

A regular meeting of the Board of Representatives was held on Monday, March 7, 1960 in the Cafeteria of the Dolan Jr. High School, Toms Road.

The meeting was called to order by the President, John R. Nolan, at 8:12 P.M. (The meeting being broadcast over Stamford Radio Station WSTC)

INVOCATION was given by Rev. George Poulos, Church of the Archangels.

ROLL CALL was taken by the Clerk. There were 32 present and 8 absent at the calling of the roll. Mr. Kulish and Mr. Dombroski arrived shortly thereafter; also a replacement was named for the vacancy in the 1st District, changing the final roll call to 35 present and 5 absent. Absent were Messrs: Georgoulis, Shapero, Mazza, Murphy and Wynn.

RESOLUTION OF CONDOLENCE - Re death of Thomas P. Cassidy, (Democrat) Representative from 1st District

The members observed a moment of silence in tribute to the memory of the late member from the First District, Thomas P. Cassidy.

MR. SILEO presented the following resolution and MOVED that the resolution and a formal letter from the Board be sent to the family of the deceased. Seconded and CARRIED unanimously:

RESOLUTION NO. 316

BE IT RESOLVED that the Board of Representatives of the City of Stamford extend its condolences and express its sympathy to the family of the late Thomas P. Cassidy, Representative from the First District.

A dedicated public servant, Mr. Cassidy earned the respect and esteem of his fellow members on the Board by virtue of his devotion to principle, his intelligent approach to the problems facing the Board, and his unselfish service to his District and the City of Stamford.

This Board and the City of Stamford shares the loss with Tom Cassidy's family, and joins in its sorrow.

The President informed the members that under the provisions of the Charter any vacancy occurring must be filled at the next Board meeting by someone residing in the same District and of the same political faith.

Replacement for Vacancy Created in First District:

MR. SILEO, First District Representative, presented the name of EDWIN W. COLE, Democrat, 24 Mohegan Avenue, from the First District, to fill the vacancy created by the untimely death of Mr. Cassidy.

MR. SILEO: "Mr. Cole has resided in the First District for the past ten years and is a registered Democrat. He has the endorsement of the Committee members from the District. It is their desire that Mr. Cole be elected Representative for the 1st District, and I so MOVE." Mr. O'Connell seconded the motion.

There being no further nominations, the President declared Edwin W. Cole elected as a member of the Board of Representatives from the First District.

Mr. Cole assumed his seat on the Board, after being sworn into office by Mr. Daniel Baker.

ACCEPTANCE OF MINUTES - Meeting of February 1, 1960

There being no additions or corrections, the Minutes of the above meeting were accepted.

COMMITTEE REPORTS:

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

STEERING COMMITTEE REPORT
Meeting held Feb. 23, 1960

A meeting of the Steering Committee was held Tuesday, February 23, 1960 in the Mayor's Office, City Hall.

The meeting was called to order by the Chairman, John R. Nolan, at 8:00 P.M.

The following were present: John R. Nolan, Chairman; Clyde O'Connell, John DeForest, Peter Sileo, James Carey (Chairman of Urban Redevelopment Committee); Steve Kelly, Henry Nolan, Daniel Baker, William Ivler, George Russell, George Connors, Rutherford Huizinga and Bernard Geronimo.

Absent were: Daniel Rehack (on vacation); Martin Pompadur, Paul Shapero and William Murphy.

Copies of the Planning Board's recommended Capital Projects Budget for 1960-61 were handed out to all those present.

Re: Death of Thomas P. Cassidy, 1st District Representative (On Feb. 22, 1960)

With reference to the above, Peter Sileo, 1st District Representative and Mr. Cassidy's running mate in the November 1959 election, was designated as the one to present a resolution of condolence at the March 7th Board meeting. This was ordered placed on the agenda immediately after the roll call in order to comply with provisions outlined in Sec. 201 of the Charter and with past custom.

The President informed the members that flowers and a letter of condolence have been sent to the family of the deceased.

Re: Copies of correspondence for Board files

The Chairman called attention to the fact that many Board members are carrying on correspondence with various City officials and departments without the knowledge of Board officers and without furnishing the office of the Board with copies of correspondence. He pointed out that this might cause some confusion and prevent efficient liaison in the event a member should resign, or be absent, and some other member have to carry on in his place. He requested that all members in the future kindly furnish copies of any correspondence they may have on matters concerning his District or the Board, to the Board's office, in order to obtain better coordination and avoid misunderstandings.

Fiscal Committee-

All appropriations approved by the Board of Finance were referred to the above

Committee. Items over \$2,000 (with the exception of pensions) were also referred to other committees concerned.

Public Works Committee -

- (1) Necessity for sidewalks on High Ridge Road - This was brought up by Mr. Henry Nolan, who asked that this be referred to the above Committee. This was done.
- (2) Street Signs - Mr. O'Connell brought up the question concerning necessity for replacement of street signs when they are removed by contractors. Referred to above Committee.

Planning & Zoning Committee -

The following matters were referred to above Committee:

- (1) Matters held in Committee ordered placed on Agenda.
- (2) Letter dated 2/15/60 from City Engineer, requesting clarification of Ordinance No. 89 re change of name of portion of Old Logging Road to GARY ROAD. (See page 2759 of Minutes of 2/1/60)
- (3) Final adoption of proposed Ordinance to change name of Stanwich Road to TACONIC ROAD. (Adopted for publication at 2/1/60 meeting)

Parks & Recreation Committee -

A petition from The Central Veterans' Association, requesting permission to hold a parade on Memorial Day, Monday, May 30, 1960, was referred to above committee and ordered placed on agenda under "Petitions".

Urban Redevelopment Committee -

Re: Mayor's letter of 2/11/60 requesting appropriation of \$184,832 for the East Meadow URC Project, plus contracts, exhibits and various maps and schedules

Because of the complicated nature of the above matter, it was decided to refer it to both the Urban Redevelopment Committee and the Fiscal Committee. The portion concerning the appropriation was referred to the Fiscal Committee, namely "Schedule C". The rest of the papers were referred to the Urban Redevelopment Committee for study and recommendations.

For the reason that this has not yet been approved by the Board of Finance, but noting the necessity for prior study, it was referred to the Committees concerned and ordered placed on the Agenda, pending action by the Board of Finance in order to avoid the necessity for bringing it up under suspension of the rules at the next meeting, as the Board of Finance is expected to act upon this matter before the March 7th meeting of this Board.

The following were ordered placed on the agenda under "Communications":

- (1) City District boundaries - Letter of 1/28/60 from Town and City Clerk.

It was noted that this would have to be held until the appointment of a Charter Revision Committee and referred at that time for their consideration.

- (2) Concerning members appearing before Planning & Zoning Boards - Letter from Corporation Counsel, dated 2/19/60.

The above letter being in answer to a motion made by Mr. Baker at the February meeting, requesting clarification and an opinion from the Corporation Counsel to guide Board members in the future.

- (3) Acquisition of park land - Reply dated 2/10/60 from Planning & Zoning Director. (See page 2760, Minutes of 2/1/60)
- (4) Circuit Court House - Letter from Mayor Kennedy re decision not to include a police garage in basement of new Court House because of bad water conditions. Ordered filed.
- (5) The Citizens' School League - Letter dated 2/6/60 concerning Capital Projects Budget - referred to Fiscal Committee for information

There being no further business to come before the Committee, the meeting adjourned at 9:15 P.M.

Respectfully submitted,

John R. Nolan, Chairman
STEERING COMMITTEE

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FISCAL COMMITTEE

MR. REBACK, Chairman, presented his Committee report. He said a meeting was held on February 29, 1960 and all members were present.

- (1) \$1,640.12 - Legal Fees for Special Policeman A. McKeithen (As per Mayor's letter of 11/6/59)

(Deferred at Feb. 1, 1960 Board meeting)

MR. REBACK: "This (above) request was tabled, due to additional information requested by the Committee."

- (2) \$38,000 - Welfare Department (Reduced by Board of Finance) (As per Mayor's letter of 2/15/60)

Code 460-61	Cash Relief-----	\$23,000
Code 461-A	General Hospitals-----	15,000
		<u>\$38,000</u>

MR. REBACK MOVED for approval of the above appropriations. Seconded by Mr. Ivler, who said it had also been referred to the Education, Welfare & Government Committee, who concurred in approval of the request. CARRIED unanimously.

- (3) \$8,910.07 - Salaries, Incinerator Code 414B.1 - Public Works Department (As per Mayor's letter of 2/15/60)

3 Equipment Operators III - 13 weeks @ \$94.73	\$3,824 47
2 Incinerator Operators " " @ 87.60	2,277.60
3 Laborers " " @ 72 00	2,808 00
	<u>\$8,910.07</u>

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Rybnick. Mr. Henry Nolan, Chairman of the Public Works Committee, said his Committee concurred in the recommendation for approval of this request.

MR. SCARELLA inquired if these were additional personnel. Mr. Reback replied the personnel would be required to operate the new incinerator.

VOTE taken on above request. CARRIED unanimously.

(4) \$15,548.00 - Radios for Public Works Department (Mayor's letter of 2/16/60)

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Henry Nolan, who said the Public Works Committee concurred in the recommendation for approval of this item.

MR. NOLAN: "I would like to point out at this time that the question was asked about why the Public Works Department needed new radio equipment. The particular set - the crystal is set to one wave length. The one which they were using on the police wave length would not be able to be used on the new wave length which is being assigned. That's why the new one had to be purchased."

VOTE taken on above item #4 and CARRIED unanimously.

(5) \$10,000 - For study of Pension Plan (As per Mayor's letter 9/15/59)

MR. REBACK MOVED for approval of the above item. The Chairman of the Personnel Committee, to whom this had also been referred, concurred in the recommendation for approval. Seconded by Mr. Mulreed and CARRIED unanimously.

(6) \$800.00 - Planning Board - Code 520.11 - For maps and prints
(As requested in Mayor's letter of 1/25/60)

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Kelly.

MR. RUSSELL, Chairman of the Planning & Zoning Committee, urged the approval of this request.

VOTE taken on item #6 above and CARRIED unanimously.

(7) \$184,832.00 - Urban Redevelopment Commission - (As per Mayor's letter of 2/11/60, later amplified by letter of 2/25/60)--- Resolution amending the Capital Projects Budget for 1959-1960 by including an item to be known as "STREET IMPROVEMENTS, EAST MEADOW REDEVELOPMENT PROJECT" and appropriation of \$184,832 for said project. (Also referred to Special Urban Redevelopment Committee)

The President said: "Prior to the passage of this item, we must first have a report from our Special Urban Redevelopment Committee."

MR. HUIZINGA: "I take it that this is for the appropriation of funds?"

MR. NOLAN (President): "No it is not, Mr. Huizinga."

There being no objection to hearing from the Urban Redevelopment Committee first, Mr. Reback yielded the floor to Mr. Carey.

MR. CAREY presented the report of the Urban Redevelopment Committee. He said a meeting had been held Feb. 29, 1960, with all members present, with the exception of Mr. Murphy and Mr. Longo. Also present at this meeting were Mrs. Marshall and Mr. Greenbaum, from the Urban Redevelopment Commission and Mr. Salem Shapiro, Director of the Commission.

MR. CAREY: "Our meeting was called in order to discuss an amended plan for the East Meadow area, as outlined in the Mayor's letter of 2/11/60.

"This amended plan has been approved by the Planning Board and the Board of Finance. After much discussion, the Committee voted unanimously to favorably recommend the amended plan to this Board and a resolution covering same will be offered shortly. However, first it is felt that a brief explanation of the changes in the plan be made.

"As you know, the first redevelopment plan for East Meadow was adopted in 1953. Although the 15 acres of land have been cleared and ready to sell for some time, an unfortunate experience with a prospective purchaser resulted in the belief that the soil conditions were too poor to support a building or buildings without expensive foundation work. Last fall the URC was able to get the report of the nine test borings made by this prospective purchaser. Using this and an earlier report of four borings taken by the Commission, the engineering firm of Werner-Jensen & Korst was employed to analyze these reports.

"Their analysis indicated that the soil conditions would support buildings throughout the area, except for one acre above the inlet. The Commission circulated this information and has received many inquiries about purchase of the property. In addition to this analysis, the URC undertook a study of the plan for redevelopment of the area and felt that certain changes in the plan were desirable, from a financial and sales viewpoint. In the original plan, Meadow Street ran from Jefferson Street diagonally across the area to Harbor View Avenue. The Commission felt there was no need for the whole length of the proposed street and recommends that it be dead-ended in a turnaround, thus reducing the improvements to Meadow Street by the cost of paving 400 feet. The remaining portion of Meadow Street will permit access to the properties which need it and the City will have an additional .6 of an acre for sale.

"A second change is concerned with reducing the 40 year period of Federal restrictions to a minimum of 20 years, of which 6 years have already elapsed. At the end of the 20 years, the restrictions continue, unless and until, changed by this Board. All potential purchasers felt that a 40 year period of Federal restrictions was too long and they desired local control sooner than this. If this Board terminates Federal controls at the end of 20 years, the property then comes under the then existing zoning ordinance and will, of course, at that time be subject to local control.

"A third change permits the use of metal and frame in building construction, in addition to masonry construction already included. Since the adoption of the original plan, metal construction has gained general acceptance and use in all types of building. However, all proposed buildings must still be approved by the URC.

"Another change extends the permitted uses to those described by the Stamford Zoning Ordinance. Formerly, such uses as manufacture of clothing, sporting goods, photo engraving, wholesale paints were excluded. This change also permits limited outdoor storage where accessory to a permitted use. The outdoor storage may not exceed the floor area of buildings on the site. The URC may grant an exception when the storage is associated with an existing use. The Plan excludes certain specific uses as obnoxious, hazardous or constituting a nuisance. These include explosives manufacture, auto wrecking, gas manufacture or storage and junk dealers.

"The installation of an industrial rail lead track through the East Meadow area is considered a good investment and is included in the amended plan. Prospective purchasers have indicated interest in connecting to this lead track. The lead track will be available for the use of all purchasers.

"Typographical errors and the correction of minor errors in land surveys are also corrected in the amended plan.

"The URC believes the amended plan is a realistic approach in overcoming the problems which previously prevented the sale of properties in the East Meadow Project.

"Stamford has had the obligation to the Federal Government since 1954 to undertake the street improvements, etc. outlined in the original, and now, the amended plan.

"Of course, the Contract of Sale which each purchaser must sign cannot become effective, or the purchaser take title until these improvements have been completed. However, you will hear more about this when Mr. Reback completes his Fiscal Committee report."

MR. CAREY presented a Resolution which follows and MOVED for its adoption. Seconded by Mr. Mulreed.

Considerable debate ensued at this point. Mr. Scarella asked if it would be possible to defer action until copies are available for distribution.

The President replied: "Mr. Scarella, I think we are trying to satisfy the technicalities involved in this matter by either having the resolution put in writing or being read in full. However, copies of the Amended Redevelopment Plan for the East Meadow Redevelopment Area are available right here and I can provide you with a copy if you will come forward. Most of the members have one."

MR. HUIZINGA: "We all received copies, Mr. President."

The President said: "Anyone else who does not have their copy with them can get one now if they wish." Several members came forward and were given a copy of the booklet.

MR. IVLER spoke in regard to the amended plan, saying he was opposed to the installation of the railroad spur, because there is no assurance that this will necessarily effectuate the sale of the land.

MR. McLAUGHLIN said he agreed with Mr. Ivler.

MR. HENRY NOLAN spoke in favor of the resolution.

Several members questioned Mr. Carey at great length.

MR. O'CONNELL read a letter to the Mayor from the Chairman of the Urban Redevelopment Commission in which it listed \$40,000 as the cost for the railroad lead line.

MR. MULREED said he agrees with Mr. Henry Nolan.

After further discussion. It was agreed to ask Mr. Terhune from the URC, who was present, to answer some of the questions being asked by various members.

Many of the members questioned Mr. Terhune at some length.

MR. HUIZINGA MOVED the question. Seconded by Mr. Macri and CARRIED.

A standing vote was taken on the following Resolution, as introduced and read by Mr. Carey, and CARRIED by a vote of 29 in favor, 3 opposed and Mr. Geronimo and Mr. Blois merely answering "Present"; with the President not voting (except in the case of a tie vote, when it is necessary for his vote).

RESOLUTION NO. 317

APPROVING AMENDMENTS TO REDEVELOPMENT PLAN
FOR THE EAST MEADOW REDEVELOPMENT AREA

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

The redevelopment plan for the East Meadow Redevelopment Area dated August 1, 1953 is hereby amended as follows:

SEC. 1. REDEVELOPMENT AREA DEFINED

Revise paragraph 1 to read as follows:

The East Meadow Redevelopment area (herein called the "Redevelopment area") is bounded as shown in Map #5A "Amended Redevelopment Area"

Delete Paragraph 4 commencing "But excluding. . ." and substitute therefor the following paragraph:

But excluding the property bounded as follows: Starting at the point formed by the intersection of the north side of New St. with the easterly property line of the property owned by The City Investment Co., thence S. 88° 51' 10" W. for a distance 203.10', thence on a curve to the right having a radius of 430.17' for a distance of 22.76', thence N. 10° 38' 36" W. for a distance of 86.94', thence on a curve to the right having a radius of 20.00' for a distance of 22.63", thence N. 63° 10' 30" E. for a distance of 137.86', thence on a curve to the right having a radius of 479.34' for a distance of 92.63', thence S. 50° 36' 50" E. for a distance of 90.66', thence S. 83° 13' 10" W. for a distance of 36.51', S. 60° 38' 20" E. for a distance of 118.95' to the place of beginning;

In Paragraph 5 the last course should read as follows:
"thence S. 31° 25' 20" W "

SEC. 4 LAND USE AND BUILDING PLAN

Paragraph 2 revised to read as follows:

Under the Redevelopment Plan the Redevelopment Area will be used for general industrial uses, (See Map #1 A "Amended Redevelopment Plan - Land Use"). Since the Redevelopment Area and all surrounding property is now zoned as a general industrial district, no change in zoning within or around the Redevelopment Area is required.

SEC. 5 ZONING AND BUILDING CODE REQUIREMENTS

This section is revised to read as follows:

The use of land and the construction, type, size, height, coverage, and location of buildings, and off-street parking and loading requirements shall conform to the Zoning Regulations of the City of Stamford as amended to December 28, 1959 and the Building Code as amended to December 28, 1959.

SECTION 7 BUILDING CONSTRUCTION

Revised to read as follows:

All buildings erected on the site shall be of masonry or equivalent construction but metal, frame, and buildings of similar construction may be permitted upon approval by the Urban Redevelopment Commission. With respect to any building constructed of light weight aggregate, concrete blocks, tile block, or tile brick, that portion of such building which fronts on Jefferson Street must be finished with face brick, common brick painted, limestone or their equivalent.

SEC. 8 PERMITTED USES

All uses permitted in the General Industrial District as described in the City of Stamford Zoning Ordinance as amended to December 28, 1959 shall be permitted with the exception of uses described or enumerated below.

Prohibited Uses.

- a. All residential uses including hotels, boarding houses, etc.
- b. All religious, educational, charitable, philanthropic and social uses whether operated for profit or not, whether public or private.
- c. All recreational or amusement uses.
- d. All retail uses and services and professional office uses when not accessory to permitted uses.
- e. All uses that are predominantly outdoor storage but not excluding such outdoor storage use when accessory* to a permitted use. Such accessory outdoor storage, other than parked vehicles, shall not occupy a land area in excess of the floor area of buildings on the site.

An exception to this prohibition may be granted by the Urban Redevelopment Commission when such outdoor storage use is

SEC. 23 RAIL

Revised to read as follows:

Upon a strip of land 30' wide (As shown on Map No. 3A "Redevelopment Plan - Sanitary and Storm Sewers and Railroad") extending from Jefferson Street south for any distance as required as far as the extreme southern boundary of the Redevelopment Area, an easement shall be maintained for industrial railroad trackage for the purpose herein set forth in this section. The City of Stamford, Will construct industrial rail trackage from the property of the New York, New Haven, and Hartford Railroad on the north side of Jefferson Street, crossing Jefferson Street, and continuing within the above described strip.

Any land in the Redevelopment area which bounds on the railroad track to be installed upon this easement, shall have the right, subject to obtaining the approval of the Urban Redevelopment Commission to construct a private spur track from such railroad trackage onto such property, and shall have the right to use the trackage installed over the Redevelopment Area to its connection with the track of the New York, New Haven and Hartford Railroad.

The Agency will cause the New York, New Haven, and Hartford Railroad Company to construct industrial railroad trackage on the railroad property to connect to the trackage to be constructed by the Commission from the property of the railroad Company southerly across Jefferson St., and on the easement within the Redevelopment property as shown on "Map No 3A, Sanitary and Storm Sewers, and Railroad."

SEC. 28 RELATIONSHIP OF PROJECT AREA TO DEFINATE LOCAL OBJECTIVES

Paragraph 5 - subparagraph (2) first line should read as follows: "Additional land for expansion or relocation of existing industrial uses."

SEC. 30 LAND CLEARANCE

Line 4 - insert "low" between mean and tide to read "from 10 to 12 feet above mean low tide."

SEC. 36 TERMINATION

Delete the following words "40 years commencing on the date of approval of this plan." and substitute therefore: "20 years commencing on the date of approval of the original plan."

SEC. 37 MAPS

Delete the words "Maps numbered 1 through 5" and substitute therefore the words "Maps numbered 1A through 5A" dated Dec. 1, 1959.

MR. NOLAN (President): "The next item on the agenda is item #7 under the Fiscal Committee for the appropriation of \$184,832.00."

MR. REBACK: "The request of the Urban Redevelopment Commission for an appropriation in the amount of \$184,832.00 to cover costs of installing improvements in the East Meadow Redevelopment area includes storm and sanitary sewers, water mains, railroad

lead line, etc. was approved by our Committee by a vote of 5 yes and 2 no, with Mr. Ivler and Mr. McLaughlin voting in the negative. Mr. Ivler requested and received the approval of the Chairman to submit a minority report at the Board meeting. (tonight)"

MR. REBACK MOVED for approval of the appropriation and presented a resolution for adoption which was seconded by Mr. Mulreed. Mr. Carey said the Urban Redevelopment Committee approved this appropriation.

MR. HUIZINGA offered an amendment to the resolution which was accepted by Mr. Reback and the seconder.

Mr. Truglia was excused at this time.

After considerable debate during which time Mr. Terhune was recalled again for further questioning by the Board members as to whether the addition of a railroad spur would help or hinder the sale of other parcels, Mr. Reback MOVED the question.

VOTE taken on the following resolution as offered by Mr. Reback and amended by Mr. Huizinga and CARRIED by a vote of 30 in favor and 3 opposed. (The President not voting):

RESOLUTION NO. 318

AMENDING THE CAPITAL PROJECTS BUDGET FOR
1959-1960 BY INCLUSION OF ITEM FOR STREET
IMPROVEMENTS, EAST MEADOW REDEVELOPMENT
PROJECT AND APPROPRIATION OF \$184,832.00

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford that the 1959-1960 Capital Projects Budget be amended by the inclusion of an item to be known as "STREET IMPROVEMENTS AND ACCOMPANYING SERVICE FACILITIES TO BE INSTALLED ON THE EAST MEADOW REDEVELOPMENT PROJECT" and the appropriation of the sum of \$184,832.00 for said project, and

BE IT FURTHER RESOLVED that the aforesaid sum of \$184,832.00 be financed by the sale of bonds.

PUBLIC WORKS COMMITTEE

MR. HENRY NOLAN: "The Committee has recommitted item #1 in regard to the necessity for sidewalks on High Ridge Road. Item #2 should read 18th District instead of 8th District, as it appears on our agenda."

- (1) Necessity for sidewalks on High Ridge Road
- (2) Removal of street signs - 18th District

MR. NOLAN: "The problem was - the DeLeo Brothers Construction Company while engaged in widening High Ridge Road accidentally knocked down the signs on the side streets. I have spoken to the engineer on that job and they will put them back as soon as they can. People are getting lost up there trying to find the side streets."

PLANNING & ZONING COMMITTEE

MR. RUSSELL said no formal meeting was held by the Committee for the reason that they

and also to the Board of Representatives. Now, we hope to be able to examine those reports in order to review the whole thing."

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

- (1) Concerning boundaries of City Districts (Letter of 1/28/60 from Town and City Clerk, Joseph Toner)

MR. NOLAN (President) remarked that the above letter was being held for consideration by the Charter Revision Committee, when it is appointed shortly.

- (2) Corporation Counsel's opinion (dated 2/19/60) concerning Board members appearing before Planning & Zoning Boards.

(Note: This is answering request for opinion made by Mr. Baker at the February Board meeting and approved by the Board at that time)

MR. BAKER: "I don't have the Corporation Counsel's opinion before me but I think all of us have received a copy of it. The language is clear and I think that there is no area of ambiguity. My understanding of it is that we, as members of the Board of Representatives, are prohibited by the provisions of the Statutes from appearing before Boards whose decisions will perhaps later be reviewed by us.

"I think that this applies to the Zoning Board and would also apply to the Planning Board (but I'm not sure - there are certain areas with which I am not as familiar as I should like to be in our Charter).

"There is just no question as to the propriety of our appearing before Boards such as the Planning Board and the Finance Board, in connection with appropriations. I can see nothing in the Corporation Counsel's opinion which would, in any way inhibit members of our Board from so doing.

"Here we act not as a review body, passing upon the propriety of actions of Boards which come to us in regard to matters which they have acted upon. We act as a Legislative Body in approving appropriations and I think that the Corporation Counsel's opinion does not touch upon this aspect of the activities of the members of this Board.

"I would say, in passing, that it is my view that members of this Board have an obligation to their constituents to make known their views on matters on interest with which appropriations are concerned. I have done this in the past and propose to continue doing it in the future, because I think that I have an obligation which I undertook in running for the office of a member of this Board."

MR. NOLAN then read the above letter (which is entered in the record below) from the Corporation Counsel:

CITY OF STAMFORD, CONNECTICUT

February 19, 1960

Board of Representatives
City Hall
Stamford, Connecticut

Dear Board Members:

This is in response to your letter of February 4, 1960

requesting an opinion as to whether or not a member of the Board of Representatives can appear before the Planning and Zoning Boards without disqualifying himself from acting on such matter in the event the same is referred to the Board of Representatives. Another related question necessarily involved is whether or not a member of the Board of Representatives may appear before the Planning or Zoning Boards in the first instance.

Section 8-11 of the General Statutes of Connecticut, Revision of 1958, provides in part as follows:

"No member of any zoning commission or Board and no member of any zoning board of appeals or of any municipal agency exercising the powers of any zoning commission or board of appeals, whether existing under the general statutes or under any special act, shall appear for or represent any person, firm, corporation or other entity in any matter pending before the planning or zoning commission or board or said board of appeals or any agency exercising the powers of any such commission or board in the same municipality whether or not he is a member of the board or commission hearing such matter. No member of any zoning commission or board and no member of any zoning board of appeals shall participate in the hearing or decision of the board or commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense....."

Section 8-21 contains the same provisions as to Planning Commissions.

These Statutes apply to members of the Board of Representatives since, when acting upon a referral from the Zoning or Planning Board, the Board of Representatives is exercising powers of a Zoning or Planning Commission.

See *Mills v. Town Plan & Zoning Commission of Windsor*,

144 Conn. 493, 498 (1957)

It is, therefore, my opinion that members of the Board of Representatives may not appear before the Zoning or Planning Board in behalf of or in opposition to any matter pending before them, and in any case in which a representative has so appeared, he cannot participate in the hearing or decision of such matter by the Board of Representatives.

Very truly yours,

Isadore M. Mackler
Corporation Counsel

MR. NOLAN called particular attention to the last paragraph of the above letter from the Corporation Counsel

"It is therefore my opinion that members of the Board of Representatives may not appear before the Zoning or Planning Board in behalf of, or in opposition to any matter

pending before them, and in any case in which a Representative has so appeared, he cannot participate in the hearing or decision of such matter by the Board of Representatives."

MR. SCARELLA said he thought this Board was bound to abide by any ruling of the Corporation Counsel, especially since the Board had asked for such a ruling.

The President said it was his opinion that this Board should go by the expert counsel of the Corporation Counsel's office. He said: "However, there might be members who disagree with the opinion of the Corporation Counsel. I think this might sometime place them in a somewhat precarious position."

MR. BAKER said he would like to ask a question and wondered what the implication was in stressing the last paragraph of the Corporation Counsel's opinion. He asked if it was intended to raise the question as to the propriety of certain Board members appearing before the Planning Board in regard to the Capital Projects Budget public hearing.

The President replied that there was no implication whatsoever.

MR. HENRY NOLAN: "I have listened to the last speeches on this question and it is still not plain to me - when the last paragraph of that letter was read it mentioned specifically the Planning Board."

PRESIDENT: "Mr. Nolan, in the Charter there are certain provisions providing, in the case where residents feel that the Zoning Board, or the Planning Board has not made a proper decision and they therefore appeal to the Board of Representatives from the ruling of the Zoning Board, or the Planning Board, as the case may be. This is the matter upon which we asked the Corporation Counsel to rule upon-----whether possibly a matter could be brought before our Board -- and if it was all right for a member of our body to appear before those Boards in opposition or in favor of any matter being considered by those respective boards. He has ruled 'No' - that they cannot appear if they are going to act on it at a later date.

"If you, as an individual, would like to go before the Zoning Board on a given matter and testify at that time, it is quite all right. BUT, 1. at a later time it comes before the Board of Representatives, you would then have to disqualify yourself-- you could not then sit in as a judge in that particular matter before our Board."

MR. HENRY NOLAN: "That is very plain to me. But, when appearing before the Planning Board on a Capital Project Budget matter, it is not then considered forbidden by the Corporation Counsel's opinion, is it?"

The President stated that this did not concern the same situation as mentioned in the letter from the Corporation Counsel - that it (the letter) was only concerned with the question of whether or not an appeal should be brought to the Board on Zoning or Planning matters and if a member had appeared before either the Planning or Zoning Boards in regard to any particular appeal that was later brought before the Board of Representatives, he would necessarily have to disqualify himself from participating.

- (3) Acquisition of park land - Letter dated 2/10/60 from Planning and Zoning Director (Requested at 2/1/60 Board meeting - see page 2760 of Minutes of that date)

PLANNING BOARD

Feb. 10, 1960

To: Board of Representatives
From: Stamford Planning Board
Subject: Acquisition of park land, in accordance with
designed land use by the Planning Board

At its meeting of Tuesday, February 9, 1960, the Planning Board reviewed your memorandum regarding the above-captioned subject. You will be pleased to note, in keeping with your recommendation, the Planning Board is recommending \$50,000 in the 1960-61 Capital Budget for the purpose of acquiring land for recreational use, and also, the Planning Board has under study several possibilities leading to a formula to be applied in connection with setting aside of open space in conjunction with subdivision procedure.

STAMFORD PLANNING BOARD

/Signed/ Walter A. Wachter
Planning & Zoning Director

- (4) Notice of Public hearing from Planning Board for March 1, 1960 in connection with proposed Capital Projects Budget

(Note: All members were previously advised of above)

- (5) Police Garage - Concerning elimination from Circuit Court House plans (Letter dated 2/11/60 from Mayor Kennedy)

To: Board of Representatives

2/11/60

Dear Board Members:

Upon further and detailed investigation of the Circuit Court House plans, it now develops that it is not feasible to include a police garage in the basement of the Court House, as previously planned. Because of water conditions, it is not possible for the architect to provide proper overhead clearance necessary for the inclusion of a police garage.

Therefore, please be advised that the sum of \$250,000 previously requested, will be sufficient for the plans and construction of a new Circuit Court House.

/Signed/ J. Walter Kennedy
Mayor

NEW BUSINESS:

PRESIDENT: "I would like to notify the members tonight, that we have the Mayor's proposed Operating Budget for 1960-61 here for distribution. Will you kindly pick up your copy and sign for it. You must return it in order to get the Board of Finance' figures back. You will be able to use this at the joint public hearing on the Budget."

Someone asked when these Budgets must be returned and the President said a date for the joint public budget hearing of the Board of Finance and the Board of Representatives had been tentatively set for Friday, March 18th in the Auditorium of Dolan Jr. High School. at 8 P M

Re: New Zoning Maps

New Zoning maps were also distributed to the members present.

Appointment of Charter Revision Committee: (Special Committee)

The President announced the appointment of the following as members of the Charter Revision Committee: (6 members)

- (D) Paul T. Callahan, Chairman
- (D) J. Clyde O'Connell
- (D) Rcae C. Farina
- (D) Paul D. Shapero
- (D) George V. Connors
- (R) John L. DeForest

Re: Snow Removal:

MR. RUSSELL: "I would like to bring to your attention a very important subject that came up last week because of the severe snow storm. Apparently for some years back there has been some laxity of enforcement regarding the clearance of snow from sidewalks after snow storms. Now, this may not be important in certain areas, but certainly around school areas and where there is heavy traffic, it is important.

"On Sunday I was called out to go to Newfield Avenue and Weed Hill area and there were practically no cleared sidewalks anywhere in that area. Now, there happens to be a junction up there where children have to walk - there are three schools involved. Two of the schools involve children who are only in the second or third grade - small youngsters. Those children were forced to go out and walk on Weed Hill, which is a very dangerous place for them to walk in the street, and where the driving conditions were extremely hazardous even up until yesterday (Sunday). I went up there around noon and found the area still not cleared.

"Now, we have an Ordinance on our books, but unfortunately, like many of our other Ordinances, these things are not enforced. Chapter 28, Sections 2 and 3 are very clear about the responsibility of the property owner to remove snow from the sidewalks.

"I understand that in a couple of cases, after telephone calls, the police were asked to go up there and request the snow be removed.

"The police took a verbal beating from some of the residents and were almost told that they would not clear the sidewalks. I have had some conversations with the Commissioner of Public Works about this, and he feels that he is willing to take a part in seeing that in the future something is done about this."

MR. HUIZINGA suggested that this Board write a letter to the responsible departments involved.

MR. RUSSELL MOVED that a letter be sent from this Board to the Police Department and to the City Engineering Department, requesting that Section 2 and Section 3 in

Chapter 28 of the Code of General Ordinances be rigidly enforced in the future, particularly in areas where schools are involved and where dangerous road conditions might jeopardize the lives of children who must use the sidewalks. Seconded by Mr. Huizinga.

MR. MACRI: "I don't think that this Board should act on telling the Police Department that they are not doing their jobs well, without any investigation on our part. I would hesitate to vote on such a motion."

MR. RUSSELL: "This was never intended to be considered as criticism of our Police Department. The fact of the matter is, the Police have been up in that area (Newfield Avenue and Weed Hill). But, for some reason or other, we seem to have a lack of being able to enforce our Ordinances. This has come up before many times.

"When we talk about conditions where the lives of small children are involved, we should not take any chances. I just want us to take precautionary steps to make sure that the safety of the lives of these small children is taken care of."

The President said he thought it better not to try and draft letters on the floor of the Board and act hastily.

MR. MACRI: "It is my opinion that the last snow storm was the worst in recent years - especially the main arteries of the City of Stamford. These have been kept open by our Public Works Department headed by our Commissioner John Canavan. Therefore, I would like to make a motion at this time that Commissioner Canavan and his Department be commended for a job well done." Seconded.

Mr. Macri was reminded that his motion was out of order because a motion was now on the floor which must be voted on first.

VOTE taken on Mr. Russell's motion, to send a letter to the Police Department and the Engineering Department. CARRIED.

The Secretary was asked to repeat Mr. Macri's motion, which was done.

MR. HUIZINGA MOVED for adjournment. The President reminded him there was a motion on the floor and ordered a vote taken on the motion to adjourn. LOST.

VOTE taken on Mr. Macri's motion. CARRIED.

ADJOURNMENT:

Upon motion of Mr. Huizinga, duly seconded and CARRIED the meeting was adjourned at 10:55 P.M.

Respectfully submitted,

Velma Farrell

Velma Farrell
Administrative Assistant

APPROVED:

John R. Nolan
John R. Nolan, President
Board of Representatives

Note: The Minutes of Board of Representatives' meetings are not transcribed verbatim. However, Audiograph recordings of all meetings are on file in the Board office. Any member wishing to listen to the recordings may do so.

John R. Nolan, President