

Minutes of April 3, 1961  
Meeting of Board of Representatives  
Stamford, Connecticut

3050

A regular meeting of the Board of Representatives of the City of Stamford was held on Monday, April 3, 1961, in the Cafeteria of the Dolan Junior High School, Toms Road, Stamford, Connecticut. The meeting was broadcast over Radio Station WSTC

The meeting was called to order by the President, John R. Nolan, at 8:20 P.M.

INVOCATION: Was given by Rev. Stanley F. Hensley, Pastor, St. John's Episcopal Church.

ROLL CALL was taken by the Clerk. There were 32 members present, 7 absent, with 1 vacancy (Mr. Wm. Ivler, who resigned at the March meeting). However, several members arrived later, and a replacement was sworn in to replace the vacancy in the 15th District, changing the roll call to 35 present and 5 absent. The absent members were: Joseph Mancusi, George Georgoulis, Bernard Geronimo, Raymond Mazza and Jack McLoughlin.

A moment of silence was observed in tribute to the memory of Mrs. Rose Esposito, the mother of Anthony Esposito, 14th District Representative.

Re: Letter of condolence to the family of Mrs. Rose Esposito

MR. KELLY MOVED that a letter of condolence be sent by the Board to the family of Mrs. Rose Esposito, who passed away on March 25, 1961. Seconded and CARRIED unanimously.

ACCEPTANCE OF MINUTES - Meeting of February 23, 1961  
Meeting of March 6, 1961

The Minutes of the above meetings were accepted, there being no additions or corrections.

APPOINTMENT - Replacement for Wm. M. Ivler, 15th District Representative, who resigned at the March 6, 1961 Board meeting

The President requested Mrs. Farrell to read a letter from the Corporation Counsel at this time, concerning the above matter. The following letter was thereupon read:

CITY OF STAMFORD, CONNECTICUT

April 3, 1961

Mr. John R. Nolan, President  
Board of Representatives  
City Hall  
Stamford, Connecticut

Dear Mr. Nolan:

This letter is in response to your request for an opinion concerning the question of the replacement of William M. Ivler, 15th District Representative, who resigned on March 6, 1961. The basic

question presented is whether or not a vacancy occurs in the event that an ineligible candidate receives a majority of votes in a municipal election. Since the answer to this basic question obviates the necessity of a factual investigation with regard to questions \*(1) and \*(2) of your request, this opinion will deal only with question \*(3) in the light of the weight of authority concerning the basic question presented.

\*(Note: For reference to questions Nos. 1, 2 and 3, see notation at end of this letter)

The question of the effect of an ineligible candidate receiving the highest number of votes for a municipal office has been decided by a number of jurisdictions, although there is no Connecticut case directly in point. However, the courts of these various jurisdictions have established a clear line of authority in the United States to the effect that although the candidate voted for by a majority cannot be declared elected because of his ineligibility and the majority vote is thereby rendered ineffective for such purpose, such majority vote is effective to forbid the election of the candidate having the next highest number of votes American Jurisprudence, Vol. 18, Elections, Sec. 263.

One rationale given for this rule is that the votes cast for such ineligible candidate are not considered as counted for him, but are taken as against his opponent so far as concerns the latter's right to the office. Further, an analogy is drawn between this situation and the case in which a candidate for office dies between the date of nomination and that of election, the electorate unknowingly electing a dead candidate. In such a case, a vacancy occurs.

Another basis of this rule is that it is consistent with the provisions in the various statutes or constitutions to the effect that the person receiving the highest number of votes shall be elected. If the contrary rule were followed; i.e. to award the office in such case to the person receiving the next highest number of votes, then, in effect, there is a violation of the provision stating that the person receiving the highest number of votes shall be elected.

Such a provision appears in the Stamford Charter and applies specifically to election of members of the Board of Representatives. Section 115 of the Stamford Charter provides in part: "The two candidates in each district receiving the greatest number of votes in their district shall be deemed elected." In this connection, the rule is otherwise stated that:..... a person receiving only a minority of the legal votes polled in a municipal election is not to be awarded a municipal office, notwithstanding the incumbent be removed on account of some personal disqualification." Antieau, Municipal Corporation Law, (1958), Section 17.06.

A minority of jurisdictions hold with what is known as the "English doctrine." Under this doctrine, a distinction is drawn between the situation where the electorate has knowledge of the disqualification at the time of casting its vote and the situation where there is no such knowledge. In the former case, the voters are deemed to have thrown away their votes and to mean not to vote for anyone for that office, so that the eligible candidate receiving the next highest vote is elected.

But, even in this case, it is difficult to determine this knowledge on the part of the electorate. It is said not to be enough that the voter knew of a fact out of which a disqualification arises; there must be a reasonable inference that he knew that such facts amounted to a disqualification. Because of the great problem of proof, this doctrine is said to have little or no practical application.

In any event, it is quite certain that no inference of such knowledge on the part of the electorate can be raised in the case of Mr. Ivler, so that even under the minority rule, it would be determined that in the case presented the minority candidate was defeated by the majority of votes cast in favor of the ineligible candidate without knowledge of such ineligibility. The presumed ineligible candidate now being out of office, a vacancy exists.

Therefore, under either a negative or affirmative hypothesis regarding questions (1) and (2), with the resignation of Mr. Ivler from the Board of Representatives, a vacancy has occurred in the office. The procedure to be followed in filling this vacancy is set out specifically in Section 201 of the Stamford Charter, which provides as follows:

"Vacancy. If a representative shall die, resign, cease to be a resident of Stamford or become disqualified to hold his office, such office shall become vacant and the Board of Representatives shall, at its next regular meeting following the vacancy, elect a successor to serve for the remainder of the term. Such successor shall reside in the district where the vacancy occurred and shall otherwise conform to the qualifications set forth in Section 114."

Very truly yours,

(signed) Isadore M. Mackler  
Corporate Counsel

IMM/sg

\*The questions Nos. (1), (2)  
and (3) referred to in above  
letter are as follows:

- (1) Was Mr. Ivler a bona fide resident of the 15th District at the time of his election?
- (2) Was Mr. Ivler's election valid?
- (3) What procedure should be followed in electing a successor? (In the event the answers to questions No. (1) and (2) are in the negative.)

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MR. DEFOREST asked for a ten minute recess in order to study the Corporation



Counsel's letter, inasmuch as it had just been received tonight and the members had not had a chance to examine it. He so MOVED. Seconded by Mr. Callahan and CARRIED.

The recess was over at 8:40 P.M. and the members resumed their seats.

MR. DEFOREST said there did not appear to be very much in the Corporation Counsel's letter to indicate whether or not Mr. Ivler was in the 15th District.

However, he said the one point he wanted to emphasize now was that there should be some authority in the city, either the Registrar's of Voters, Town Clerk, or another, to define these Districts more carefully so that on a future occasion it could not result in confusion such as the recent one.

Mr. DeForest said the Republican members of the Board would, however, support the candidate offered by the Democrats as a replacement in the 15th District for Mr. Ivler.

REPLACEMENT in 15th District - JAMES P. McDONALD, Democrat (Replacing Wm. M. Ivler, resigned 3/6/61)

MR. O'CONNELL placed the name of JAMES P. McDONALD a Democrat, residing in the 15th District in nomination as successor to Wm. M. Ivler, resigned.

Mr. O'Connell said Mr. McDonald resides at 258 Culloden Road. He gave a brief history of Mr. McDonald's qualifications.

Mrs. Austin seconded the nomination.

There being no further nominations, the President declared Mr. McDonald elected, and asked him to come forward to be sworn into office.

MR. SHAPERO administered the oath of office to Mr. McDonald and he then assumed his seat as a member of the Board from the 15th District. (ap'ause)

The roll call was now changed to 33 present and 7 absent.

#### COMMITTEE REPORTS:

The President requested Mrs. Farrell to read the Steering Committee report, which follows:

#### STEERING COMMITTEE REPORT Meeting held Monday, March 20, 1961

A meeting of the Steering Committee was held on Monday, March 20, 1961 in the Mayor's office, City Hall. The meeting was called to order at 8:10 P.M. by the Chairman, John R. Nolan.

The following were present: John Nolan, Chairman; John DeForest, Paul Shapero, Steve Kelly, Eleanor Austin, Daniel Baker, Henry Nolan, Peter Sileo, George Russell, Daniel Reback and George Connors. The following were also present: Edwin Cole, James Carey, Allen Shanen and Paul Callahan.

Absent were: Clyde O'Connell, Bernard Geronimo, William Murphy and Jack McLaughlin.

The following matters were discussed and acted upon:

(1) Additional appropriations:

All requests for additional appropriations, previously approved by the Board of Finance at their March 6th meeting were REFERRED TO THE FISCAL COMMITTEE. In the case of items of \$2,000 and over, these were also referred to a secondary committee.

(2) Appointment of replacement for Wm. M. Ivier, 15th District Representative, who resigned at the March 6th Board meeting. ORDERED PLACED FIRST ON AGENDA, in accordance with provisions of Sec. 113 of Charter.

(3) Concerning Extension of Sunset Street Bus Line (Brought up under "New Business" by Henry Nolan at March 6, 1961 meeting and referred to the Steering Committee)

The above matter was REFERRED TO THE HEALTH & PROTECTION COMMITTEE

(4) Concerning periodic health examinations of food handlers who serve food to the public (Letter from William Murphy, 11th District Representative, dated March 16, 1961 - REFERRED TO HEALTH & PROTECTION COMMITTEE

(5) Concerning a City Ordinance pertaining to drive-in stores (Letter dated March 14, 1961 from Frank Kozlinski)

The above matter was discussed and turned over to George Connors, 10th District Representative, to explain the Ordinance.

(6) Report of PERSONNEL COMMISSION of meeting held 2/20/61 - REFERRED TO PERSONNEL COMMITTEE

(7) Suggested revisions to CITY CHARTER (3 letters) - REFERRED TO THE CHARTER REVISION COMMITTEE. Letters listed as follows:

(a) Carbon copy of letter to Mayor, dated 3/3/61, concerning tax relief to aged persons.

(b) Concerning term of appointments to Board of Tax Review (Letter from Mayor, dated 3/8/61)

(c) Concerning action on the Budget and action on the Board of Education Budget - (Letter dated 3/9/61 from Mrs. Robert R. Hume)

(f) Concerning opinion on alternate members for the Planning & Zoning Boards (Contained in letter from Corporation Counsel dated 3/9/61)

Above letter noted and REFERRED TO CHARTER REVISION COMMITTEE (copies sent to all members) and ORDERED PLACED ON AGENDA UNDER "COMMUNICATIONS"

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

Respectfully submitted,

JOHN R. NOLAN, Chairman  
Steering Committee

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#### APPOINTMENTS COMMITTEE:

MRS. AUSTIN, Chairman, presented the report of her committee. She stated that the committee met on March 20, 1961. Present were: Eleanor Austin, Chairman, John DeForest and Paul Shapero. Absent were: George Georgoulis and Paul Callahan.

Mrs. Austin said all members of the committee concurred in the action taken in approving the appointment of Mr. Leonard Leeds as a member of the Parking Authority.

Concerning appointment of LEONARD W. LEEDS (Republican), Bayberry Drive as a member of the PARKING AUTHORITY, to term ending January 1, 1964 (Successor to Adolph M. Nelson, (Republican) whose term has expired)

MRS. AUSTIN said the Appointments Committee interviewed Mr. Leeds and it was the unanimous recommendation of the committee that he be appointed as a member of the Parking Authority and so MOVED. Several people seconded the motion, being Mr. Connors, Mr. Kelly, Mr. Russell, and Mr. O'Connell.

The tellers distributed the ballots among the members.

MR. LEONARD W. LEEDS was confirmed as a member of the Parking Authority by a vote of 29 in favor, 4 opposed, with one abstention.

#### FISCAL COMMITTEE:

MR. REBACK, Chairman, presented his committee report. He said a meeting was held on March 29, 1961 with the following members present: Miss Rose Farina, Mrs. Eleanor Austin, Paul Callahan, George Connors, Peter Sileo, George Russell and Daniel Reback. Absent: Jack McLaughlin.

- (1) \$950,000.00 - Resolution amending Capital Projects Budget of 1960-1961 by adding to project known as "Elementary School North of Parkway" an additional sum of \$950,000.00 for general construction (Mayor's letter of 3/1/61)

MR. REBACK presented the following resolution and MOVED for its adoption. Seconded by Mr. Carey, Chairman of the Education, Welfare & Government Committee, who said this matter had also been referred to his committee and they concurred in the approval.

VOTE taken on the following resolution and unanimously APPROVED:

#### RESOLUTION NO. 348

AMENDMENT TO THE 1960-1961 CAPITAL PROJECTS BUDGET  
BY ADDING TO PROJECT KNOWN AS "ELEMENTARY SCHOOL  
NORTH OF PARKWAY" AN ADDITIONAL SUM OF \$950,000.00  
FOR GENERAL CONSTRUCTION

BE AND IT HEREBY IS RESOLVED by the board of Representatives of the



City of Stamford, pursuant to Section 611.5 of the Stamford Charter, to approve an amendment to the 1960-1961 Capital Projects Budget, by adding to the project therein designated as "ELEMENTARY SCHOOL, NORTH OF PARKWAY" an additional sum of \$950,000.00 to be used for the general construction phase for the aforementioned school, and the appropriation of that amount for aforesaid project.

- (2) \$53,000.00 - Resolution amending Capital Projects Budget of 1960-1961 by adding thereto an item to be known as "Cove Pond Project" in the amount of \$53,000.00 for said project (Mayor's letter of 3/1/61)

MR. REBACK presented the following resolution and MOVED for its adoption. Henry Nolan, Chairman of the Public Works Committee, said the Public Works Committee had approved this appropriation. The motion was seconded by several members and CARRIED unanimously:

RESOLUTION NO. 149

AMENDMENT TO THE CAPITAL PROJECTS BUDGET OF  
1960-1961 BY ADDING THERETO AN ITEM TO BE  
KNOWN AS "COVE POND PROJECT" IN THE AMOUNT  
OF \$53,000.00 FOR SAID PROJECT

BE AND HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford, pursuant to Section 611.5 of the Stamford Charter, to approve an amendment to the 1960-1961 Capital Projects Budget, by adding thereto an item to be known as "COVE POND PROJECT" in the amount of \$53,000.00, and the appropriation of that amount for said project.

Mr. Meyers arrived at this time, changing the roll call to 35 present and 5 absent.

- (3) \$1,000.00 - PARK DEPARTMENT - Code 500.12 Maintenance of Equipment (Mayor's letter of 3/1/61)

MR. REBACK MOVED for approval of the above appropriation. Seconded by Mr. Kelly and CARRIED unanimously.

- (4) \$665.37 - DEPARTMENT OF PUBLIC HEALTH - Code 420.1, Salaries (Mayor's letter of 3/1/61) (Concerning upgrading of 6 Sanitarians from Grade S-15 to S-16 and upgrading of Public Health Engineer from Grade S-18 to Grade S-20)

MR. REBACK MOVED for approval of the above appropriation. Seconded by Mr. Connors and CARRIED unanimously.

- (5) \$2,100.00 - COLLECTOR OF TAXES, Code 575-R - Reserve for Tax Refunds (Mayor's letter of 3/1/61)

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Sileo. Mr. Carey, Chairman of the Education, Welfare & Government Committee, to whom this matter had also been referred, said his committee concurred in the approval. CARRIED unanimously.

- (6) \$150.00 - PLANNING BOARD - Code 520.1, Salaries (Overtime for Secretary)  
(Mayor's letter 3/6/61)

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Russell and CARRIED unanimously.

- (7) \$50.00 - ZONING BOARD - Code 550-1A, Overtime Secretary (Mayor's letter 3/6/61)

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Sileo and CARRIED unanimously.

- (8) \$3,600.00 - BUREAU OF ACCOUNTS & RECORDS - Code GG-487.1B, Overtime Account  
(Mayor's letter 3/5/61)

MR. REBACK MOVED for approval of the above appropriation. Seconded by M. S. Austin.

MR. CAREY, Chairman of the Education, Welfare & Government Committee, to whom this matter had also been referred, said his committee approved this request.

MR. SCARELLA rose to a point of information. He asked why the Code number on this appropriation was referred to as Code 482.1B when a previous appropriation was requested by this department at the December 5, 1960 meeting of the Board of Representatives and was then referred to as Code 482.1A in the Mayor's letter dated Oct. 17, 1960. (See Minutes of Dec. 5, 1960, page 2953, item #2) Mr. Scarella said he wanted to know what was the difference between these two accounts, as they apparently were for the same thing.

MR. CALLAHAN requested permission to answer this question and was granted the privilege. He said: "On page 9 of this year's operating budget (1960-1961 Budget), we have the Code 482.1A which is for Part-time help. I believe Code 482.1B is an additional appropriation for Overtime Help, and is a new account number."

Mr. Scarella said if this explanation was true, then why was the account called Code 482.1A when this Board approved it on December 5, 1960 in the amount of \$5,400.00 and was for Part-Time Help for this Department.

MR. REBACK informed Mr. Scarella that this money was for Overtime and not for Part-Time Help.

MR. SCARELLA: "Last year when we approved \$5,400.00 for Code 482.1A, Part-time help - it's the same account. We approved it at our December 5, 1960 meeting."

MR. REBACK: "For part time help?"

MR. SCARELLA: "Right - for part-time help."

MR. REBACK: "It's for overtime."

MR. SCARELLA: "Now, how do you justify this: here's the Mayor's letter: (10/17/60)

.....Certain remedial measures of a substantial nature have been under consideration since the beginning of the year and will be presented to you when ready. In the interim, the department personnel have cooperated in placing the present fiscal year on a current basis so that we are now able to issue an appropriations statement for the



quarter ended September 30, 1960. In our present situation, it is my desire to maintain the current status of our present year and to bring the records of the fiscal year ended June 30, 1960 up to date and closed as quickly as possible. This can only be done by overtime work on the part of the Finance Department personnel. Such overtime work would be for an estimated period of three months and would involve nights and Saturdays. It is my opinion that this is the one way we can clear up a situation of many years standing. It is my desire to compensate these employees for their overtime since we cannot spare the subsequent time off.

'I respectfully request that you initiate with the Board of Finance and the Board of Representatives a request for an additional appropriation in the amount of \$5,400 00 to pay for the work to be performed by the female personnel of the Department, the money to be allocated to the Bureau of Accounts and Records, Account 482.1A (Part-time help).'

MR. SCARELLA: "Now, the point I am trying to make is - what is the difference between these two accounts?"

MR. REBACK: "According to the letter that you have just read, there might very well be a difference, but what it would be I would not be able to say, because in the Mayor's letter of transmittal dated March 6, 1961, we find the following:

'In the process of updating the records of the Bureau of Accounts and Records, we have used up the amount of overtime previously appropriated by the Boards. It is now my desire to place the records of the City on a full current basis, and it is estimated that we will need another \$3,600. It is estimated that this amount will be sufficient to pay for the overtime required to complete the updating of the records. I therefore respectfully ask if you would initiate a request for an appropriation in the amount of \$3,600 to be allocated to the Bureau of Accounts and Records Overtime Account, Code GG-482.1B.'

MR. REBACK: "It is quite possible, since they are both being used for the same thing, that one of these Code numbers may have been either made in error in transmission, or one may be a new Code number, and unfortunately I cannot answer that at this point."

MR. CALLAHAN: "As a member of the Fiscal Committee, Mr. Gluss informed us last Wednesday evening that the \$5,400 had been used up, which had originally been approved by this Board and that he was coming in for an additional \$3,600 under the same account number. I would suggest that the December appropriation which was approved by this Board was approved under the wrong account number A when it should have been B, because this is the proper number for this account - 484.1B. Mr. Gluss informed us that this was for the same account number - that the \$5,400 had been used up and that this was an additional appropriation for the same account. This being for overtime, I would think that B would be the proper Code number the account should be listed under."

MR. SCARELLA was asked by the President if this answered his question.

MR. SCARELLA: "I just want to get it straight in my mind that this is the same account. Now, Mr. Callahan informs me that it was approved under the wrong account number at our December 5th meeting."

The President said he failed to see the difference - that it obviously was intended for the same account and probably can be easily clarified.

MR. SCARELLA said he had one more question. He asked if any of the \$3,600 now being requested had been expended.

The President informed Mr. Scarella that he had no right to the floor, but he would allow him to speak.

MR. SCARELLA: "You will note that the Commissioner of Finance has come in for an extra appropriation of \$5,400 and that we approved it at our December 5th meeting. He stated then that this would take care of the overtime help within his department. Now, he comes back and asks for another \$3,600 - that's nearly \$10,000 for overtime. It seems to me that if you would look at the budget for the previous fiscal year, (1959-1960) that \$1,000 was appropriated and the audit of the city's books was in on time. It seems to me that there is one thing that this Board cannot tolerate, and that is inefficiency in our Finance Department.

"You will also notice in the Mayor's letter of March 6, 1961 to this Board about the subject appropriation, that the Bureau of Accounts and Records has also requested an additional appropriation of \$1,244.60 for an item concerning the installation of an IBM Data Processing System machine, for an operator or supervisor to assist in the installation and operation of this machine. And, you will also note that the Commissioner of Finance is also asking for an appropriation of \$3,600 in overtime, for the Bureau of Accounts and Records.

"Now, we have an obligation to watch these items. If we have an item of over \$10,000 for overtime within a department, to my mind it seems like we are giving an award for inefficiency.

"You will note that the city's audit in the past has always been in on time. The Commissioner of Finance goes on to state that there has been records of year's standing. Now, when he quotes 'year's standing' I would like to know how many years he means.

"Now, you cannot make an audit unless the books are balanced. I say that we should TABLE this appropriation until we can actually get the facts as to whether this requested appropriation for overtime is under Code 484.1A or Code 482 1B, and I so MOVE."

The President said that Mr. Scarella does not have the right to MOVE TO TABLE this matter for the reason that Mr. Reback has the floor.

MR. REBACK: "I think that by bringing up this point, you have been very observant and I want you to know that the Fiscal Committee also brought this point up, reviewed all of the information - and the information was given to me on February 27th, 1961.

"It is true that about \$9,000 is being appropriated for overtime help and I will attempt to explain why. When the audit for last year (1958-1959) was finished,



it was finished in October 1959. Nothing has been done on the General Ledger and on appropriation ledgers other than enumerating since July 1, 1959. The entire system is four months behind.

"In October 1959, the Accountant, Mr. Andrews, died, ceasing all operation. It would seem that when the Accountant in charge of this work and keeping the books up to date is no longer in the office, it is not just a simple matter to refer that work to another person who is not familiar with the work. However, I do not believe that is due cause for levity, but it certainly is due cause for a long delay in getting the books up to date.

"In 1959 - in December - two girls in the office resigned, leaving three. They could not hire sufficient personnel until September 1960. And, in 1960-- in September, two girls were hired. They placed the current year, on a current basis, starting July 1st, 1960, and except for the General Ledger, which must wait for completion of the audit, which at this point is now completed, the audit for the current year has been completed and has been printed.

"Realizing that postponement was necessary, due to a series of unfortunate circumstances, Mr. Gluss (Commissioner of Finance), appealed to the State and was granted the postponement so that in no way was any of the rules of the Charter broken. I hope that in some measure, this will explain the delay."

MR. SCARELLA asked to speak again in order to ask a question through the Chair, and was granted the privilege of the floor for this purpose.

MR. SCARELLA: "Mr. Chairman, may I ask, through you, if the Chairman of the Fiscal Committee knows if there is a surplus in the Salaries Account?"

MR. REBACK: "I would like to explain that question, Mr. Scarella. I want you to know that your Fiscal Committee was right there with the answers to your question.

"When a resignation, or a death occurs in a Department, the salary for that position ceases. The money which has been appropriated is also used, I am given to understand, for the completion of the previous incumbent's sick leave pay, vacation pay, and that type of expenditure. You cannot use the money that has been appropriated for that person's salary for overtime help. Any money that was appropriated for help that was in the Department, is returned to the General Fund."

MR. BAKER spoke in favor of the appropriation. He said it appeared that the Fiscal Committee had made a very careful investigation into all the facts and circumstances and has satisfied itself upon the evidence placed before it, of the need for this appropriation. He said he saw no reason for charges being loosely made without foundation.

MR. SCARELLA ROSE ON A POINT OF PERSONAL PRIVILEGE.

The President inquired as to what it was.

MR. SCARELLA: "I don't think that I made any statements that cast any aspersions on anyone. I am merely trying to clear up a point. Until such time, I think that the Fiscal Committee should tell me-----"

The President reminded the speaker that he was getting away from his point of personal privilege.

MR. SCARELLA asked the President if he could speak on the motion.

The President informed him that it would be for the third time.

MR. SCARELLA MOVED that this matter be TABLED until the Fiscal Committee can tell the Board whether or not the Code number on this requested appropriation is either "A" or "B". Seconded by Mr. Kozzo.

VOTE taken on Mr. Scarella's motion. LOST by a vote of 32 opposed and 2 in favor, the President not voting.

MR. BAKER MOVED the question.

VOTE taken on Mr. Reback's motion to approve item (8) on the agenda for \$3,600.00 for the BUREAU OF ACCOUNTS & RECORDS - Code GG-482.1B, Overtime Account. CARRIED.

(9) \$315.66 - Former CITY COURT - Code GG-800.1, Salaries (For vacations never received because of change over from City Court to new Circuit Court) (Mayor's letter 3/6/61)

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Callahan and CARRIED unanimously.

(10) \$1,244.60 - BUREAU OF ACCOUNTS & RECORDS - Code GG 482.1, Salary Account (Mayor's letter 3/6/61) (For Supervisor's salary for installation of IBM system)

MR. REBACK MOVED for approval of the above item. Seconded by Mr. Sileo and CARRIED unanimously.

ANNOUNCEMENT RE APPOINTMENT - Vice Chairman of Fiscal Committee

MR. REBACK, Chairman of the Fiscal Committee, announced that Peter C. Sileo would be the Vice Chairman of the Committee.

LEGISLATIVE & RULES COMMITTEE:

MR. SHAPERO, Chairman, presented his committee report. He said a meeting was held on April 1, 1961 and present were Messrs. Johnson, Macri and Shapero. He said a resolution to discontinue the westerly end of Homestead Avenue was approved for presentation at the April Board meeting.

Mr. Shapero explained that the first item on the agenda concerning a proposed Ordinance regulating Swim Clubs in the City, had been referred to Mr. Johnson, another member of the committee, to present, because Mr. Shapero's law partner was involved in this matter.

(1) Proposed Ordinance concerning regulations of Swim Clubs in City of Stamford (See Minutes 12/5/60, item #2, pages 2951, 2975-2976 - Also Minutes of 3/6/61, item #4, page 3026)

MR. JOHNSON read the following proposed Ordinance and moved for publication.



AN ORDINANCE REGULATING THE OPERATION OF  
SWIM AND TENNIS CLUBS IN THE CITY OF  
STAMFORD (Proposed Ordinance)

STATEMENT OF PURPOSE:

WHEREAS, it is deemed desirable for the health, safety and general welfare of the people of the City of Stamford to regulate the operation of so-called tennis and swim clubs which may be established in residential areas of the City of Stamford,

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

1. Definition:

The word Club as used herein shall mean a voluntary or corporate association whose objectives, pursuits and purposes are social or recreational, maintained on land owned or leased by it for one or more of the following activities: tennis courts, swimming pools or other recreational facilities, maintaining buildings necessary or desirable for the exercise of its objectives, pursuits and purposes.

2. No alcoholic beverages shall be sold on the premises occupied by such club.

3. No over night accommodations, other than those required by a caretaker or similar employee shall be provided on the premises.

4. Any open air recreational facility provided on the premises shall be closed and cease to operate by ten o'clock each night.

5. Penalty:

All persons, firms and corporations, as principals or agents, causing, participating in or in any way responsible for any violation of this Ordinance shall be severally guilty of such violation and shall each be fined not more than twenty-five dollars (\$25.00) for each offense.

This Ordinance shall take effect upon the date of its enactment and shall apply to all such Clubs whose recreational facilities are not in operation upon the effective date of the passage of this Ordinance.

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Mr. Macri and Mr. DeForest seconded Mr. Johnson's motion for approval of the above Ordinance for publication.

MR. BAKER rose on a point of information. He said he wanted to know particularly about the area that would be permitted for changes and modifications in the Ordinance before final adoption and as to what the procedure would be in that regard.

MR. JOHNSON informed Mr. Baker that the Committee would be open to any suggestions regarding the text of the Ordinance and changes thereto.

MR. BAKER inquired whether re-publication of the proposed Ordinance would be necessary in the event of amendments that might be approved at the next Board meeting.

The President informed Mr. Baker that whenever an Ordinance is considered of an emergency nature, it is always possible to waive pre-publication before its adoption by a two-thirds vote. (of the entire membership - see Sec. 204.1 of Charter) He said it was not a desirable way to pass Ordinances, but it could be done and has been done in the past.

MR. SCARELLA rose to a point of information.

The President informed Mr. Scarella that a member uses up his speaking time whenever he rises to a point of information.

MR. SCARELLA said he wished to ask Mr. Johnson a question and asked if he was in order or not. The President replied that he was not in order. However, he permitted him to ask a question.

MR. SCARELLA: "I understand there is a conflict in regulations of the Zoning Board and this Ordinance. I would just like to ask Mr. Johnson if the Corporation Counsel was asked for his opinion in regard to this matter."

MR. JOHNSON: "The Corporation Counsel was queried on several points, on such things as lighting, buffer zones, certain things which would be needed. All of these questions were asked and the report from the Corporation Counsel was sent to the Chairman of our Committee, Mr. Shapero. When I discussed it with him I was told that we do have the right, as a Board, to pass an Ordinance regarding the regulation of certain facets of swim clubs. The other matters come within the purview of the Zoning Board."

MR. REBACK spoke in favor of the Ordinance.

MR. BAKER said he was in favor of the passage of such an Ordinance. He suggested several amendments that he thought should be incorporated.

MR. SCARELLA objected, saying Mr. Baker was out of order in not speaking on the motion, and that the motion was only for publication.

The President declared Mr. Baker out of order and asked him to confine his remarks to the motion on the floor.

MR. BAKER said he thought the Ordinance should not be published until after the amendments are brought in, which would guarantee the things which the Ordinance seeks to accomplish and the Ordinance should not be enacted until the amendments are incorporated within its provisions. He said he did not think the Ordinance should be adopted until it is provided that swim clubs be non-profit organizations, and no such club should be permitted to be organized unless the approval of a majority of the residents in the area circumscribed in which the club is to be located and unless it provides for the enforcement by some city agency of the provisions of the Ordinance. He MOVED to amend that the Ordinance be referred back to committee for redrafting along these lines.

MR. DEFOREST said he thought the Ordinance should be adopted for publication in order to get it started and if the Board doesn't get it going soon, there would be no telling how many more swim clubs would be in operation in the meantime.



After some further debate, MR. KUCZO MOVED to TABLE the proposed Ordinance. Seconded by Mr. Scarella. VOTE taken on Mr. Kuczo's motion and LOST.

VOTE taken on Mr. Johnson's motion for approval of publication of the Ordinance, with final adoption at the next meeting. CARRIED.

MR. BAKER asked to be excused and left at 10:05 P.M.

- (2) Abandonment of Westerly end of Homestead Avenue (Mayor's letter Oct. 13, 1960)  
(See Minutes 12/5/60 - Page 2955, item #2 under L & R Committee)

MR. SHAPERO: "It is my understanding that the city does not own this property. Many years ago the city used this road, but there never was any formal dedication of this road to the city and it never was a heavily trafficked road. This situation has been presented to the Planning Board. On October 8, 1960, the Planning Board adopted the following resolution: "(Mr. Shapero read the resolution adopted by the Planning Board)

MR. SHAPERO MOVED for approval of the following resolution subject to approval by the Board of Finance. Seconded by Mr. O'Connell, who spoke in favor of the resolution:

RESOLUTION NO. 350

TO DISCONTINUE THE WESTERLY END OF HOMESTEAD AVENUE

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

Sec. 1. All that certain piece, parcel or tract of land, situated in the City of Stamford, County of Fairfield and State of Connecticut, consisting of the westerly end of Homestead Avenue; said Homestead Avenue being shown and delineated on a certain map entitled: "Map of Property Belonging to Marvin and Palmer, Stamford, Conn. Surveyed Sept. 1893 Wm. B. Cochrane, C. E., scale 1"= 50 ft." which map is on file in the office of the City and Town Clerk of the City of Stamford by the map numbered 79.

Said premises being more particularly bounded and described as follows:

NORTHERLY - 149 feet more or less by land of Johnny Barton, Incorporated, being lots numbered 37, 38, 39 and a portion of lot 40 as shown on said map.

EASTERLY - 40 feet, more or less by Homestead Avenue.

SOUTHERLY - 160 feet more or less by land of Johnny Barton, Incorporated, being lots numbered 24, 26, 28, 30 and a portion of lot 32 as shown on said map, and

WESTERLY - 40 feet, more or less by other land of Johnny Barton Incorporated,

shall be and is hereby declared to be discontinued as a public highway.

Sec. 2. Any interest of the City of Stamford as well as the duty, responsibility and cost of the maintenance of the said portion of the above described roadway and of the existing sewer under said roadway shall be and is hereby declared to be transferred to and borne by the abutting land owners thereto.

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MR. RUSSELL recommended that Homestead Avenue be abandoned.

MR. TRUGLIA spoke against the resolution and asked that the matter be TABLED. He said that certain property owners in his district were not aware of what was going on and had come to him, objecting that Homestead Avenue be abandoned, until they could investigate it further. He said he thought this should be kept in committee for another month.

MR. MEYERS said he wanted to go on record as not having participated in the committee action on this matter, because he had been retained as counsel by Johnny Barton, Inc., and he would also refrain from voting for the same reason.

MR. SCARELLA MOVED that this matter be TABLED. Seconded by Mr. Traglia.

There was considerable debate at this point.

VOTE taken on TABLING the resolution. 1051.

VOTE taken on Resolution No. 350. CARRIED.

(3) Concerning proposed Ordinance to prevent location of large retail outlets in dangerous proximity to schools or parks (See Minutes of 12/5/60, pages 2976-77 and Minutes of 3/6/61, item #2 on page 1024 under L & R Committee)

MR. SHAPERO: "If the Board will recall, at the last Board meeting, I had requested an opinion on this matter from the Corporation Counsel as to whether or not we could adopt an Ordinance of this type, in view of Sections 8-1 and 8-2 of the General Statutes of the State of Connecticut, Revision of 1958, and the question as to whether it comes within the jurisdiction of the Zoning Board and not the Board of Representatives."

MR. SHAPERO offered the opinion of the Corporation Counsel, as given in his letter to Mr. Shapero as Chairman of the Legislative & Rules Committee. Because of the length of the letter, it was not read in full. The letter is hereby incorporated in the Minutes for the record:

April 2, 1961

Paul D. Shapero, Esq.  
Chairman, Legislative & Rules Committee  
Board of Representatives  
Stamford, Connecticut

Re: Proposed Ordinance to Prevent Location  
of Large Retail Outlets in Dangerous  
Proximity to Schools or Parks

Dear Mr. Shapero:

In response to your letter of March 1, 1961, in which you ask whether the "proposed ordinance to prevent the location of large retail outlets



in dangerous proximity to schools or parks" may be enacted by the Board of Representatives or whether the enactment of such a regulation comes within the jurisdiction of the Zoning Board, I am of the opinion that the Zoning Board has exclusive jurisdiction over this matter for the reasons hereinafter stated.

Zoning in its ordinary form, is an exercise of the police power in a particular field to secure the public health, safety or welfare. Zoning ordinances are one of several types of regulation of property by local government, all of which are expressions of the police power. McQuillin on Municipal Corporations, 3rd ed. The regulation of land use by zoning does not preclude independent regulatory limitations of businesses pursuant to independent statutory authority. Section 25.10. supra. The question sometimes arises whether a particular measure is a zoning measure or another measure enacted under the police power. Generally this question must be determined by the nature and purpose of the ordinance, its relation to the general plan of zoning in the city, its provisions and the terms it uses. McQuillin; supra, Section 25.53.

The source of the zoning power vested in the Zoning Board is contained in Section 550 of the Charter, which provides that the Zoning Board is authorized to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes. Pursuant to the authority contained in Section 550, the Zoning Board has enacted many regulations concerning the subject of off-street parking requirements. (See Zoning Regulations, Section 3A, subsections 7, 62, 63, 77, 79 and 87; Sections 9A (4), 9B (3) (a); 9B (6), 9 (c) and (12).

It seems quite clear that the regulations of off street parking is an exercise of the zoning powers, since it controls private property for the purpose of lessening congestion in the streets, which is one of the purposes mentioned in Section 550. This is to be distinguished from traffic regulations enacted under the general police powers because the latter regulations control the flow of traffic on public streets. The proposed ordinance appears to be part of the general scheme of land use regulation and is, therefore, properly within the jurisdiction of the Zoning Board and not the Board of Representatives. The proposed ordinance conflicts with the zoning regulations and would invalidly limit the authority delegated to the Zoning Board by the Charter.

In State ex rel Spiros v. Payne, 131 Conn. 647 (1945), an ordinance prohibiting the sale of alcoholic liquor in restaurants which are within 300 feet of another restaurant, was held to be invalid because a consideration of the terms and language of the ordinance indicated that it was intended to be a part of the general plan of zoning and because it was not established in conformity to the requirements of the zoning statutes.

Although statutes have been enacted by the state legislature governing the location of gasoline stations, motor vehicle junk yards, and premises on which alcoholic liquor may be sold with respect to their proximity to schools, churches, public buildings, places of public gatherings, etc., nevertheless this does not empower the Board of Representatives to legislate in similar areas in the absence of statutory authority. A municipality has no powers except those conferred by the legislature. Moreover, it should also be noted that the statutes controlling the location of



gasoline stations and motor vehicle junk yards do not prohibit these businesses, but require hearings for the determination of the suitability of their locations with consideration being given to their proximity to schools, churches, etc. The statute controlling the location of liquor outlets likewise is regulatory and not prohibitory.

Since the question has been decided on the basis of the reasons previously given, it will not be necessary for me to explore the question of whether or not the proposed ordinance is a reasonable exercise of the police power and has a rational relation to the health, safety, welfare and prosperity of the community. Your attention is directed to Lakeside Realty Co. v. Berlin, 20 Conn. Sup. 188 (1956) which contains an interesting discussion of the reasonableness of the exercise of the police powers by a municipality.

Very truly yours

ISADORE M. MACKLER (signed)  
Corporation

IMM:A

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MR. SHAPERO: "Inasmuch as Mr. Mackler has ruled that this Board cannot enact such an ordinance as the proposed one. We are therefore not submitting the proposed ordinance."

#### HEALTH & PROTECTION COMMITTEE.

Parking Authority - Request for 75 meters on both sides of SUMMER STREET, between North Street and Woodside Street (Letter dated Jan. 31, 1961 (Deferred at March 6, 1961 Board meeting)

The above matter was DEFERRED for the reason that the Committee had received a great deal of opposition to the placing of these meters.

#### PARKS & RECREATION COMMITTEE.

MR. KELLY presented his committee report at this time. He said a meeting of the Committee was held on March 28, 1961 and present were David Johnson, Edwin Cole and Stephen Kelly.

- (1) BOARD OF RECREATION - Concerning Rules and Regulations for 1961 (As provided in accordance with Ordinance No. 64 Supplemental)

MR. KELLY said the Board of Recreation have reported that there will be no changes in the rules and regulations from the previous year.

MR. KELLY MOVED for approval of the 1961 rules and regulations of the Board of Recreation, without any change from the previous year. Seconded by Mr. Cole and CARRIED unanimously.

- (2) HUBBARD HEIGHTS GOLF COMMISSION - Concerning Rules and Regulations for 1961 (In conformity with Ordinance No. 64 Supplemental)

MR. KELLY MOVED for approval of the 1961 rules and regulations for the Hubbard Heights Golf Commission, there being no changes from the previous year. Seconded

by Mr. Cole and CARRIED unanimously.

PETITION NO. 275 - STAMFORD YACHT CLUB - Request in letter of March 3, 1961 for permission to hold annual fireworks display.

MR. KELLY MOVED for approval of the above request, subject to the approval of the Corporation Counsel, the Fire and Police Departments and provided that the proper and necessary bond and liability coverage is met. Seconded by Mr. Cole and CARRIED unanimously.

URBAN REDEVELOPMENT COMMITTEE:

MR. CAREY presented a report of his committee. He said there was no formal meeting held, but announced the date of his next meeting, to be held in the office of the Urban Redevelopment Commission next Monday for a review of the Southeast Quadrant project.

CHARTER REVISION COMMITTEE:

MR. CALLAHAN, Chairman, presented his report.

Mr. Callahan; "The following members of the Charter Revision Committee, Miss Rose Farina, Paul Shapero, George Connors, Clyde O'Connell, John DeForest and Paul Callahan, unanimously recommend the adoption of the following resolution and I so MOVE." Seconded by Mr. O'Connell, Mr. Blois and Mr. DeForest and CARRIED by unanimous vote: (Requires a two-thirds vote of entire membership)

RESOLUTION NO. 351

BE IT RESOLVED by the Board of Representatives of Stamford, Connecticut, in accordance with Sections 2 and 4 of Public Act No. 465, of the General Assembly of the State of Connecticut, in its 1957 Session, there shall be a Charter Revision Commission in said City, whose duty it shall be to make revisions or amendments to the Charter of the City of Stamford; that the Commission, consisting of nine (9) members, shall serve until December 1, 1961 and shall report to the Board of Representatives not later than its August 1961 meeting on any proposed amendments or revisions which may be voted upon at the November 1961 elections, and shall report to the Board of Representatives not later than its November 1961 meeting on any proposed amendments, or revisions which may be voted upon at the November 1962 elections.

ANNOUNCEMENT OF MEMBERS OF 4TH CHARTER REVISION COMMISSION:

The President announced the following as members of the 4th Charter Revision Commission as prescribed under the above resolution:

REPUBLICANS

\* GEORGE RUSSELL  
RONALD M. SCHWARTZ  
JACK S. CUMMINGS  
JULIUS M. WILENSKY

DEMOCRATS

\* PETER C. SILEO  
MICHAEL J. NAGURNEY  
EDWARD RIVLIN  
MRS. VIVIAN WHITE (Mrs. Arthur)  
E. ARTHUR MORIN, JR.

\* Also members of the Board of Representatives



REDISTRICTING STUDY COMMITTEE (To study redistricting voting districts):

MR. CALLAHAN: "The Redistricting Study Committee, which this Board authorized last month has held its organization meeting and Mr. Joseph Toner, the Town and City Clerk, has been elected the Chairman of the Committee. I might say that the Committee welcomes any suggestions or ideas on redistricting from any members of this Board -- they would be glad to have them as soon as possible as they are starting work this week."

SPECIAL INVESTIGATING COMMITTEE (To investigate alleged political influence concerning the Medical Arts Building)  
(Appointed at March 16, 1961 meeting)

MR. DEFOREST reported that the Committee held a meeting on Saturday, March 25th in the City Hall, with all members present. Plans were made to hold a hearing to be held on Saturday, April 8th in the Cafeteria of Delan Junior High School, at which time persons connected with this matter will be given an opportunity to be heard.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS

- (1) Concerning letter from Corporation Counsel dated March 9, 1961 -  
Re: Alternate members of Planning & Zoning Boards

March 9, 1961

Mr. Paul Callahan  
Chairman, Charter Revision Committee  
Board of Representatives  
City Hall  
Stamford, Connecticut

Dear Mr. Callahan:

A letter was sent to me on February 27, 1961 by Mrs. Velma Farrell, Administrative Assistant of the Board of Representatives, requesting an opinion on behalf of the Charter Revision Committee on the question of whether or not provisions can be made for alternate members for the Planning and Zoning Boards to take the place of a permanent member who disqualifies himself from participation in the hearing.

As you know, the City of Stamford, insofar as its planning and zoning activities are concerned, is governed by the provisions of Chapters 52 and 55 of the Charter, with a few exceptions which are contained in the State Statutes, which need not be gone into at this time.

The Charter provides for five members for each Board, but this does not mean that provisions cannot be made by an amendment of the Charter for a panel of alternate members in cases of absence or disqualification of a member of either of these Boards.

The Zoning Board of Appeals of the City of Stamford is governed by the provisions of Chapter 56 of the Charter which, in turn, incorporates by reference the provisions of the state statutes governing the operation of a Zoning Board of Appeals. The state statutes contain provisions for a panel of alternate members for a Zoning Board of Appeals and these are contained in Sections 8-5, 8-5(a) and 8-11.



Section 8-5 provides for the appointment by the Mayor of a panel of three alternate members of the Zoning Board of Appeals. The panel is empowered to act under section 8-5 if a regular member of the board is absent, or under section 8-11, if a regular member of the board is disqualified. Section 8-5(a) provides that the regular member who is absent may designate an alternate from the panel to act in his place and upon his failure to make such designation, the Chairman of the Board is empowered to make a designation from the panel, choosing alternates in rotation so that the members of the panel shall act as nearly equal a number of times as possible. The provisions above are limited to the Zoning Board of Appeals and do not govern the Planning Board or the Zoning Board.

There are provisions in the state statutes which are applicable to our Planning and Zoning Boards with respect to the questions of disqualification of members of these respective boards. These provisions are contained in sections 8-11 and 8-21 of the state statutes. These sections are similar. The first is applicable to members of the Zoning Board and the second is applicable to members of the Planning Board. In substance, they both provide that no member of either board shall appear or represent any person before the Planning or Zoning Board, or Zoning Board of Appeals, or shall participate in the hearing, or decision of the Board of which he is a member, upon any matter in which he is directly, or indirectly interested in a personal or financial sense. In the event of disqualification on these grounds, the remaining members of the board shall choose an alternate to act as a member of such board in the hearing and determination of the matter on which the disqualification arose. Thus, you can see that sections 8-11 and 8-21 do provide for the designation of someone to sit in place of the disqualified member. No provision is made for the appointment of an alternate in the event of a member's absence.

It should be noted, however, that the methods provided by these sections for the selection of alternates are not exclusive and they can be changed by an amendment to the Charter, since the statutes contain language to the effect that other provisions for the selection of alternates can be made by special act. There is, therefore, no reason why a Charter amendment cannot be made for a panel of alternates for both the Zoning Board and the Planning Board.

If the Charter Revision Committee does contemplate such measures, I would suggest that it examine sections 8-5 and 8-5 (a) for use as a model. I would recommend that the alternate member be empowered to act where a member of either board is absent as well as disqualified.

I would also recommend that the power to designate the alternate member of the panel be given to the Chairman and not to the absent or disqualified member or to the members of the board, provided that the Chairman be required to select in rotation so that the alternate shall act as nearly equal a number of times as possible. The reason for giving the Chairman the power to select is to facilitate the administration of such provisions since the Chairman generally is advised of the absence and disqualification of the various members and his task and that of the board would be made easier if he alone could make the selection.

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If this office can be of any further assistance to you in connection with this matter, please do not hesitate to call upon us.

Very truly yours,

ISADORE M. MACKLER (Signed)  
Corporation Counsel

IMM:A

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The above letter from the Corporation Counsel was referred to the Charter Revision Committee

OLD BUSINESS:

Re: Frederick Street

MR. KELLY asked if the Public Works Committee would take another look at Frederick Street, where there have been a couple places that "fell in" and see if it is possible to have these spots taken care of. This matter was referred to the Public Works Committee to investigate.

NEW BUSINESS:

MR. DEFOREST: "I believe there is one other letter that should be read at this time."

The President inquired as to which letter he referred to. Mr. DeForest said it was a letter from the Rural Men's Republican Club, dated April 1, 1961:

Concerning Pledge of Allegiance to the flag - (Letter dated 4/1/61 from the Rural Men's Republican Club)

The President read the following letter at this time:

RURAL MENS REPUBLICAN CLUB  
P. O. Box 822  
Springdale, Connecticut

April 1, 1961

Board of Representatives  
City of Stamford  
Mr. John R. Nolan, President  
Stamford, Connecticut

Dear Sir:

At a meeting of the Rural Mens Republican Club, held on March 22, 1961, a motion was unanimously passed which suggests that the Board of Representatives adopt a policy of opening each meeting with the pledge of allegiance. Such a policy could be effected by rules change or by simply effecting the practice.

In this centennial year, we feel it is most fitting that renewed dedication to our national principles be invoked, and it is to this end that



our recommendation is hopefully offered. As the body politic, representing the people of Stamford, it is appropriate that this pledge should occupy a place at the top of the agenda, together there with the dedication.

Let us all hope that the adoption of this suggestion might provide an inspired example for many public bodies to follow, and that by such regular re-affirmation of loyalty, many people may be made more aware of the benefits of our freedom.

Respectfully,

cc: John L. DeForest  
Minority Leader  
J. Clyde O'Connell,  
Majority

J. S. Cummings, Sr., President

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RESOLUTION - Concerning pledge of allegiance to the flag:

MR. JOHNSON MOVED that the following resolution be adopted by the Board. Seconded by Mr. Scarella:

BE IT RESOLVED and it is hereby resolved that the Board of Representatives commend the Rural Men's Republican Club for its patriotic suggestion that the national colors be displayed at all meetings of the Board of Representatives, and that the pledge of allegiance to the flag be included in the opening ceremonies of each meeting

MR. MURPHY MOVED that the Board refer this patriotic resolution and communication to the Steering Committee. Seconded by Mr. Johnson and CARRIED unanimously.

Several matters in the Public Works Committee were discussed and the Chairman, Henry Nolan, said he was investigating them and would soon come in with a more complete report.

Re: Right of Way on Strawberry Hill, near apartment houses:

MR. RUSSELL brought up the matter of a bad traffic condition in this area and said he would like to have it referred to the Health & Protection Committee as well as the Public Works Committee. He said he thought there was some question of legality as to whether "they had the right to break this wall through and use it as a right of way - a thoroughfare that was formerly used mainly by the high school and by residents in back of the high school." He said he thought that the use of this thoroughfare by the Strawberry Hill apartments should be checked into as it may not legally be their's to use.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned on motion, duly seconded and carried at 11:25 P.M.



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*Velma Farrell*  
Velma Farrell

Administrative Assistant

APPROVED

*John P. Nolan*  
John P. Nolan, President  
Board of Representatives