MR. BAKER: "I MOVE the adoption, with a waiver of publication, of the proposed Ordinance, with the appropriate amendments, one year in place on the thirty months and \$5,000 in place of the \$25,000." Seconded by Mr. Kolich.

MR. RHOADES: "The President thinks the motion is entirely in order, but we are not going to vote on the waiving of publication before we vote on the Ordinance."

MR. FREDERICKS: "I would ask Mr. Baker and his seconder to accept this further amendment:

This bond may be cancelled as to future liability, by Surety, effective thirty (30) days after service of notice by registered mail, on Principal and said City of Stamford. Nothing herein contained shall relieve Principal and Surety of the obligation to perform any and all repairs for this above mentioned period of one (1) year."

MR. CUSHING (Corporation Counsel) was asked if the language was legally acceptable.

MR. BAKER said he would accept the amendment.

MR. MURPHY said he wished to ask the Corporation Counsel a question. He said: "Mr. Cushing, how many claims would you say are now pending against the City as a result of shoddy type installations?"

MR. CUSHING said they were numerous, but he could not give a too approximate figure offhand. He said they would be a small percentage of all the street openings that are made.

A great deal of discussion took place at this time.

MR. CONNORS MOVED for a five minute recess at 10:05 P.M. Seconded by Mr. Nolan and CARRIED unanimously.

MR. ROCHE was excused at this time.

The meeting was called to order at 10:10 P.M. by the President.

MR. RHOADES: "Mr. Baker has asked for his motion to be withdrawn and he will now make another."

MR. BAKER: "I MOVE the adoption of the Ordinance as proposed with the three changes. First, the designated period instead of thirty months, to read one year. The second, the amount of the blanket bond, instead of being \$25,000 to read \$5,000. And, thirdly, before the beginning of the last paragraph of the Ordinance, the insertion of the new paragraph reading as follows:

'This bond may be cancelled as to future liability by Surety, effective thirty (30) days after service of notice by registered mail, on Principal and said City of Stamford. Nothing herein contained shall relieve Principal and Surety of the obligation to perform any and all repairs for this above mentioned period of one (1) year.'

"I therefore MOVE for adoption of the proposed Ordinance, with these three amendments." seconded by Mr. Wilensky.

MR. FREDERICKS: "I MOVE the question."

VOTE taken on the adoption of the following Ordinance, as amended. CARRIED unanimously by a rising vote.

MR. BAKER then MOVED for waiver of publication of the Ordinance. Seconded by Mr. Topping and CARRIED unanimously.

The following is the Ordinance, as adopted, waiving publication:

ORDINANCE NO. 86 SUPPLEMENTAL

AN ORDINANCE AMENDING ORDINANCE NO. 84 SUPPLEMENTAL
CONCERNING STREET OPENING AND/OR EXCAVATION BOND

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Ordinance No. 84 Supplemental be and it hereby is amended to read as follows:

Section 35, Street Opening and/or Excavation Bond required; conditions, amount, etc.

No permit required by this Article shall be issued until the person applying therefor shall have filed with the City Engineer a Bond in the following form and in the penal sum set forth therein:

STREET OPENING AND/OR EXCAVATION BOND

KNOW ALL MEN BY THESE PRESENTS that we _____
_____ as PRINCIPAL and _____
_____ as SURETY, are held and firmly bound
unto the CITY OF STAMFORD in the penal sum equal to one hundred percent
(100%) of the estimated cost of the work to be performed, but in no case
less than One Thousand (\$1,000.00) Dollars or at the option of said
PRINCIPAL in the penal sum of Five Thousand (\$5,000.00) Dollars for all
work to be performed within any consecutive twelve month period said
penal sum to be paid to the said CITY OF STAMFORD, its agents or assigns,
for which payment, well and truly to be made, we bind ourselves and our
heirs, executors, administrators, successors and assigns, firmly by these
presents.

Signed with our hands and sealed with our seals this _____ day
of _____ 19 .

NOW THE CONDITION OF THIS OBLIGATION is such that whereas the said PRINCIPAL has applied for and received a permit or, in the event the aforementioned option is exercised, permits for street opening(s) and/or excavation(s) in public streets, public alleys or public ground in the CITY OF STAMFORD.

NOW, IF THE SAID PRINCIPAL shall well and faithfully perform all work, for which the CITY OF STAMFORD has issued said permit or permits, in accordance with specifications for such work as set forth by the CITY Engineer of the CITY OF STAMFORD, and have such work approved and accepted by the said City Engineer of the CITY OF STAMFORD, and IF THE SAID PRINCIPAL shall, for a period of one (1) year after the approval and acceptance of said work by the City Engineer of the CITY OF STAMFORD, perform any and all repairs required to be made to any public street, public alley or public ground as a result of negligent or improper methods or materials or any other fault, defect or omission in the performance and/or restoration of said street opening(s) and/or excavation(s), said repair(s) to be performed as directed by, and within the time limits specified by, and subject to the approval of the City Engineer of the CITY OF STAMFORD, AND

IF THE SAID PRINCIPAL shall indemnify the said CITY OF STAMFORD for all damages to any City property resulting from his work operations, regardless of whether such damage is done by himself, his agents, employees, or sub-contractors, then this obligation shall be void, otherwise it shall remain in full force and effect.

This bond may be cancelled as to future liability by Surety, effective thirty (30) days after service of notice by registered mail on Principal and said City of Stamford. Nothing herein contained shall relieve Principal and Surety of the obligation to perform any and all repairs for this above mentioned period of one (1) year.

For the purpose of this Section, any public service company may submit the certificate issued by the Secretary of State pursuant to Section 16 - 230 of the General Statutes of the State of Connecticut, Revision 1958 in lieu of the bond prescribed herein.

Signed, sealed and delivered in the presence of

(PRINCIPAL)

By _____

(WITNESS)

(SURETY)

By _____

(WITNESS)

AFFIDAVIT

STATE OF CONNECTICUT)

) ss.

COUNTY OF FAIRFIELD)

_____ being first duly sworn, on oath

deposes and says that he is an Attorney-in-fact of the _____

_____ Company, surety on the attached

Bond, executed by _____

(CONTRACTOR)

Affiant further deposes and says that no officer, official or employee of the CITY OF STAMFORD has any interest directly, or indirectly, or is receiving any premium, commission, fee or other thing of value on account of the sale or furnishing of the policy, bond, undertaking or contract of indemnity, guaranty or suretyship in connection with the above mentioned contract.

Subscribed and sworn to before me this _____ day of _____

19. .

Notary Public

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

MR. BAKER continued with his Committee report on the following matters:

(4) Unsafe Buildings:

MR. BAKER: "The Committee was asked to determine the consistency of Chapter 41, Section 416.1 of the Charter and Article 104, Section 3 of the new Building Code. The Committee reviewed the two references and, in its opinion, the two are completely consistent."

(5) Resolution concerning THREE LAKES DRIVE, BRIDLE PATH and WOODRIDGE DRIVE SOUTH

MR. BAKER MOVED for adoption of the following resolution, saying it was the recommendation of the Committee. Seconded by Mr. Topping and CARRIED unanimously:

RESOLUTION NO. 309

CONCERNING THREE LAKES DRIVE, BRIDLE PATH AND WOOD-
RIDGE DRIVE SOUTH TO BRING INTO PROPER CONDITION FOR
ACCEPTANCE AS CITY STREETS

BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford that said Board of Representatives respectfully requests the Mayor of said City of Stamford to cause a report to be made concerning such work as may be necessary to put Three Lakes Drive, Bridle Path and Woodridge Drive South in condition

to be accepted as City streets in accordance with the provisions of Section 64J of the Charter and Ordinance No. 79 Supplemental. The cost of such work to be assessed in full against the owners of the property on Three Lakes Drive, Bridle Path and Woodridge Drive South.

(6) Request from Belltown Fire Department for waiver of Building Permit Fee

MR. BAKER: "The Committee finds no specific provision in either the Charter or the Code of Ordinances, the latter including Ordinance No. 80 Supplemental, which is the new Building Code, which would permit the Board to take the action requested. However, it recognizes the fact that such action has been taken in similar cases in the past and is of the opinion that a pertinent provision should have been incorporated in the new Building Code.

"The Committee has, therefore, prepared a proposed Ordinance to amend the Building Code to cover this and similar cases. As a matter of expediency, the Committee has included an amendment to correct a deficiency in another section of the Code, bringing the section into uniformity with other provisions of a like nature in the Code. A copy of the proposed Ordinance has been furnished each Board member and a copy is attached to this report.

"The Committee feels that since these changes are correctional in nature, it is advisable to adopt them at once and therefore recommends adoption of the proposed Ordinance with a waiver of publication and I so MOVE."

Mr. Wilensky seconded the motion of Mr. Baker.

MR. WILENSKY: "Just to clarify things. I think the intent was to waive the building permit fee. The Agenda reads 'Request for waiver of building permit.'"

VOTE taken on the adoption of the following amended Ordinance No. 80 Supplemental.
CARRIED unanimously:

AMENDED ORDINANCE NO. 80 SUPPLEMENTAL

AN ORDINANCE CONCERNING THE BUILDING CODE
APPENDICES AND AMENDMENTS

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Section 1. The Building Code of the City of Stamford, as completely revised, is hereby adopted as the Building Code of the City of Stamford.

Section 2. The Building Code of the City of Stamford as hereby adopted consists of the following parts:

- (a) Building Code
- (b) Electrical Code
- (c) Heating and Air Conditioning Code
 - (1) Code for the installation of gas piping and gas appliances in buildings.
- (d) Plumbing Code
 - together with related standards.

Section 3. All of the provisions of the Building Code of the City of Stamford as set forth in Section 1 above shall be in full force and effect on and after the first day of July 1959 and all Building Code regulations of the City of Stamford in force on April 6, 1959 are hereby repealed from and after the 30th day of June 1959, except as hereinafter provided.

Section 4. The repeal provided for in Section 3 above shall not affect any provisions of the Building Code of the City of Stamford in force on April 6, 1959 having to do with private or public sewer systems, which provisions shall remain in force and effect pending the adoption of a Sewer Code which will be a part of the Building Code hereby adopted.

Section 5. The repeal provided for in Section 3 above, further shall not affect any offense or act committed or done or any penalty incurred before the first day of July 1959, nor shall it affect any prosecution, suit or other proceeding pending, or any judgment rendered prior to the first day of July 1959.

Article 100 Section 6 PERMITS AND FEES paragraph c is hereby amended by the addition of new sub-paragraph (13) reading as follows:

- (13) No fees shall be required for the issuance of any permit for the construction alteration, repair, removal or demolition of any building or structure to be used in connection with the governmental functions of the City of Stamford.

*this is
the
amended
portion of
ordinance*

Article 100, Section 13 BUILDING BOARD OF APPEALS paragraph b is hereby amended to read as follows:

- (b) The Building Board of Appeals shall consist of five (5) members appointed by the Mayor, subject to the approval of the Board of Representatives, one member to be appointed for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years and one to serve one (1) year, all from January first of the year of appointment. Annually, thereafter appointments shall be made for a term of five years. Members shall serve for the term to which he is appointed, or until his successor has been appointed. Any vacancy on the Board shall be filled for the unexpired term in the same manner as the original appointment. Each member shall be qualified by experience and training to pass upon matters pertaining to building construction. No member of the Board shall pass on any question in which he is engaged as a contractor or material dealer, or architect or engineer or in which he has a personal interest. The Board shall select one of its members to serve as Chairman.

*this is
the
amended
portion of
ordinance*

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

(7) Change in Voting Hours

MR. BAKER: "The Committee was asked to prepare the necessary action to provide that the polls in the November 3, 1959 municipal election will be open from 6 A.M. to 8 P.M."

"The Committee finds that Section 657 d of the State Election Law establishes the hours for numicipal elections as from 8 A.M. to 8 P.M., but gives the City the right, by action before or after the enactment of said section of said Election Law, to change such hours under certain limitations. Section 100 of the Charter and Chapter 6, Section 4 of the Code of General Ordinances of Stamford, both set the hours for City elections as 6 A.M. to 8 P.M. which is within the prescribed limitations. The Committee therefore is of the opinion that the party who originated the request for Board action in this regard was not fully informed on the subject and recommends that no action be taken."

(8) State-aid-grants for school construction. (As requested in Mayor's letter dated September 10, 1959)

MR. BAKER MOVED for suspension of the rules to consider the above request. Seconded by Mr. Russell and CARRIED UNANIMOUSLY.

MR. BAKER read the following letter from the Mayor:

MAYOR'S OFFICE

September 10, 1959

Board of Representatives
Stamford, Conn..

Dear Board Members:

The following is a copy of a letter received from Mr. W. J. Kelemen, our Commissioner of Finance, under date of September 8th:

"A review of State-aid-grants for school construction has shown that applications for such aid have not been submitted for the following:

Burdick Junior High School alteration, reconstruction
and addition,

Roxbury School addition.

Ryle School addition.

At the present time, the application forms are being prepared. However, it is my understanding that before such applications may be properly submitted to the State Department of Education, it is necessary for the Board of Representatives to adopt a resolution authorizing you to make such applications.

The last such resolution was adopted by the Board of Representatives on August 2, 1954, referred to as Resolution #184.

Would you please request the Board to adopt a similar resolution relating to the above named school construction projects, so that we may apply for the grants?"

Accordingly, I hereby request your Board to pass the required resolution for State-aid funds.

Very truly yours,

(signed) Webster C. Givens, Mayor

MR. BAKER MOVED for adoption of the following resolution; seconded by Mrs. Zuckert and CARRIED unanimously:

RESOLUTION NO. 310

STATE AID GRANT FOR BURDICK JR. HIGH,
ROXBURY AND RYLE ELEMENTARY SCHOOLS

BE AND IT HEREBY IS RESOLVED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD THAT:

Webster C. Givens, Mayor of the City of Stamford, is hereby authorized to apply to the State Board of Education, State of Connecticut, for state aid, and

BE IT FURTHER RESOLVED that said Mayor is hereby authorized to accept or reject such state aid grant in the name of the City of Stamford on the following school building projects:

Burdick Junior High School alteration,
reconstruction and addition;

Roxbury School addition;

Ryle School addition.

PUBLIC WORKS COMMITTEE:

Mr. Topping presented the report of his committee. He said a meeting was held on September 9th, with the following members present: John Maffucci, Alan Ketcham and Thomas Topping. Absent were: Vincent Vitti, Bernard Geronimo, Lewellyn Nilan and Anthony Marciano.

- (1) Keith Street - Bad road condition (Brought up at the August 3rd meeting by Mr. Truglia)

MR. TOPPING: "The City Council of 1922-23 accepted this road on December 26, 1922 (recorded on page 401 of the records of the City Council).

"There are ten city owned lots in the center of the block that are being held by the Planning Board for possible future use as a playground. This road is in the same category as Knoblock Lane and Intervale Road, as it has not been maintained by either the Town or the City for many years.

"It was voted to recommend to the Board that a letter be written to the Planning Board, asking what plans they have for these roads. and I SO MOVE."

Mr. Topping's motion was seconded by Mr. Truglia, who thanked Mr. Topping's committee for their quick action on this matter.

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

- (2) Poor street lighting in 13th District (Brought up by Mr. Kolich at the
- (3) Also: Petition from residents on Aug. 3rd meeting. Also referred to
- Little John Road for street lights Health & Protection Committee)
- (Brought in by Mr. Cummings at
- Aug. 3rd meeting)

MR. TOPPING: "The Hartford Electric Light has made a survey of all the lighting requirements of the City and it is now in the hands of the PLANNING BOARD for their decision.

"This survey may increase the lighting in this City some \$200,000 over what we are already paying. No further installation of lights will be made until the decision of the Planning Board is made."

MR. MARCIANO said they had also made a survey of the lighting situation in their District and it was a serious situation because of the poor lighting and women were afraid to walk the streets at night.

MR. LEWIS was excused at this time. (10:25 P.M.)

MR. KOLICH said he thought this matter of poor lighting was an emergency and MOVED that a letter be sent to the Mayor, the Planning Board and the Board of Finance requesting emergency action to take care of lighting in the South end.

Seconded by Mrs. Zuckert. (No vote taken)

MR. HUIZINGA said he thought Mr. Kolich' motion was out of order and said he thinks a letter should be written to the Mayor, asking him to see if lights cannot be improved in the South end.

MR. KELLY said he thought all this needed was to ask the Public Works Department to put in larger bulbs, and it was not necessary to wait for any survey to be completed.

MR. BAKER MOVED to hear from Mr. Maguire, Commissioner of Public Works, on this matter. Seconded and CARRIED unanimously.

MR. MAGUIRE explained that this is now before the Planning Board and will then go on to the Board of Finance and the Board of Representatives.

MR. BAKER MOVED that Mr. Kolich and Mr. Marciano be authorized by this Board to appear before the Planning Board to present their problem. Seconded by Mr. Russell and CARRIED unanimously.

(4) Petition from Cedar Ridge Park Association Executive Board - Drainage Problem

The above matter was recommended to Committee for further study.

(5) Lincoln Avenue - Overflow of brook - Petition from residents (Brought up by John Nolan, Representative from 9th District)

MR. TOPPING read a letter to the Public Works Committee from Mr. Nolan on the above subject, dated August 21, 1959.

MR. TOPPING: "This particular problem has been given considerable attention by both the Flood and Erosion Control Board and the Public Works. This petition was signed by 73 persons.

"This petition was first referred to the Flood and Erosion Control Board, who found that it was not under their jurisdiction.

The Department of Public Works is presently engaged in planning and estimation of costs to put this brook in pipe. The property is owned by the New Haven Railroad and necessary easements must be secured and appropriations made before this overflow can be corrected."

MR. CONNORS: "In other words, Mr. Topping, this will lay dormant until they can make a survey?"

MR. TOPPING: "That's right."

MR. CONNORS: "What happens in the meantime about cleaning it out?"

MR. TOPPING: "It has been cleaned out and will be continually cleaned out by the Public Works. If the people in the neighborhood will just keep their trash out of that brook, it would help tremendously."

MR. CONNORS MOVED to hear from a Mr. Stockworth (a member of the audience interested in this matter). Seconded by Mr. Nilan. LOST by a voice vote.

(6) Use of Toilsome Brook as drainage for septic effluent

MR. TOPPING requested that this matter be referred back to his Committee, which was agreed upon.

(7) Storm water drainage problem on Lafayette Street in vicinity of Daskam Park
(Letter of 8/19/59 to Mr. John Nolan, 9th District Representative, from
Commissioner of Public Works)

MR. TOPPING: "This Committee recommends that the Representative from the 9th District (Mr. John Nolan) initiate a request for an emergency appropriation to correct the overflow from the street. The interior flooding must be corrected by the residents or property owners affected. That particular area has considerable interior flooding."

MR. NOLAN: "I sent a letter to Mr. Maguire (dated August 25, 1959) asking the Mayor to do this. I would be more than willing to do this on my own, but would this be as impressive coming from an individual, as from the Board?"

MR. TOPPING said he thought that the Representative from the District receiving these complaints should become active in these matters, rather than always having to go through the Board itself.

(8) Northwoods Road - Petition from property owners to bring road up in acceptable condition under Section 640 of Charter

MR. TOPPING MOVED that the following proposed Resolution be referred to the Legislative & Rules Committee for action. Seconded by Mr. Wilensky and CARRIED unanimously:

PROPOSED RESOLUTION

CONCERNING PUBLIC IMPROVEMENTS UNDER
SECTION 640 OF CHARTER, FOR
NORTHWOODS ROAD

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford that said Board of Representatives respectfully requests the Mayor of said City of Stamford to cause a report to be made concerning such work as may be necessary to put Northwoods Road in condition to be accepted as a City Street, in accordance with the provisions of Section

640 and 641 of the Stamford Charter and Ordinance No. 79 supplemental. The cost of such work is to be assessed in full against the owners of the property on Northwoods Road.

MR. TOPPING explained that the residents on the above road are now the owners of this road and therefore entitled to have this processed under Section 640 of the Charter and Ordinance No. 79 Supplemental.

MR. TOPPING: "I ALSO MOVE that a letter be sent to the Board of Finance, requesting their approval, as per Chapter 641 of this work on Northwoods Road." Seconded by Mr. Wilensky and CARRIED unanimously.

MR. RHOADES: "The President might say at this point, that we have received a copy of a letter written by the Board of Finance to the Corporation Counsel, requesting him to clarify the position of the Board of Finance in the application of Section 640 of the Charter. It is somewhat ambiguous in the Charter. Mr. Cushing expects to give such an opinion very soon and the Board of Finance is meeting, I believe, Friday night to discuss this matter. It is rather complicated, but I believe that clarification is probably in sight."

(Note: See item No. 7 above on the following subject)

Lafayette Street (Daskam Park vicinity) - Storm water drainage problem

MR. NOLAN: "I would like to read into our record a letter dated August 25, 1959 to the Commissioner of Public Works, Mr. Walter R. Maguire, from me:

Dear Mr. Maguire:

Thank you for your letter of August 19th on the above matter.

This problem has now become acute, and it is requested that you try to expedite matters by asking for an emergency appropriation so that immediate steps can be taken to give relief to the home owners in this vicinity by providing adequate storm drainage.

John R. Nolan
9th District Representative

MR. RHOADES: "Before we proceed to the next matter on our Agenda, Mr. DeVito would like to be heard very briefly in regard to a situation in Woodside Park."

Re: Traffic problem caused by re-location of Wright Technical School in Woodside Park

MR. DEVITO stated that he had received many complaints because of the closing of a street preventing access to Bridge Street, during the construction of the above technical school. He said the street should be opened so that access can be had at this point to Woodside Park. He suggested a pedestrian walk there.

MR. RUSSELL said it was his impression that this road is to be re-routed. This matter was referred to the PLANNING & ZONING COMMITTEE.

PARKS & RECREATION COMMITTEE

MR. KELLY said his Committee met on September 10th, with Mr. Roche, Mr. DeVito, Mr. Sileo and Mr. Kelly present.

MR. KELLY: "Several pieces of business were discussed and plans have been made to have the items remain in committee for further study and to await a decision that has been requested from the Corporation Counsel."

Re: Petition No. 260 - Sherwood Forest Association - Request to block off a portion of street for a block party on September 19th (in case of rain, Sept. 26)

MR. KELLY MOVED for approval of the above petition. Seconded by Mr. Colatrella and CARRIED.

MR. MURPHY asked to be excused at this time. Granted.

Re: United Fund sign in Atlantic Square

MR. TOPPING asked if the Board had given permission for the erection of the so-called "rocket" in the center of Atlantic Square had been given to the United Fund.

He was informed that no such permission had been given by the Board of Representatives.

IT WAS MOVED by Mr. Huizinga and seconded by Mr. Topping that a letter be sent to the United Fund informing them that permission for erecting signs such as the present one now in Atlantic Square must be given by the Board of Representatives before such sign can be erected. CARRIED unanimously.

MR. NILAN: "In addition to Mr. Kelly's report, I would like to give my own report in regard to the old Stamford Museum property which is in Courtland Park.

He stated that this should remain a public park and would like to emphasize the word "remain". He said he thought this still belonged to the Park Department. He said the conditions here were deplorable - the weeds being higher than the wall and urged that this be brought to the attention of Mr. Connell.

MR. TOPPING said he wished to support Mr. Nilan in his remarks about the above park. He said he thought this Board should send a letter to the Park Department and request that they get in there and do something about it.

MR. CONNORS agreed that there was no supervision whatsoever in this park and it had "gone to pot" and was a disgrace to the City of Stamford.

MR. KELLY: "With the proper maintenance and proper care this could be a wonderful site for the senior citizens of the City. They could put tables out there and it could be also used by children during the summer time." He suggested that the Park Department and the Recreation Department get together and see what could be done to use this park to better advantage.

MR. COLATRELLA: "I think that as long as we are protecting our Engineering Department because of a lack of manpower that we should also go along with protecting our Park Department from criticism because of the same lack of manpower."

MR. BAKER: "I think it is foolish to talk about it, but do nothing about it. I MOVE that such a letter be sent." Seconded by Mr. Connors and Mr. Nilan and CARRIED unanimously.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE:

In the absence of Mr. Macrides, Mr. Truglia gave a report for the above committee.

MR. TRUGLIA: "At the last meeting of our Committee on September 1st, 1959, several matters were discussed by the Committee. The outcome of that meeting was incorporated in a letter which was sent to the Mayor, and with your permission, I would like to read parts of this letter." Mr. Truglia read the following:

Re: Metropolitan Regional Council questionnaire (Mayor's letter of 6/23/59 was re-committed at Aug. 3rd meeting)

September 2, 1959

Mayor Webster C. Givens
Town Hall
Stamford, Conn.

Dear Mayor Givens:

A meeting of the Education, Welfare and Government Committee of the Board of Representatives was held last night and it was decided to send this letter to you, since several matters warranted your attention.

At first blush, the Committee is not very sympathetic with the aims of the Metropolitan Regional Council, but since we do not wish to dismiss the matter without having heard it discussed thoroughly, we would like you to have its Executive Secretary, Mr. Lehman, arrange to meet with us at the offices of the undersigned, at 8 o'clock P.M. on Tuesday, September 29th, 1959. If this time and date does not meet with his convenience, he may contact the undersigned and make other arrangements.....

MR. TRUGLIA: "Now, I have a note here that Mr. Lehman has agreed to meet with our Committee. On another matter, I shall continue:"

MR. TRUGLIA then continued with the reading of the above letter as follows:

Re: Rent for 303 Main Street - (City offices)

(continued)

Mr. Kelemen's request for the September rent for 303 Main Street was also discussed and we wondered what present arrangements are being made with reference to the cessation of this rent. We had noted in the newspapers a lowering of the rent requested for another building, which you had previously in mind, and an enlarging of the space in that building. We had also noted at least one other building as having been offered for municipal use. It is your intention to resubmit any plan to the Board of Finance?

MR. TRUGLIA: "The third and final matter is the discussion of the appraisal of the former Wright Technical property."

Re: Appraisal of former Wright Technical School property

MR. TRUGLIA continued with the reading of the above letter on this subject:

The final matter of interest to you involves the appraisal of the former Wright Technical property, which we have been informed is in progress.

Some of the parishioners of Sacred Heart (church) have questioned us because they have been led to understand that the appraisal was being made of the property as a whole, including the buildings thereon. The suggestion of this Committee, which was incorporated into a resolution by the Board of Representatives, was that the property be sold to Sacred Heart for educational use for a price equal to the value of the land alone, at its most productive use. This took into consideration the fact that the older part of the building would have to be torn down and extensive alterations would have to be made to the newer part of the building.

Will you, therefore, be sure that the report of the appraisers, at least in part, includes an appraisal of the value of the property as aforesaid?

Is there any deadline by which the appraisers are to make their report and, have you, as yet, formulated any course of action with respect thereto?

(Letter signed by John Macrides, Chairman
of Education, Welfare & Government Committee)

MR. TRUGLIA: "I have another piece of information here. It is a letter to Mr. Macrides from Mayor Webster Givens, dated September 3, 1959:

Mr. John C. Macrides, Chairman
Education, Welfare & Government Committee
Board of Representatives
302 Bedford Street
Stamford, Conn.

Dear Mr. Macrides:

At the present time we have under consideration the matter of 303 Main Street, and as you are correctly informed, the appraisal of the Wright Technical School. Until such time as this appraisal comes before me, I will do nothing regarding same. The reason that the appraisers were not made public was that we did not want any pressure brought to bear on any one of them. In fact, they requested it themselves, but I can inform you that all segments of religion are represented on the appraisal committee.

Sincerely,

(signed) Webster C. Givens Mayor

MR. TRUGLIA: "To conclude this report, I would like to call upon Mr. Georgoulis in regard to another matter regarding Sacred Heart."

MR. GEORGOULIS: "A few months ago we appropriated \$1,500 in order that the Mayor could make arrangements to appraise the land value of the old Trade School, as suggested by Mr. Macrides' Committee, and accepted unanimously by this Board, in order to clear the way, if possible, for Sacred Heart to build a parochial school.

"So far no answer has come forth from anyone, other than from what I have read in the papers....."

Mr. Georgoulis continued, stressing the saving to the taxpayers of the building of this school.

MR. GEORGOULIS: "Mr. President, at this time, I would like to request the Board to instruct the Secretary to send a letter to His Honor - a letter stating that an answer back to this Board in time for the next Board meeting be requested, with the appraiser's report. Thank you."

MR. RHOADES: "Do you wish to present this in the form of a motion, Mr. Georgoulis?"

MR. GEORGOULIS: "Yes."

Mr. Georgoulis' motion was seconded by Mr. Sileo.

VOTE taken on above and CARRIED unanimously.

MR. RHOADES: "The President was a little disturbed by reading in the Advocate that the Committee had sent a letter to the Mayor, instructing him to take certain action. No Committee of this Board has that power. A letter requesting information, Mr. Truglia, is most certainly in order because it requests information. If the matter in regard to the Wright Technical school had been in the same form, it would also be proper language. That is, if it had been in the form of a question. For instance 'Do you intend to do this in this way, because the Committee intends to report to the Board and must have certain information.' It seems to the President, that if the newspapers reported that the Committee took action, then told the Mayor that this was Committee action, and then told him to do something which was never cleared by this Board, then it was not sanctioned by this Board. Is this correct?"

MR. TRUGLIA: "Well - yes, that is correct. I will bring this back to the Committee...."

MR. RHOADES: "The President has no quarrel with the Committee's intentions, but only with the form in which it was done. I know, because some members spoke to me in regard to this before the meeting tonight. They were disturbed by the fact that they read about Committee action in the newspaper previous to any such sanction to this action having taken place on the floor of this Board.

"That is a very mild reproof, Mr. Truglia. It is not directed to you personally, or to the Chairman of your Committee or anyone else. It merely seems that this is not quite proper Committee action."

MR. GEORGOULIS said he thought the action in regard to the appraiser's report was a "stalling action". He said: "He asked to have three appraisers appointed to evaluate the land value only and to report back. If the price was right and Sacred Heart could buy it, then well and good. Otherwise, the City could do with it as it wished. But, here is a case where no answer was sent back to the Board. Several months went by and the Committee evidently figured - is it just going to be waylaid, or what? This way - they sent a letter."

Mr. Georgoulis was informed that it would then have been proper to present this matter before the Board and then, by action of the entire Board, to then send a letter inquiring as to the status quo.

MR. TRUGLIA said he had not attended the meeting in question.

MR. NOLAN said he thought the Board should wait until the Chairman of the Committee could be present to defend the action of the Committee before censoring their action. It was agreed that this be done.

MR. HUIZINGA said he wondered if the Board had not acted too hastily in view of the subsequent information that had come out since voting on sending a letter to the Mayor.

MR. TRUGLIA was requested to read the third part of the letter to the Mayor once again in regard to the appraisal of the Wright Technical School property.

After this second reading of the letter sent to the Mayor, it was decided that the Committee had acted within its powers, by merely requesting answers to certain questions - but by recommending to the Mayor that he take certain action was not within the jurisdiction of the Committee.

PICNIC COMMITTEE:

MR. MARCIANO, Chairman, reported that the attendance at the Picnic was 85; that a charge of \$3.50 was made; expenditures were \$369.66, \$47.76 left over from the picnic held last year, and a grand total of \$375.66, leaving \$6.00 left over for next years picnic. (Applause)

Mr. Marciano said he wanted to write up his report, so it would have to wait until the next Board meeting. He asked that in the future if people would only make reservations for those that intend to come, it would save money. He said 37 people made reservations and did not show up.

MR. HUIZINGA read a letter of thanks to be sent to Mr. and Mrs. Vladimir M. Eitingon, who so kindly offered their grounds for the use of the Board and MOVED that this letter be sent. Seconded by Mr. Baker and CARRIED unanimously.

Vote of thanks to Rev. B. A. Galloway who gave Invocation

MR. CONNORS MOVED that a vote of thanks be extended to Rev. Galloway for staying for the entire meeting, which was a very long one. Seconded and CARRIED unanimously. (Applause)

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

Letter dated September 14, 1959 from the Stamford Good Government Association, inviting the Board members to an open meeting on September 23, 1959 at 8:30 P.M. in the Fellowship Hall of the First Presbyterian Church on Bedford Street.

MR. RHOADES called attention to the above invitation.

NEW BUSINESS.

Lawn Avenue

MR. NOLAN: "Under new business, I would just like to have referred to Committee a matter which is of great concern to the people in my area, which is the Lawn Avenue situation. This has been brought up numerous times - too many years for me to think back on its history tonight. However, the situation has been aggravated by the construction of new moderate rental housing on Lawn Avenue.

"We have a situation here where there are no sidewalks, very inadequate lighting; we have children catching the bus, and we have children walking to school where there are no sidewalks whatsoever, on a highly traveled location. We have the men who are working on this project who are parking their cars on the street and the children must, by the very nature of the situation, walk out on the street itself.

We had one death here a few years ago. I am afraid that if something isn't done soon, we may have a very serious accident here. I think that something should be done immediately. I would like to have this referred to our very fine Public Works Committee so that we can come up with some action, or at least a recommendation, at our next Board meeting."

MR. TOPPING said this would have to be presented to the Public Works Committee in writing so that a record could be kept in the files.

Parking for City Employees employed at City Hall:

MR. BAKER: "I have been informed that the parking facilities formerly given to the City Hall employees has been taken away from them and that they are expected to park their cars during the day at the Wall Street School. This is a particularly poor area for the women employees of our City to enter on their way home from work, now that it is getting to be dark at the time office hours are over.

"I think it should be referred to an appropriate Committee to discuss with the Parking Authority for reinstatement of parking spaces within the Canal Street parking lot." Referred to the HEALTH & PROTECTION COMMITTEE

Belltown Fire Department, Inc.

MR. RHOADES called attention to a letter dated September 3, 1959 from the Belltown Fire Department, thanking the Board for having made available funds for the completion of their new firehouse.

Sidewalks on new High School Site

MR. RUSSELL: "I would like to bring up the question of the funds we made available for the construction of sidewalks on the site of the new High School. I was up there about a week ago and there was no sign of a sidewalk which would enable pedestrians and children to get out to the road and there was no sign of anything being done about this."

MR. CHASE, of the Public Works Department informed Mr. Russell and the Board that this sidewalk had been completed today. (Applause)

Meetings:

MR. RHOADES informed the Board members that the next Board meeting would be three weeks from tonight, on October 5th and the next Steering would have to be held on September 28th - two weeks from tonight.

Heliport - Hazardous conditions

MR. SILEO reported that his attention has been called to a hazardous situation which exists at the site of the Heliport, caused by the clouds of dust raised by the helicopters when landing and taking off at the Airport. He said that the residents in this vicinity must keep their windows closed in order to keep out the dust and it has been very unpleasant during the humid and hot weather spell and that it is impossible to hang clothes out to dry because of the bad dust situation. He asked that the landing field be blacktopped in order to cut down the bad dust situation or else to locate the landing field further away from the residential district.

South Frontage Road (or North State Street)

MR. BLOIS called attention to the parking meters being placed on this street, as they were never used. He said the cars parked further down the street where there were no parking meters. He was asked to present this in writing so it could be referred to a Committee.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 11:45 P.M.

APPROVED:


Norton Rhoades, President

Respectfully submitted,


Velma Farrell
Executive Secretary