

A Special Meeting of the Board of Representatives was held on Thursday, March 16, 1961, in the Cafeteria of Dolan Junior High School, Toms Road, Stamford, Conn., in response to a "Call" issued by the President, as follows:

BOARD OF REPRESENTATIVES
Room #23, City Hall
Stamford, Connecticut

March 13, 1961

I, JOHN R. NOLAN, President of the Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives, for

THURSDAY, MARCH 16, 1961

at the DOLAN JUNIOR HIGH SCHOOL CAFETERIA

Toms Road, at 8:00 P.M.

for the following purpose:

For the consideration of the appointment of a Special Investigating Committee under Section 204.2 of the Stamford Charter.

(Signed) John R. Nolan.
President
Boa: of Representatives

The meeting was called to order at 8:20 P.M. by the President, John R. Nolan. The Clerk read the above "Call" of the meeting.

The meeting was broadcast over Radio Station W.S.T.C.

ROLL CALL was taken by the Clerk. There were 31 present and 8 absent. The absent members were: Anthony Truglia, Joseph Mancusi, George Georgoulis, Raymond Mazza, Edward Dombroski, Stanley Kulish, Stuart Palmer and Jack McLaughlin. (Mr. Ivler having resigned at the March 6th Board meeting, left a vacancy in the 15th District)

MR. DEFOREST, Chairman of a Special Committee, appointed by the President on March 8, 1961, presented the following report:

REPORT OF SPECIAL REVIEW COMMITTEE
TO STUDY ALLEGED USE OF POLITICAL
OFFICE IN INFLUENCING CITY OFFICIALS

The Special Committee, appointed on March 8, 1961 to review alleged improper use of political office regarding the new Medical Arts

Building, met on Saturday morning, March 11, 1961 at City Hall. The entire Committee, consisting of Messrs. David L. Johnson, Paul T. Callahan and John L. DeForest, were present.

After careful deliberation of the problems involved, it was the unanimous conclusion of the Committee that the public would best be served and best informed of the facts involved, if a Special Investigating Committee was created under provisions of Section 204.2 of the City Charter.

The present Committee also felt that, inasmuch as its existence will be terminated as of April 3, 1961, it might not be possible to arrive at a just and careful estimation of the situation in so brief a time.

Therefore, Mr. President, I recommend on behalf of the Committee, that a new Committee, under provisions of Section 204.2 of the Charter, be formed, to report back to the Board of Representatives at its earliest convenience, hopefully not later than the May meeting. In fact, the Committee strongly urges that the investigation be concluded by the May meeting.

I MOVE, Mr. President, that such an investigating committee be created under the provisions of Section 204.2.

Respectfully submitted,

John L. DeForest, Chairman
Paul T. Callahan
David L. Johnson

MR. O'CONNELL: "I hereby MOVE that the Board of Representatives, in accordance with Section 204.2 of the City Charter, request the President of the Board of Representatives to appoint the following Committee:

JOHN L. DEFOREST (R) (Chairman)
DAVID L. JOHNSON (R)
GEORGE RUSSELL (R)
PAUL T. CALLAHAN (D)
DANIEL BAKER (D)
ROBERT M. MEYERS (D)

whose specific charge shall be to investigate the alleged use of public office to improperly influence an administrative department of the City of Stamford. This Committee shall report back to the Board of Representatives on or before the regularly scheduled May 1961 meeting."

The President called for a seconder to Mr. DeForest's and Mr. O'Connell's motion. Seconded by Mr. Murphy, Mr. Carey and Mr. Johnson.

MR. KUCZO: "Before going into detail, I wish to state that I am against the proposal for creating a special investigating committee. The real issue is not whether a building violation exists or not, or whether the Board has acted properly or not. This is a matter for the Building Department and the Courts. The real issue is whether certain members of our Board have acted in a way that is not proper-----"

MR. O'CONNELL objected to the speaker's remarks as not being germane to the motion.

MR. KUCZO asked to be allowed to finish. He said a former member of this Board (Mr. Ivler) had tried to read a statement at the March 6th Board meeting and had been declared out of order. He said: "However, he did permit the contents of his statement to be read by radio station WSTC. The President of the Board at a special meeting held February 23, 1961, instructed Mr. Ivler to submit his facts to the Steering Committee and told him at that time that this was the only proper procedure. Mr. Ivler attempted to present the facts at the March meeting. Instead of waiting for a regular meeting of the Steering Committee or calling a special meeting of the Steering Committee, the President appointed a three man committee. In fact, the President even acted without the knowledge of the people he was appointing to the committee. This committee met and came to the conclusion that an investigation should be held under Section 204.2 of our Charter and that a special meeting of the Board should be called. The President has now called this meeting. It must be noted that the President has had a chance to present this to the Steering Committee and again, this has not been done. It appears that the President has not taken this to the Steering Committee, after he has informed Mr. Ivler that this was the only way to proceed and he has once again chosen to change the normal and regular procedures of this Board.

"We now come to the purpose of this meeting. A three man committee says that a committee should be appointed under Section 204.2 of the Charter. This Section is entitled 'Power to Investigate Administration.' and states that this Board shall have the power to investigate any officer, department or agency.

"This Committee came to the conclusion that this was the proper procedure to follow. The problem before us is not the investigation of the Building Department, or the Department of Public Works or even the Mayor. As I said before, what is before us are the facts that two of our own members acted improperly. Section 204.2 allows for subpoenas, and Section 206. allows for funds for investigation. It is obvious that we don't need subpoenas or funds for investigations of our own members' acts and this has never been used for this purpose.

"It is my belief that the original procedure, outlined by the President to Mr. Ivler was correct. This matter should be referred to the Steering Committee for whatever action they see fit. Why this has not been done is something that I cannot understand.

"So that there will be no confusion as to what is to be referred and why, I will make a statement of the facts as presented by Mr. Ivler at our last meeting, to be referred to the Steering Committee to examine as to whether they constitute an improper use of political influence by members of this Board.

"Ten members of this Board called a special meeting and put before the Board a motion for the appointment of a truly bi-partisan committee, the majority of the members of this Board, plus all the Republican members present, voted against this motion. When a Special meeting was called for February, no Republican members would sign this Call. I hope that the Republicans have not suggested this meeting and that a full investigation will be made and not be an attempt to cover up their previous unconcern. This is a serious problem and we have a duty to see to it that they take care of this problem."

MR. KUCZO asked that this be referred to the Steering Committee for action at a regular meeting of the Board.

MR. SCARELLA: "I find it very difficult to speak on this motion before us. At the March meeting, Mr. Ivler tried to refer some facts to the Steering Committee. The

Chair ruled him out of order, after which Mr. Ivler delivered his statement in writing to the President. I understand that WSTC read this statement over the air after our meeting-----"

MR. O'CONNELL rose on a point of order.

The President allowed Mr. Scarella to continue his remarks.

MR. SCARELLA: "-----but since I was still here and not listening to the radio, I didn't hear him. When I received this notice of the special meeting, I asked Mr. Ivler for a copy of his statement. I can't understand how the President, or anyone else expects this Board to act tonight without having a copy of this statement, or without having it read to him.

"Mr. Ivler presented a set of facts, and has anyone stated that his statement of the facts are not true? I am not asking about whether somebody did something proper or improper - but about the facts: The firm of Cushing and Shapero made application to the Zoning Board of Appeals on behalf of their client, Mrs. Alice Ballin-----"

Several people protested at this point regarding the speaker's remarks.

The President informed Mr. Scarella "You can attack the President all you want, but you cannot bring in others-----"

Mr. Scarella said he wished to continue.

The President said: "According to Robert's Rules of Order you are not allowed to use names."

Mr. Scarella said he wanted to lead up to a point he wished to make - that the facts presented by Mr. Ivler would bear him out.

The President said if Mr. Scarella was not going to draw any conclusion from his presentation of Mr. Ivler's statement, there was no point in bringing them out.

Mr. Scarella replied "Well, they'll eventually come out if the Committee is formed, anyway. In other words, the President didn't need any three member committee to look into the facts, is the point I'm trying to make - since nobody has disputed these facts. Mr. Ivler was trying to find out if these facts warranted us to look into them - to find out and see if one or more of our members had acted improperly or not. No charges have been made but there is a question whether our rules specifically prohibit a member from using his influence for his own personal gain."

The President said: "They do, Mr. Scarella - in the Charter."

MR. SCARELLA: "---However, in order to get these facts out to the public, and to get even this far, we have already lost the services of one of our hardest workers... that this Board ever had. We have had this Board give to the President powers over its committees - more than any other legislative body in the United States. We have had the Republicans, who show no concern about this matter, trying to make political hay out of the many mistakes of the present Administration. What are we going to do in the face of the undisputed facts? I suggest that we refer this to our Steering Committee and let them take action. And, if you will note the reason that I made that statement about the Republicans, it wasn't until a later time that the Republicans had one of their town and city committees pass a resolution - now that's a political body, and I also call attention to the fact that there is a member who is placed on

this committee who is chairman of that political body and I think that in all common decency that he should resign from this committee - if this committee is formed. He shouldn't want to serve. Thank you, Mr. President."

MR. DEFOREST: "As Minority Leader and Chairman of the town and city committee, we feel that we did not use any great amount of political pressure in this thing. I certainly could have, if I had wanted to. I don't see any necessity for me to argue this point with Mr. Scarella."

The President said: "I would just like to say at this point that it was at my insistence that Mr. DeForest accepted this appointment and was made Chairman of the Committee."

MR. MURPHY requested that the vote be made a roll call vote.

MR. RUSSELL said, in his opinion it is true that this matter could be referred to the Steering Committee, but the basic results would be the same.

HENRY NOLAN said he was in favor of this, after hearing so many conflicting half truths and innuendoes and that the facts about the entire matter should be brought before the committee and recommendations come into the Board from the committee.

The President relinquished the Chair at this point and the Clerk took over while he addressed the Board.

JOHN NOLAN: "I would like to make a few comments at this time. Originally it was my feeling that this should go to the Steering Committee for a proper referral. However, since so many people in the city have received the impression that something could be wrong - and I dislike saying this, but people sometimes like to believe the worst. People sometimes seem to think that if you are in politics that there is something wrong and I think it is about time that erroneous impression was corrected. I think it is time that the full facts are aired by this committee - nothing should be left unturned - they should come back to us with a full report, either completely exonerating the members of this Board, and if it should turn out that something is wrong, then recommending the steps to be taken.

"I think the proper way to go about this is lay all the charges and facts before the Committee and let them give it a complete airing. I urge every member to vote in favor of this motion. Thank you." The President resumed the Chair.

MR. SCARELLA: "Mr. President, if I may, there is a motion before this Committee and there's no question as to where it originated. Now, if the statements that Mr. Ivler made were handed to each member so that he could act upon it intelligently, you would find out that there are no charges made - there ARE no charges made. In that special meeting that was called by ten members of this Board, you will find that two motions were made. The best way to handle anything when it is a problem within our own Board, is to let this go to the Steering Committee and let the Steering Committee decide if this matter needs this type of an investigation and then come out and debate it publicly. How can any of the members vote intelligently now - to investigate WHAT? Now, I ask you in all fairness - these are not charges. I asked Mr. Ivler for a copy and I went over it carefully, word for word - there are no charges against anyone. In this statement there are no charges. You are putting the cart before the horse. You will find out at that special meeting that ten members called and you'll find that when this motion was made and that committee was formed, you will find that not one of the ten members that called the original meeting - the special meeting, there isn't one member from the ten original members --- and you'll find that in our second motion - that's the proper committee - that's the type of committee to form in my opinion - to look into the statement that Mr. Ivler made. Now, think before you vote. I can't understand, for the life of me, how we can vote intelligently without knowing what we

are asking the committee to investigate -- what? You just pull something out of the air and say go in and investigate. Is that it?"

Mr. Scarella spoke at some length.

The President said: "Mr. Scarella, I tend to resent your remarks. They are directed to the Chair in debating fashion. If you will remember, you spoke about Mr. Ivler's recommendations. At the time, I said to Mr. Ivler that if he would present charges, we could go forward.

"However, in your own statement, you said that Mr. Ivler NEVER presented any charges. There were innuendoes, etc., and that is why I would not let them be read at that meeting.

"Now, it is quite obvious to every member of the Board here, having read the Stamford Advocate and most of us having also listened to the radio station, that those statements (Mr. Ivler's) have been given full publicity in the local paper and the weekly paper and over the radio station.

"Now, for you to now suggest that we need to read those so called allegations or whatever you want to call them - those innuendoes - in order to act intelligently, I think it is going against the grain of this body.

"I suggest to you, Mr. Scarella, that if this whole body, acting as a Committee of the Whole, wishes to set up this Committee, I think it is much better than if the Steering Committee goes ahead and sets up this Committee or recommends that such a Committee be set up. So, for the life of me, Mr. Scarella, I cannot see why you are objecting. However, it is your right to do so."

MR. SCARELLA asked to speak again and was allowed to speak. He asked how much time he was allowed and was told three minutes.

MR. SCARELLA spoke again and stated that he had asked that this matter go to the Steering Committee and let the Board decide on what action should be taken as a whole. He spoke at some length.

The President informed Mr. Scarella that his time was up, but without objection he could continue.

There being no objection, Mr. Scarella continued speaking.

MR. CONNORS said this Board is now trying to do the same thing that they tried to accomplish at the special meeting. He spoke in favor of an investigation. He read Section 204.2 of the Charter at this time.

MR. HENRY NOLAN spoke in favor of the appointment of a special investigating committee. He said he thought there should be a unanimous vote so that once and for all the Board and the public should be given the true facts and he felt that the majority of the members of the Board felt the same way.

MR. SCARELLA asked permission to read a statement.

The President quoted from Robert's Rules of Order - that in order to read a paper it is necessary to first obtain the permission of the body and if the members

wished to give Mr. Scarella that permission, it could be done that way. The President asked Mr. Scarella if the statement had been written by someone else for him to read.

MR. SCARELLA: "What do you mean -- written for me?"

The President said: "Mr. Scarella, are you the author of this statement that you wish to read?"

MR. SCARELLA: "I'm the author - this is no speech - it was just written. Do you have a ghost writer, Mr. President?"

MR. SCARELLA: "These are facts, Mr. President - undisputed facts."

The President said: "I don't even know what you are going to say. You say these are facts, but I have no way of knowing whether or not they are facts."

"According to proper procedure, Mr. Scarella, names may not be mentioned, according to Robert's Rules."

MR. SCARELLA: "You mean casting aspersions?"

The President replied: "Yes."

MR. SCARELLA: "Well, if I call this the Medical Arts Building, that's what it is."

The President said: "Well, if you are not going to cast aspersions on anyone, without objection, you will be allowed to speak for the third time."

MR. SCARELLA: "In this statement, because I have this statement - would it be a fact that the firm of Cushing and Shapero represented a certain party? That's a fact - I mean it's a matter of record."

Several people objected at this point.

The President said: "I am sure, Mr. Scarella, that the law firm of Cushing and Shapero have represented many people, and I hope so, if they are doing a good business. If you have all these facts, I fail to see why you cannot give them to the Committee and let them consider them and make their recommendations to the Board. Perhaps the Committee will subpoena Mr. Scarella and have him give them the facts."

The President asked the members if everyone was clear on the motion before the Board. Several members asked that the motion be read once more.

The President requested Mrs. Farrell to read the motion once more. The motion is as follows:

"I hereby MOVE that the Board of Representatives in accordance with Section 204.2 of the City Charter, request the President of the Board of Representatives to appoint the following Committee:

JOHN L. DEFOREST (R) (Chairman)
DAVID L. JOHNSON (R)
GEORGE RUSSELL (R)

PAUL T. CALLAHAN (D)
DANIEL BAKER (D)
ROBERT M. MEYERS (D)

"Whose specific charge shall be to investigate the alleged use of public office to improperly influence an administrative department of the City of Stamford. This Committee shall report back to the Board of Representatives on or before the regularly scheduled May 1961 meeting."

MR. BAKER rose to a point of order. He said: "I think perhaps there may be some danger with respect to our orderly procedure and I want to check in this regard. It is my impression that before Mr. O'Connell made his motion that there was a motion made by Mr. DeForest."

The President informed Mr. Baker that the motion was co-sponsored by Mr. DeForest and Mr. O'Connell.

A ROLL CALL VOTE was taken on the motion, there being 28 yes votes, 2 no votes, with the President not voting, there being 31 members present. The vote was as recorded below:

THOSE VOTING IN FAVOR OF THE MOTION

Eleanor R. Austin (D)
Daniel Baker (D)
Fred C. Blois (D)
Paul T. Callahan (D)
James E. Carey, Jr. (D)
Edwin W. Cole (D)
George V. Connors (D)
John L. DeForest (R)
Anthony Esposito (D)
Rose C. Farina (D)
Bernard B. Geronimo (D)
David L. Johnson (R)
Stephen E. Kelly (D)
Benjamin Koziowski (D)
Carmine V. Longo (D)
Michael D. Macri (D)
Robert M. Meyers (D)
James F. Mulreed (D)
William D. Murphy (D)
Henry F. Nolan (D)
J. Clyde O'Connell (D)
Alvin T. Philpotts (R)
Daniel M. Reback (D)
George Russell (R)
Gerald J. Rybnick (D)
Allen J. Shanen (D)
Paul D. Shapiro (D)
Peter C. Sileo (D)

THOSE VOTING AGAINST THE MOTION

Paul J. Kuczo, Jr. (D)
Patrick J. Scarella (D)

The President declared the motion CARRIED, saying 27 yes votes are needed to carry.

Concerning retention of Counsel:

MR. SCARELLA MOVED that William M. Ivler be retained as Counsel for this Committee.

The President ruled Mr. Scarella out of order, for the reason it is not in the "Call" of the meeting. (laughter)

MR. DEFOREST suggested that the Committee would avail themselves of the services of the Corporation Counsel. He said as Chairman of the Committee he would like to have an unbiased Counsel to serve the Committee.

ADJOURNMENT:

On motion of Mr. Longo, seconded by Mr. Macri, the meeting adjourned at 9:20 P.M.

APPROVED:


John R. Nolan, President
Board of Representatives


Velma Farrell
Administrative Assistant

