

Minutes of February 5, 1962
Meeting of the 7th Board of Representatives
Stamford, Connecticut

3298

A regular meeting of the 7th Board of Representatives of the City of Stamford was held on Monday, February 5, 1962 in the Cafeteria of the Dolan Junior High School, Tompkins Road, Stamford, Connecticut.

The meeting was called to order by the President, Paul D. Shapero, at 8:10 P.M.

INVOCATION was given by Rev. W. David Crockett, Emmanuel Episcopal Church, Springdale.

PLEDGE OF ALLEGIANCE TO FLAG: The President led the members in the pledge of allegiance to the flag.

ROLL CALL was taken by the Clerk. There were 32 members present and 8 absent at the calling of the roll. Several members arrived later, changing the roll call to 38 present and 2 absent. The absent members were: Michael Macri and Anthony Esposito.

Re: Death of Samuel W. Morrell, Grave Registration Officer, Central Veterans Association, Inc.

The members observed a moment of silence in tribute to the memory of the late Samuel W. Morrell.

It was MOVED, seconded and CARRIED that a letter of condolence be sent to the family of Mr. Morrell.

ACCEPTANCE OF MINUTES - Meeting of January 8, 1962

The Minutes were accepted, with the following corrections:

Page 3287, item #7 (a) and (b) under report of the Steering Committee -
MR. GERONIMO, Chairman of the Health & Protection Committee, said he had reported verbally on these two matters and said he had personally taken care of them.

Page 3294, under report of the Parks & Recreation Committee given by
Mr. Shanan, Chairman of that Committee:

MR. KELLY asked that Mr. Shanan's report be changed as follows:

Change "dike dockage" to "Dyke Park dockage".

Page 3297 - "Concerning appointments referred to the Board by Mayor"

MR. CONNORS referred to this portion of the Minutes, concerning an opinion from the Corporation Counsel. He said he felt that a written opinion should have been sought from the Corporation Counsel rather than a verbal one, because sometime in the future "we might have to dig into the past Minutes for a court case and we would have nothing to hang our hat on".

Page 3292 - under report of the Legislative & Rules Committee, members present:

MR. SHERMAN requested that his name be recorded as among those present.

Mrs. Clarke, Mr. Russell and Mr. Schwartz arrived at this time, changing the roll call to 35 present and 5 absent.

COMMITTEE REPORTS:

STEERING COMMITTEE

The President read the following report:

STEERING COMMITTEE REPORT
Meeting held January 22, 1962

A meeting of the Steering Committee was held on Monday, January 22, 1962 in the Mayor's Office, City Hall, at 8:20 P.M.

The Chairman, Paul D. Shapero, presided. All members were present.

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 January 11, 1962 meeting were referred to the FISCAL COMMITTEE. In the case of items of \$2,000 and over, with the exception of pensions, these were also referred to a secondary committee.

(2) Mayor's appointments to various City Boards and Commissions: REFERRED TO APPOINTMENTS COMMITTEE

(3) Letter from David Johnson, Minority Leader (dated 1/22/62) concerning filling of alleged vacancies in the office of Constable

After some discussion, it was decided to request an opinion from the Corporation Counsel on the following questions:

(a) Whether or not there are vacancies in the office of Constable to be filled.

(b) If such vacancies exist, must they be filled by Republicans?

(c) How they shall be filled.

(4) Letter from Robert Meyers, 7th District Representative (dated 1/22/62) concerning setting up of a special committee to look into the possibilities of broadening tax revenues in order to ease the tax burden of home owners - REFERRED TO LEGISLATIVE & RULES COMMITTEE

(5) Letter from Robert Meyers, 7th District Representative, (dated 1/22/62) concerning possibility of revising the method of administration of contracts entered into by the City and employment of professional advisors to assist in the task - REFERRED TO EDUCATION, WELFARE & GOVERNMENT COMMITTEE (for further study)

(6) Carbon copy of Personnel Commission report of meeting held 12/18/61
REFERRED TO PERSONNEL COMMITTEE

- (7) Letter from Mayor Kennedy (dated 1/22/62) concerning resolution to authorize filing application with Federal Government for planning advance and possible financial assistance to create a NORTH-SOUTH ARTERY somewhere south of the Merritt Parkway to alleviate traffic bottleneck - REFERRED TO LEGISLATIVE & RULES COMMITTEE
- (8) Letter from Commissioner of Finance (dated 1/22/62) enclosing suggested resolution authorizing sale of bonds in amount of \$4,932,000.00 to finance the 1961-1962 Capital Projects Budget
REFERRED TO FISCAL COMMITTEE (Previously approved by Board of Finance on 1/11/62)
- (9) Letter from West Side Better Government Association (dated 1/11/62) in reference to installation of traffic lights in certain locations

Inasmuch as the installation of traffic lights is within the jurisdiction of the Superintendent of Traffic Engineering, it was decided to refer this matter to him.
- (10) Letter from James E. Mulreed, 7th District Representative (dated 1/22/62) regarding delays between time vacancy occurred in Police Department and the holding of a promotional examination - REFERRED TO PERSONNEL COMMITTEE
- (11) BURKE-DE CARLO APPEAL from decision of ZONING BOARD (Appeal No. 61-020) REFERRED TO PLANNING & ZONING COMMITTEE and the LEGISLATIVE & RULES COMMITTEE (Ordered on Agenda)
- (12) Letter from Board of Education (dated 1/12/62) supporting Public Works Department Capital Budget requests for \$225,000 and \$38,000 to correct drainage conditions at Westover School site and High Clear Drive, near Rippowam High School - REFERRED TO FISCAL COMMITTEE and PUBLIC WORKS COMMITTEE
- (13) Letter from Carl Beeman (dated 1/10/62) concerning road name for right-of-way off Cedar Heights Road - REFERRED TO PLANNING & ZONING COMMITTEE
- (14) Letter from Thomas A. Gaines (dated 1/8/62) concerning disposition of a strip of land as shown on Map #5786 - REFERRED TO PLANNING and ZONING COMMITTEE

There being no further business to come before the Committee, the meeting was adjourned.

vf

PAUL D. SHAPERO, Chairman
Steering Committee

Mr. Vittti arrived at this time, changing the roll call to 36 members present and 4 absent.

APPOINTMENTS COMMITTEE:

THE PRESIDENT informed the members, before proceeding with the report of the Appointments Committee, that the same general procedure would be followed as was

followed last time, in that each member would receive from the Tellers a complete set of ballots for all those people whose names appear on the agenda as being nominated to various city boards and commissions. However, the President said he had noted that there had been objections in the way the ballots had been collected at the previous Board meeting, having been collected from each member in an envelope. This time they would be collected loosely and each member would place his ballots in the ballot box.

MR. CONNORS asked the President if the cover would be closed on the ballot box, and he replied that this would be the case.

The Tellers distributed the ballots to the members.

MR. KUCZO remarked that this way of handling the ballots still would not eliminate one objection - that being that the Tellers were tied up during the entire meeting last month, just passing out, collecting and counting the ballots.

THE PRESIDENT asked Mr. Kuczo if he wished to present a motion in regard to his objection in the procedure. He said he did.

MR. KUCZO MOVED that the ballots be distributed individually and collected individually. There being no seconder the question was not before the Board for a vote.

ZONING MAPS:

While the Tellers were distributing the ballots, the President announced that new Zoning maps were ready and each member should have received his, as they had been distributed this evening by courtesy of the Zoning Board.

ARRIVAL OF MEMBERS:

Mr. Blois arrived while the ballots were being distributed, and received his ballots. This now changed the roll call to 37 present and 3 absent.

REPORT OF APPOINTMENTS COMMITTEE:

MRS. AUSTIN, Chairman, presented the report of her committee at this time. She said the Committee met on Friday evening, February 2, 1962, all members being present. She reported that all appointees had been interviewed with the exception of Mr. Robustelli, who was out of town at the time; and Mr. Lowden, who had previously been interviewed by the committee before the last Board meeting. All appointees were unanimously approved by the Committee.

MRS. AUSTIN presented the names of the following appointees and MOVED for approval of the appointments. The vote is indicated after each name:

(1) PATRIOTIC & SPECIAL EVENTS COMMISSION:
(5 yr. term after 1st appointment)

(First one, as authorized at the
Nov. 7, 1961 referendum)

	<u>Length of Term</u>	<u>Term Expiring</u>
MORGAN P. AMES (Democrat) 15 Whittaker Street	5 yrs.	12/1/66

VOTE: 30 yes
7 no

Appointments (continued):

	<u>Length of Term</u>	<u>Term Expiring</u>
EDWIN W. COLE (Democrat) 24 Mohegan Avenue VOTE: 32 yes 5 no	4 yrs.	12/1/65
ROBERT W. ARMSTRONG III (Republican) Dundee Road VOTE: 32 yes 5 no	2 yrs.	12/1/63
LESLIE MEYERS (Independent) 26 Old Well Road VOTE: 27 yes 10 no	1 yr.	12/1/62

(Note: Mrs. Austin announced that Mr. Robustelli would be interviewed before the next Board meeting and his name appear on the agenda at that time)

(2) PERSONNEL COMMISSION:

VINCENT M. YAEGER (Republican) 112 Nichols Avenue VOTE: 31 yes 6 no	3 yrs.	12/1/64
WILLIAM C. KAMINSKI (Democrat) 21 Friar Tuck Lane, Springdale (Reappointment) VOTE: 30 yes 5 no 2 abstentions	2 yrs.	12/1/63

(3) ZONING BOARD:

ELMER W. LOWDEN (Democrat) 60 Fairview Avenue (2nd submission) VOTE: 28 yes 9 no	5 yrs.	12/1/66
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(4) ALTERNATES - ZONING BOARD: (First one, as authorized at the Nov. 7, 1961 referendum)
(5 yr. term after 1st appointment)

THOMAS F. DONNELLY (Democrat) 214 Sylvan Knoll Road VOTE: 32 yes 5 no	5 yrs.	12/1/66
JACKSON S. GOURAUD (Democrat) 171 Woodchuck Road VOTE: 30 yes 7 no	4 yrs.	12/1/65

Appointments (continued):

	<u>Length of Term</u>	<u>Term Expiring</u>
JOSEPH DEJEWSKI (Republican) Twin Brook Drive, Springdale	3 yrs.	12/1/64

VOTE: 33 yes
4 no

Arrival of Members:

Mr. Shanen arrived changing the Roll Call to 38 present and 2 absent.

FISCAL COMMITTEE:

MR. MEYERS, Chairman, said a meeting of the committee was held on January 29, 1962, with all members present. He reported on the following matters:

- (1) \$7,602.50 - NORTHWOODS ROAD - Cost of improvements as provided under terms of Sec. 642.1 of Charter and Resolution No. 378 (Mayor's letter of 1/4/62) (See Minutes of 12/11/61, pages 3282-83)

City's Share -----	\$3,120.00
Property Owner's Share-----	4,482.50
	<u>\$7,602.50</u>

MR. MEYERS MOVED for approval of the above request. MR. RUSSELL, Chairman of the Planning & Zoning Committee said his Committee concurred in approving the appropriation. Seconded by Mr. Schwartz and CARRIED unanimously.

- (2) \$35,000.00 - DEPARTMENT OF PUBLIC WORKS - Code 606-0609 - Snow Removal - Hurricane Emergency
(Mayor's letter 1/8/62)

MR. MEYERS MOVED for approval of the above. MR. BLOIS said the Public Works Committee also approved this appropriation. Mr. McLaughlin seconded the motion. CARRIED unanimously.

- (3) \$1,340.30 - PENSION - Det. William F. Herrman, Jr., effective 2/1/62
Based on annual pension of \$3,216.68, or 50% of salary of \$6,433.35 (Mayor's letter 1/9/62)

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

- (4) \$4,932,000.00 - Resolution No. 381 - Authorizing the issuance of bonds to finance Capital Projects, 1961-1962 Budget (As requested in letter from Commissioner of Finance dated 1/22/62) (Approved by Board of Finance 1/11/62)

MR. MEYERS explained that because of the length of the proposed resolution, copies had been prepared and distributed to all Board members, so that it would not be necessary to read it at this time.

MR. MEYERS MOVED for adoption of the following resolution: Seconded by several.

RESOLUTION NO. 381

RESOLUTION AUTHORIZING THE ISSUANCE OF FOUR MILLION NINE
HUNDRED THIRTY-TWO THOUSAND DOLLARS (\$4,932,000.00)
GENERAL OBLIGATION BONDS OF THE CITY OF STAMFORD, CONN-
ECTICUT, TO FINANCE THE CAPITAL PROJECTS IN THE CAPITAL
BUDGET FOR THE FISCAL YEAR 1961-1962 TO BE FINANCED WITH
FUNDS RAISED BY BORROWING.

WHEREAS, pursuant to Section 630 of the Charter of the City of Stamford, as amended, the Board of Representatives of the City of Stamford has received a letter from the Mayor dated January 8, 1962, requesting it to authorize the issuance of bonds to finance all of the Capital Projects contained in The Capital Budget for the fiscal year 1961-1962, as amended, as are to be financed with funds raised by borrowing; and

WHEREAS, this Board has been furnished with a certified copy of a resolution of the Board of Finance approving the aforesaid authorization;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD, CONNECTICUT

1. That there be and there hereby is authorized, under and pursuant to the Charter of the City of Stamford and any other general or special statutes thereto enabling, the issuance and sale, from time to time, of general obligation, coupon, serial bonds of the City of Stamford, Connecticut, in the aggregate principal amount of Four Million Nine Hundred Thirty-Two Thousand Dollars (\$4,932,000.00) for the purpose of paying for Capital Projects consisting of the several public improvements or other municipal works of a permanent character or for land taken for the purpose of such improvements or municipal works, all as hereinafter more fully described. Each of said Capital Projects is included in The Capital Budget for the fiscal year 1961-1962, as amended, duly adopted, and reference is hereby made to the said The Capital Budget, as amended, for a more complete description of the particular Capital Projects hereinafter designated. The said Capital Projects and the extent to which they are to be financed with the proceeds of the bonds herein authorized are as follows:

Department of Public Works

Sanitary Sewer Construction			
Glenbrook - Belltown -			
Springdale	\$1,572,000.00		
Southwest Section	<u>428,000.00</u>		
		\$2,000,000.00	
Flood Control Construction			
Hurricane Protection		150,000.00	
Sidewalks and/or Curbing			
High Ridge Road		<u>22,000.00</u>	
			\$2,172,000.00

Board of Education

Board of Education Construction	
Jr. High School (Vine Road)	\$2,000,000.00
Gloonan Rehabilitation	450,000.00
Hart School Addition	310,000.00
	<u>\$2,760,000.00</u>
TOTAL -----	<u>\$4,932,000.00</u>

2. That said bonds shall be issued in the name of and upon the full faith and credit of the City of Stamford, and shall be issued as three separate bond issues, and, subject to the Charter of the City of Stamford and other applicable provisions of law, in the manner and in the principal amounts that the Board of Finance may determine from time to time, including, but without limitation, the determination of the form, date, dates of payment of principal and interest and all other particulars; and said Board of Finance, or, if authorized by the Board of Finance, the Commissioner of Finance, may determine the rate or rates of interest which the said bonds are to bear.
3. That each of the Capital Projects hereinabove described and contained in The Capital Budget for the fiscal year 1961-1962, as amended, is hereby confirmed as a duly authorized Capital Project.
4. That, with respect to the issuance of any bonds hereinabove authorized, there be and hereby is authorized, under and pursuant to Section 630.1 of the Charter of the City of Stamford, the Connecticut General Statutes, and any other enabling authority in amendment thereof or in addition thereto, but within such limitations, if any, as may be imposed by resolution of the Board of Finance, the making of a temporary loan or loans by the issuance and sale from time to time, as funds may be required, of a temporary note or notes of the City of Stamford in anticipation of the moneys to be derived from the sale of such bonds for designated Capital Projects and the renewal of the same by the issuance and sale of a renewal temporary note or notes; provided, however, that the aggregate principal amount of temporary notes or renewal notes at any one time outstanding shall never exceed the principal amount of the bond issue in anticipation of which such notes were issued.
5. That this resolution shall take effect immediately, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

MR. BAKER, Chairman of the Legislative & Rules Committee, was called upon for a report on the above resolution as to its form, this having also been referred to that committee.

MR. BAKER said this had not come to the attention of the Committee and that he had no knowledge of the fact that it had been referred to his Committee. He said in order not to hold this up, he would confer with the members of his Committee and requested a moment's time to do this by asking for a short recess.

MR. CONNORS MOVED that this be taken out of the Legislative and Rules Committee. Seconded by Mr. Kelly.

MR. BAKER said he had no objection to this.

MR. SCHWARTZ addressed the Chair. He said there were two questions that came to his mind, since this has not been discussed by the Legislative and Rules Committee: (1) There is no mention in the form of the resolution as to the length of years of the proposed bond issue, and (2) while the bonds are issued in the face of the market demand, there seems to be no limitation as to the rate of interest these bonds can be sold for. He said he feared the rate could well be in excess of what future generations would be able to pay.

MR. MEYERS informed Mr. Schwartz that the bonds must be sold by competitive bidding, and the most favorable time for selling them is at the present time. He said for this reason the board had been requested to act on this tonight. He explained that after this resolution is approved by the Board of Representatives, it then must go back to the Board of Finance for final action.

MR. SCARELLA reminded the members that there was a motion on the floor to take this out of the Legislative & Rules Committee.

VOTE taken on Mr. Connors' motion. CARRIED.

THE PRESIDENT informed the members that the matter is now discharged from the Legislative & Rules Committee and the motion now is on the resolution (No. 381) as presented by the Fiscal Committee.

After considerable further debate, a VOTE was taken on Resolution No. 381 and CARRIED unanimously.

(5) \$12,522.84 - DEPARTMENT OF PUBLIC WORKS - Code 616, Street Lighting
(Mayor's letter 12/11/61)

MR. MEYERS explained that this is a continuation of the program to bring the City up to code specification lighting. He said the area affected in this particular appropriation is bounded generally as follows: By the Connecticut Turnpike, Noroton River, Glenbrook Road, Elm Street, Colonial Road, Strawberry Hill Avenue and Grove Streets.

MR. MEYERS MOVED for approval of this appropriation. Seconded by Mr. Blois, Chairman of the Public Works Committee, who reported that his Committee also approved this matter. CARRIED unanimously.

(6) Appointment of Vice Chairman of Fiscal Committee: WILLIAM D. MURPHY (D)

MR. MEYERS announced the appointment of Mr. William D. Murphy as Vice Chairman of the Fiscal Committee. (applause)

LEGISLATIVE & RULES COMMITTEE:

(1) Sale of City-owned property - Requested in Mayor's letter of August 8, 1961 attaching list of property, from the Planning Board, dated August 1, 1961.
(Partially approved by the Board of Finance on 12/14/61) (Deferred by the Board of Representatives on 1/8/62 - See page 3292, item #1 of Minutes)

MR. BAKER said his Committee, having met with members of the Planning Board and their Director, approved the sale of certain city-owned property, more particularly described in a resolution which he presented at this time.

MR. BAKER MOVED for approval of the following resolution. Seconded by Mr. Melzer and CARRIED unanimously:

RESOLUTION NO. 382

AUTHORIZING THE SALE OF CITY-OWNED PROPERTY

WHEREAS, the Planning Board has reviewed the list of city-owned property and at its meeting on August 1, 1961, pursuant to the request of the Commissioner of Finance, dated May 24, 1961, recommended the sale of certain city-owned property, and

WHEREAS, the Mayor, by his letter of August 8, 1961, to the Board of Representatives, recommended the sale of certain city-owned property, and

WHEREAS, the Board of Finance, at its meeting of December 14, 1961 and by its letter of December 15, 1961 to the Board of Representatives, recommended the sale of certain city-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Representatives, the governing body of the City of Stamford, pursuant to the General Corporate Powers, Section 40 (1) of the Stamford Charter, and in accordance with Section 488 of the Stamford Charter, and in accordance with Chapter 2, Section 24 of the Code of General Ordinances, as follows:

1. That the City of Stamford sell the following listed city-owned property:

<u>Card Number</u>	<u>Location</u>	<u>Assessment</u>
E4	Keith Street	\$1,200.00
E5	Keith Street	1,200.00
E6	Keith Street	1,200.00
E7	Keith Street	1,200.00
E8	Keith Street	2,400.00
E9	Keith Street	2,400.00
N132	Penzance Road	2,500.00
N5	Perry Road	1,640.00
W18	Coolidge Avenue	1,250.00
S9	Fourth Street	2,290.00
E20	Halloween Blvd.	840.00
S52	Robert Court	1,310.00
S62	Robert Court	1,310.00
N4	Rockledge Drive (Private)	2,090.00

2. That the Mayor, on receipt of the list herein approved, sell the above listed city-owned property at public auction, but for not less than its assessed value, in accordance with Chapter 2, Section 25 of the Code of General Ordinances.

- (2) Amendment to Building Code "Heating & Air Conditioning, Section II",
Re: Licenses and Fees (Requested in letter of Aug. 23, 1961 from Wm. Hickey, Jr.) (Deferred 12/11/61 - see page 3281, item #1) (Deferred 1/8/62 - see page 3292, item #2)

MR. BAKER said the above matter came before the Committee during the past month at an open hearing in which the members of the Committee heard various parties interested in this amendment, in addition to representatives from the Heating and Air Conditioning Board. He said, as a consequence of the views raised at this meeting, certain aspects would require an opinion from the Corporation Counsel.

The above matter was deferred, pending an opinion from the Corporation Counsel.

- (3) APPEAL - BURKE-De CARLO - From decision of ZONING BOARD (Appeal No. 61-020)
(Also referred to the Planning & Zoning Committee)

MR. BAKER said this matter came before his Committee for a very limited purpose, that being for the determination of whether or not the appeal has been completed so that it is properly before the Board. He reported that it is the opinion of the Committee that it has been so completed, which advice is passed on to the Planning & Zoning Committee for their information.

- (4) Resolution concerning authorization to file application with Federal Government for planning advance and possible financial assistance to create a NORTH-SOUTH ARTERY somewhere south of the Merritt Parkway to alleviate traffic bottleneck (Mayor's letter of 1/22/62)

MR. BAKER read the following communication from the Mayor on the above matter:

"For some months the City of Stamford has been working with Federal Government officials, seeking their cooperation and advice and possible financial assistance in the creation of a NORTH-SOUTH ARTERY. This artery would start at an area somewhere south of the Merritt Parkway and connect with an area in the vicinity of the Connecticut Thruway.

"For a long time we have had a severe traffic problem resulting from a bottleneck at Bulls Head (the junction of Long Ridge and High Ridge Roads) as well as extremely heavy traffic usage of the streets between Bulls Head and the New Haven Railroad station and the Connecticut Turnpike. This artery is necessary to relieve the heavy concentration of vehicles entering the built up section of the City. It will require new sections of roadway as well as the widening of existing streets where feasible.

"The route of the artery will be determined primarily on economic studies, taking into account the effect of the improvement on the community and the individual. The Federal Government has established a program of advances for this type of public works planning under Public Law 560, 83rd Congress, as amended by P. L. 345, 84th Congress. In effect, the program provides for the advances of planning funds at no interest cost to the City. Such funds are repayable to the Federal Government at the time the construction of the project is started. In the event that only a portion of a planned public work is started, only such proportionate amount of the advance is repayable.

"In order that we may take advantage of these advances for planning the North-South Artery, it is necessary to obtain authorization from the Board of Representatives for permission to file an application with the Federal Government for this planning advance. I have appended hereto a copy of said resolution. Would you kindly ask the Board of Representatives to request such planning funds by the passage of the resolution attached hereto.

"It is very important that this action be taken at the February 5th meeting of the Board of Representatives."

Sincerely,
(signed) J. WALTER KENNEDY,
MAYOR

MR. BAKER said he had been advised by the Mayor in a telephone conversation that the City would request an amount in the vicinity of \$50,000.00.

MR. BAKER read the following resolution:

RESOLUTION NO. 383

RESOLUTION CONCERNING AUTHORIZATION TO FILE WITH
FEDERAL GOVERNMENT FOR PLANNING ADVANCE AND POS-
SIBLE FINANCIAL ASSISTANCE TO CREATE A NORTH-SOUTH
ARTERY SOMEWHERE SOUTH OF MERRITT PARKWAY TO
ALLEVIATE TRAFFIC BOTTLENECK (Under the terms of
Public Law 560, 83rd Congress of the United States,
as amended)

WHEREAS, the City of Stamford (herein called the "Applicant") after thorough consideration of the various aspects of the problem and study of available data has hereby determined that the construction of certain public works, generally described as THE STAMFORD NORTH-SOUTH ARTERIAL HIGHWAY is desirable and in the public interest and to that end it is necessary that action preliminary to the construction of said works be taken immediately; and

WHEREAS, under the terms of Public Law 560, 83rd Congress, as amended, the United States of America has authorized the making of advances to public bodies to aid in financing the cost of engineering and architectural surveys, designs, plans, working drawings, specifications or other action preliminary to and in preparation for the construction of public works; and

WHEREAS, the applicant has examined and duly considered such act and the applicant considers it to be in the public interest and to its benefit to file an application under said act and to authorize other action in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the Board of Representatives, the governing body of said applicant, as follows:

1. That the construction of said public works is essential to and is to the best interests of the applicant, and to the end that such public works may be provided as promptly as practicable it is desirable that action preliminary to the construction thereof be undertaken immediately;
2. That the Mayor of the City of Stamford be hereby authorized to file in behalf of the applicant an application (in form required by the United States and in conformity with said act) for an advance to be made by the United States to the applicant to aid in defraying the cost of plan preparation for the above described public works, which shall consist generally of the construction of approximately five (5) miles of highway, starting from the vicinity of the Merritt Parkway to the vicinity of the Connecticut Thruway;
3. That if such advance be made, the applicant shall provide or make necessary arrangements to provide such funds in addition to the advance, as may be required to defray the cost of the plan preparation of such public works;
4. The said Mayor of the City of Stamford is hereby authorized to furnish such information and take such action as may be necessary to enable the applicant to qualify for the advance;
5. That the officer designated in the preceding paragraph is hereby designated as the authorized representative of the applicant for the purpose of furnishing to the United States such information, data and documents pertaining to the application for an advance as may be required; and otherwise to act as the authorized representative of the applicant in connection with this application.
6. That certified copies of this resolution be included as part of the application, for an advance to be submitted to the United States.

MR. BAKER said the above resolution was unanimously approved by his Committee as being in the best interest and welfare of the City.

MR. BAKER MOVED for adoption of the above resolution. Seconded by Mr. Melzer.

MR. SCARELLA asked if the Public Works Committee has been advised as to whether or not the proposed construction is practical or not - just where it is to be located, etc.

MR. BAKER said they have not been in consultation with the Public Works Committee at this point, because the matter is merely in the planning stage, and the money being requested is for plans and designs - that when the matter has progressed to a point where something more relevant and material can be considered, it will then be consulted, and referred to that committee or any other committee that may be interested.

MR. SCARELLA asked if approval of the resolution committed the city to doing this work.

MR. BAKER replied that this is not necessarily true - that if the work is not done, whatever remaining money will be returned to the Federal Government.

MR. McLAUGHLIN spoke in favor of the resolution. He said this highway would be very important for the future growth and welfare of the city.

MR. JOHNSON asked Mr. Baker a question, through the Chair. He asked to what extent the City would be liable if the plan was not carried out.

MR. BAKER replied that the City would then be chargeable with a return to the Federal Government of the money advanced, only at such time as the city began construction of the project.

MR. MULREED said it was his understanding that the funds were for an economic study and cannot see where the Public Works Committee of this Board would be involved at this stage.

MR. SCARELLA said the only reason he asked the question was because he would like to know the extent the city was committed before voting on the resolution.

There being no further discussion, a VOTE was taken on Resolution No. 383 and CARRIED unanimously.

(5) Concerning an amendment to Ordinance No. 61 - Carnivals, Circuses and Wild West Shows:

MR. MELZER MOVED for suspension of the rules in order to take up the above matter.

MR. BAKER asked that the record show that Mr. Melzer was presenting the above matter on the behalf of the Legislative & Rules Committee.

Mr. Melzer's motion was seconded by several members and CARRIED unanimously.

MR. MELZER MOVED for approval of the following Ordinance as amended, waiving prior publication, in accordance with the provisions of Section 204.1 and Section 204.1c of the Charter. Seconded by Mr. Schwartz and CARRIED unanimously:

ORDINANCE NO. 98 SUPPLEMENTAL

CARNIVALS, CIRCUSES AND WILD WEST SHOWS
(Rescinding and Amending Ordinance No. 61)

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Articles II and III of Chapter 30 in the Code of General Ordinances and which deal with Carnivals, Circuses and Wild West Shows are hereby repealed, and

BE IT FURTHER ORDAINED that no Carnivals, Circuses or Wild West Shows shall be conducted, operated or performed within the City of Stamford, and

BE IT FURTHER ORDAINED that this Ordinance is not intended to apply to any fair or amusement or entertainment similar thereto, conducted

by a local bona fide fraternal, charitable or religious organization under the provisions of the State Statutes pertaining thereto, and

BE IT FURTHER ORDAINED that an exception to this Ordinance may be granted by a two-thirds vote of the Board of Representatives if the Carnival, Circus, or Wild West Show is conducted, operated or performed by or under the sponsorship of a local bona fide fraternal, charitable or religious organization wherein the proceeds of said Carnival, Circus, or Wild West Show are used for charitable, religious or public purposes.

This Ordinance shall become effective immediately upon enactment.
(Enacted February 23, 1962)

- (6) Concerning request from Junior League of Stamford to have a Circus in the City of Stamford on May 12, 1962 (Requested in letter of 11/15/61 from Mrs. Donald A. Porter, Circus Chairman)

MR. MELZER spoke on the above request. He said this was a charitable organization and the proceeds from the Circus would be used to help needy organizations such as Aid to Retarded Children. He MOVED that permission be given to the Junior League to sponsor a Circus. Seconded and CARRIED unanimously.

PUBLIC WORKS COMMITTEE:

MR. BLOIS read his committee report at this time. He said a meeting was held January 29, 1962 with the following members present: Messrs. Blois, Dombroski, Arruzza, Mead and Longo, with Messrs. Esposito, and Walsh absent.

He reported that the meeting was held to act upon matters which were referred to this committee and appear on the agenda. (No report was filed with the Clerk for the files)

HEALTH & PROTECTION COMMITTEE:

MR. GERONIMO, Chairman, presented his committee report at this time. He said a meeting was held January 26, 1962 at the Belltown Fire Station. Present were: B. Geronimo, T. Morris, B. Kozlowski and M. Macri; with Mr. Scarella absent.

Re: Proposed Ordinance Concerning Physical Examination of Food Handlers

MR. GERONIMO reported that upon inquiry the committee found that the City of Bridgeport has such an Ordinance and the committee obtained a copy of it. He said they studied this Ordinance and voted unanimously to forward a copy of same to each member of the City Health Commission with the suggestion that perhaps this can be a guide in the drafting of a similar Ordinance as part of their policy and plans in giving the City of Stamford a good health plan.

Re: Fallout Shelters

MR. CONNORS said about five months ago he raised the question of fallout shelters and as far as he knows, nothing further was done about it. He asked if the City of Stamford was going to make these shelters tax exempt, or are they going to

carry on the way they are doing it at the present time. He said he has asked this question many, many time and it was again brought to his attention this evening. He said he brought this up at last month's meeting and it was supposed to be before the Steering Committee. He said he would like to receive some kind of an answer so that he could give it to his constituent.

MR. GERONIMO called attention to an article which appeared in the Stamford Advocate, dated January 9, 1962, and which he read to the members.

MR. CONNORS said he was not concerned with articles that appeared in the newspaper - that he was concerned with the fact that it never was brought before the Board or came out of Committee - that it had been given to the Health and Protection Committee and the Legislative and Rules Committee five months ago.

THE PRESIDENT informed Mr. Connors that if he wished to bring this before the next meeting of the Steering Committee, he could do so.

MR. CONNORS MOVED that this matter be brought before the next meeting of the Steering Committee so that "we can get a report - are these shelters going to be tax exempt or not".

THE PRESIDENT told Mr. Connors it would not be necessary to bring this up as a motion - that the matter would be referred to the Steering Committee.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL, Chairman, presented his committee report at this time. He said a meeting had been held on Saturday, January 27, 1962 at 10 A.M. in the Mayor's Office, City Hall, with the following members present: F. Melzer, R. Meyers, J. Mulreed, A. Shanen and G. Russell.

- (1) BURKE-DE CARLO - APPEAL from decision of ZONING BOARD (Appeal No. 61-020)
(Also referred to Legislative & Rules Committee - See
that Committee report under item #3)

MR. RUSSELL reported that his committee meeting was open to those interested parties who wished to present whatever facts and information they felt the Committee should have before deciding the merits of this appeal. He said those present were Mr. John Hanrahan and Mr. Maurice Buckley, attorneys for the Appellants and Mr. Sydney Perell, attorney opposing the appeal. After hearing the presentation of the attorneys, the committee went into executive session and discussed all phases of the appeal, including the comments of the Zoning Board members at their executive meeting as well as the transcript of the public hearing. He said, after full consideration of all the facts presented, the committee voted unanimously to uphold the appeal and thus reverse the decision of the Zoning Board.

The reasons for the action taken by his committee are as follows: That the past history of this affected area indicates that the Planning Board previously approved a change to C N Business Zone; also that a previous Zoning Board similarly approved; that the present designed business use had received approval of the past Planning Board in the Master Plan, and again upon referral to them by the Zoning Board; the repeated agreement that this area was not suitable for residential use by past boards' actions and most opponents; that under Designed Business, proper controls by the Zoning Board itself should eliminate abusive or offensive uses, or undesirable building designs.

MR. RUSSELL said that Mr. Melzer and Mr. Mulreed (members of his committee), were critical of the fact that they felt the appeal, as referred to the Board of Representatives by the Zoning Board, did not include findings, recommendations and reasons, as required by Section 553.2 of the Stamford Charter, but only the remarks of certain members in their discussion of the application.

MR. RUSSELL MOVED that the above Appeal be sustained and to over-rule the decision of the Zoning Board. Seconded by Mr. Scarella.

MR. SHERMAN said he wished the record to show that he was disqualifying himself from any participation in the discussion of this motion or in the voting upon it for the reason that he has been in the past and is presently associated with attorneys on this matter.

MR. BAKER said he wished to inform the members that Mr. Sherman also made a similar announcement at the meeting of the Legislative & Rules Committee and was completely disassociated from any consideration of this matter.

MR. RUSSELL also said Mr. Sherman had made the same announcement before the Planning & Zoning Committee.

THE PRESIDENT clarified the motion on the floor. He said the motion is to over-rule the decision of the Zoning Board and to support the position of the Appellant. He said a vote of "yes" means you are voting to overrule the Zoning Board.

VOTE taken on Mr. Russell's motion. CARRIED by a vote of 36 in favor of the Appellants, with two abstentions (Mr. Sherman and Mr. Oppenheimer).

(2) WALLACE STREET - Resolution approving report of Commissioner of Finance, dated 1/24/62, pending approval of Mayor and appropriation of funds to pay for cost of improvement.

MR. RUSSELL MOVED for approval of the following resolution. Seconded by Mr. Rybnick and CARRIED unanimously:

RESOLUTION NO. 384

APPROVING REPORT OF COMMISSIONER OF FINANCE
CONCERNING IMPROVEMENT TO BE CARRIED OUT ON
WALLACE STREET

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford:

That the report of the Commissioner of Finance to the Board of Representatives, dated January 24, 1962, regarding the improvement to be carried out on WALLACE STREET is hereby approved; and

BE IT FURTHER RESOLVED, that upon approval of said report by the Mayor of the City of Stamford, said improvement shall be carried out in accordance with said report, after notice of such finally approved report has been given according to law; and

BE IT FURTHER RESOLVED, that the report when so approved by the Mayor and when funds have been appropriated to pay for the cost of the improvement shall be recorded in the land records of the City of Stamford.

- (3) Naming of private road off Cedar Heights Road (Requested in letter of 1/10/62 from Carl Beeman, concerning road name for a right-of-way off Cedar Heights Road) (See item #13 under report of Steering Committee meeting of 1/22/62)

MR. RUSSELL MOVED for approval of the following resolution. Seconded by Mr. Mulreed and CARRIED unanimously:

RESOLUTION NO. 385

NAMING OF PRIVATE ROAD "RAPIDS ROAD",
EXTENDING NORTHERLY FROM CEDAR HEIGHTS ROAD

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford:

That the following private road, extending from the Northerly side of Cedar Heights Road and approximately 200 feet South of Mill River and running in a Northeasterly direction, shall henceforth be known as "Rapids Road".

- (4) Abandonment of stub road off Lolly Lane (As requested in letter from Thomas A. Gaines, dated 1/8/62, concerning disposition of a strip of land shown on Map #5786) (See item #14 under 1/22/62 report of Steering Committee)

MR. RUSSELL said the committee had unanimously agreed to the abandonment of this unaccepted road and MOVED for approval of the abandonment of the following bounded and described road:

Extending Southerly from Lolly Lane for a width of 50 feet, a distance of approximately 188.45 feet to land now or formerly owned by G. R. Montgomery. For a more particular description, reference is hereby made to map entitled "Chickadee Land", Property Surveyed for the House of Gaines, Inc., Stamford, Connecticut, dated March 15, 1956, and filed in the Town and City Clerk's office as Map No. 5786.

MR. RUSSELL's motion was SECONDED by Mr. Kelly and CARRIED unanimously.

- (5) Appointment of Vice-Chairman of Planning & Zoning Committee: JAMES E. MULREED (D)

MR. RUSSELL announced the appointment of Mr. James E. Mulreed as Vice Chairman of the Planning & Zoning Committee. (applause)

PARKS & RECREATION COMMITTEE:

Concerning Fees for use of park facilities - 1962 Season (Letter dated 12/4/61 from Edward Connell, Supt. Parks & Trees - In compliance with the provisions of Ordinance No. 64 Supplemental, Sec. 2)

MR. SHANEN read his committee report on this matter.

MR. SHANEN MOVED for approval of the following fees. Seconded by Mr. Melzer and CARRIED with one dissenting vote. (Mr. Geronimo objected to the fee of \$1.00 for park stickers):

MARINAS:

Cummings dockage -----	\$ 25.00
" open-----	7.50
" shore -----	5.00
Southfield dockage-----	25.00
Cove Island dockage -----	25.00
" " open -----	7.50
" " shore -----	5.00
Launching ramp - season -----	5.00
" " daily -----	.50

PARK STICKERS: ----- 1.00

TENNIS - Hourly rate per court ----- .40 *

*It should be noted there is a possibility of floodlighting at some of the tennis courts. If separate court metering is installed, there will be no increase over the daytime playing rates; but if the lighting is paid for on one meter by the City, the night rates will be 60¢ per hour per court.

BEACH LOCKERS (Seasonal) -----	\$ 20.00
(daily) Clothes Checking -----	.25

LAWN BOWLING ----- 2.00

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

Corporation Counsel's opinion, concerning vacancies in office of Constable
(Letter dated February 1, 1962) (See item #3 under report of Steering Committee meeting held 1/22/62 -- Also see minutes of Jan. 8, 1962, pages 3295-96)

The following letter from the Corporation Counsel is in reply to letter sent by the Steering Committee (dated 1/23/62) requesting his opinion on the above matter:

February 1, 1962

Dear Mr. Shapero:

In response to the inquiry about the vacancies in the office of constable, I am setting forth below the various provisions of the Charter pertinent thereto.

Section 110 of the Charter provides that seven constables shall be elected by the qualified voters of Stamford. Section 102 provides that the term of office of constables shall be two years. I understand that only five constables were elected in the last municipal election, four Democrats and one Republican, and therefore a vacancy exists as to two constables.

"Where a vacancy occurs in an elective office and no specific provision for filling such vacancy is made in this Charter, the Board of Representatives shall select a successor to fill such vacancy until December first following the next biennial election."
(Section 113, Charter of City of Stamford)

A difficulty now arises as to the political qualifications of the successor. Section 114 provides that when any provision is made in the Charter for filling a vacancy in an elective office in any manner other than a municipal election, the successor shall be chosen from the political party, if any, which nominated his predecessor. Since no nominations were made for the vacant offices, it is not clear from which party the successors shall be selected. The candidates of the Democratic Party have filled four of the offices, and therefore the vacancies cannot be filled by members of the Democratic Party and must be filled by persons other than members of the Democratic Party.

Very truly yours,

(signed) Isadore M. Mackler
Corporation Counsel

MR. JOHNSON MOVED for SUSPENSION OF THE RULES in order that the Board might vote on the appointment of two Republicans to fill the vacant office of Constable. Seconded and CARRIED unanimously.

Re: Naming of PETER V. ACCOUSTA, (Republican) of 32 Ferris Avenue as Constable

MR. JOHNSON MOVED that the name of Peter V. Accosta be placed in nomination to fill the vacancy as Constable. Seconded by Mr. Kelly and CARRIED unanimously.

Re: Naming of ERNEST MALLOZZI, JR. (Republican) of 40 High Street as Constable

MR. JOHNSON MOVED that the name of Peter V. Mallozzi, Jr. be placed in nomination to fill the vacancy as Constable. Seconded by Mr. Schwartz and CARRIED unanimously.

Re: Stamford Water Company - Increase in Rates - PUC Notice of 1/26/62

THE PRESIDENT read the following letter from the PUC:

DOCKET NO. 10069

RE: STAMFORD WATER COMPANY INCREASE IN RATES

NOTICE OF HEARING AND ORDER OF SUSPENSION

By application dated January 18, 1962, the Stamford Water Company filed a revised schedule of rates for all classes of customers

which was designed to increase total revenues by \$357,300 per year, to become effective February 1, 1962.

According to estimates provided by the company, its proposed rates would result in increased charges for its various classes of customers by approximately the following

<u>CLASS OF SERVICE</u>	<u>PERCENTAGE INCREASE</u>
Residential	24
Commercial	24
Industrial	24
Fire Protection	
Private	50
Public	92
Other Utilities	25

Now therefore it is ordered that the commission enter upon an investigation of the rates and charges specified above and that a hearing be held for such purpose at Room 565A, State Office Building, 165 Capitol Avenue, Hartford, on Monday, March 5, 1962, at 10:30 a.m.

It is ordered further that the operation of said schedule of proposed rates and charges be suspended until further order of this commission.

Dated at Hartford, Connecticut, this 26th day of January 1962.

PUBLIC UTILITIES COMMISSION

George J. Griffin
Executive Secretary

NEW BUSINESS:

Re: The right of the Board of Representatives to function as an Appeals Board in appealing decisions of the Planning & Zoning Boards

MR. CUSHING said he was not questioning at this time, the action taken tonight by this Board on an appeal from a decision of the Zoning Board. However, he said he would like to recommend to the next Charter Revision Commission, whenever it may be appointed, the matter of amending the Charter so as to remove from the province of the Board of Representatives the right to function as an Appeals Board in appeals from decisions of the Planning & Zoning Boards.

THE PRESIDENT informed Mr. Cushing to please put this in the form of a letter, so that it may be referred to the next Charter Revision Committee when it is appointed. Mr. Cushing said he would do so.

Re: Death of Paul Pavia, Stamford Postmaster

MR. SCHWARTZ MOVED that a letter of sympathy be sent to the family of the late Paul Pavia. Seconded and CARRIED unanimously.

Re: Use of Beaches by out-of-towners

MR. CUSHING spoke on the above matter and asked that it be referred to the Steering Committee.


Re: SEASIDE AVENUE - Flooding and improper drainage conditions (Complaint in letter of 2/20/61 from the 10th District Representatives)
(Note: Referred to Public Works Committee at 2/20/61 meeting of Steering Committee - See Minutes of 3/6/61, page 3018, item #5)

MR. KUCZO brought up the above matter. He said it had been referred to the Public Works Committee by the Steering Committee at their meeting about a year ago - on February 20, 1961 - he said he has not heard anything further about the matter.

THE PRESIDENT informed Mr. Kuczo that this was a new Board and to please write a letter on this problem and it would be referred to the proper committee.

ADJOURNMENT:

There being no further business to come before the Board, upon MOTION, duly seconded and CARRIED, the meeting was adjourned at 10:30 P.M.


Velma Farrell
Administrative Assistant
(Recording Secretary)

vf

APPROVED:


Paul D. Shapero, President