

SPECIAL MEETING OF BOARD OF
REPRESENTATIVES CONCERNING
CHARTER REVISIONS, AS RECOM-
MENDED BY 5TH CHARTER REVISION
COMMISSION - SEPT. 7, 1962

3460

A Special Meeting of the Board of Representatives of the City of Stamford was held Friday, September 7, 1962 at 8:00 P.M. in the Cafeteria of Dolan Jr. High School, in response to a "Call" by the President, Paul D. Shapero.

The President called the meeting to order at 8:00 P.M. (Note: This meeting was not broadcast)

ROLL CALL was taken by the Clerk. There were 30 present, 8 absent and two recent resignations (Mr. McLaughlin and Mr. Mazza) also not present. The absent members were: Patsy Arruzza, Richard O'Neill, Fred Blois, Dr. Grove, Raymond Mazza (resigned member); William Murphy, Stephen Kelly, Edward Dombroski, George Russell and Jack McLaughlin (resigned member).

The President read the following "Call" of the meeting:

BOARD OF REPRESENTATIVES
ROOM #23, CITY HALL
STAMFORD, CONNECTICUT

September 5, 1962

TO: ALL member of Board of Representatives

SUBJECT: Special Board Meeting

I, PAUL D. SHAPERO, President of the Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives, for

FRIDAY, SEPTEMBER 7, 1962
At the Walter Dolan Jr. High School
Cafeteria, Toms Road, Glenbrook

at 8:00 P.M.

for the following purpose:

To consider and act upon the REPORT OF THE CHARTER REVISION COMMITTEE and to act upon proposed Charter changes, to be submitted to referendum at the next general election.

(signed) PAUL D. SHAPERO, President
Board of Representatives

THE PRESIDENT directed Robert M. Meyers, Chairman of the Charter Revision Committee, to give his Committee report.

MR. MEYERS said, in view of the many questions that have been raised in regard to procedure, he would read the following letter which has been received from the Corporation Counsel:

CITY OF STAMFORD, CONNECTICUT

September 7, 1962

Robert M. Meyers, Esq.
Chairman, Charter Revision Committee
Board of Representatives
City Hall
Stamford, Connecticut

Dear Mr. Meyers:

I have reviewed the procedures taken by the Charter Revision Commission and the Board of Representatives to date with respect to the proposed Charter amendments and find them to be valid.

Very truly yours,

(signed) Isadore M. Mackler
Corporation Counsel

MR. MEYERS presented the report of his Committee. He said a public hearing was held on August 14, 1962 and a Public Committee Meeting on August 30, 1962, and a second public hearing on September 6, 1962. Following the public portions of the meetings of August 30 and September 6, executive sessions were held by the Committee.

Present: Samuel D. Cushing, Ronald M. Schwartz, John R. Nolan, James E. Mulreed, Benjamin Kozlowski and Robert M. Meyers.

MR. MEYERS reported that as a result of careful deliberation, and taking into account the operation of Sections 7-191 and Sections 9-370 of the Connecticut General Statutes, as amended, the Committee approved unanimously Proposals Nos. 1, 2, 3, 4, 5, 6, as presented to this Board by the Charter Revision Commission.

In regard to Proposal No. 5, Mr. Meyers reported that the Committee is of the opinion that due to the large number of referendum items which will be on this year's ballot, it may be a more prudent course for the Board of Representatives to consider placing this item on next year's ballot so as not to unduly burden the voters at the polls in November.

In regard to Proposal No. 7, concerning extension of the term of Mayor from two to four years, the Committee voted unanimously to REJECT this item, in view of the opinion of the Corporation Counsel's office construing it as being contrary to the provisions of the Constitution of the State of Connecticut.

In regard to Proposal No. 8, concerning revision and amendment of the Pension Systems of the City of Stamford, the Committee voted unanimously to REJECT this item.

Regarding Proposal No. 8, Mr. Meyers said it is recommended by the Committee that this proposal be referred to the next Charter Revision Commission, with a view of expanding certain benefit provisions, such as widow's benefits. Further, in view of the complexity of this question and the importance of this item to the City of Stamford, it was felt that it would be better to give such an important proposal a more prominent place on the ballot than to sandwich it in with ten other items.

MR. MEYERS said his Committee has acted, during the term of the present Chairman, as an integral and homogeneous unit, always in complete agreement on actions taken. There have been differences of opinion expressed at public hearings, but the voting record is ample evidence of the solidarity and agreement of purpose and procedure of the Committee.

THE PRESIDENT explained that the vote on these Charter amendments requires a vote of 21 members of the Board (a majority vote).

MR. CONNORS said he has a letter which was given to him tonight from the East Side Taxpayers' Association and requested permission to read the first paragraph of the letter at this time. The portion read follows:

"On behalf of the East Side Taxpayers' Association, I would like to question the legality of the meeting scheduled tonight presenting certain amendments to the Charter and protesting the presentation of any Charter amendments at the November election, for the record the Board of Representatives and the Board of Finance should have the following information prior to voting approval of any of these amendments....."

(Signed) Frank Daley, President
East Side Taxpayers'
Association

MR. SCARELLA said he wished to raise one question. He asked if he understood it correctly - that an opinion had been received from the Corporation Counsel that the meeting is valid. He said the point he is trying to make is: "Are we giving up our rights at a second go at the amendments to the Charter? Are we voting here tonight to place these proposals on the ballot at the next election?"

MR. MEYERS said it is his understanding that in the past this Board has not always sent everything back to the Charter Revision Commission. However, in view of the statutory deadline which prevails, the alternative which this Board is faced with this evening is to either accept or reject these proposals - there is not sufficient time to send them back to the Charter Revision Commission for amendment or for further study by the Commission.

THE PRESIDENT explained that the vote tonight will be either to place these amendments on the ballot for the next election or to reject them.

MR. SCARELLA said under these circumstances he finds himself in no position to vote to place these on the ballot this year. He said he would like to go on record that he never has been in favor of having certain local issues involved in a state election, however, since the state is also placing quite a large group of amendments on the ballot, it will involve too many referenda questions which will result in confusion to the average voter and he feels he can take no other position than to vote against the amendments."

MR. JOHNSON requested a five minute recess at this time, which was granted.

THE RECESS was over at 8:45 P.M. and the members resumed their seats.

THE PRESIDENT instructed the Clerk to take a roll call vote on all proposals for Charter amendment.

MR. SHERMAN said, with due deference to the Corporation Counsel's opinion on the validity of this matter, he would like to call the Board's attention to certain provisions of the general statutes which he believes have been violated by the Board as a whole in setting up the original Charter Revision Commission - (the 5th).

MR. SHERMAN said the statutes specifically provide that this Board (the appointing authority) must authorize the appointment of a Charter Revision Commission by a two-thirds vote, and so far, so good. He said that at the Board meeting held April 2, 1962 this Board did so authorize by resolution the appointment of a Charter Revision Commission and it was unanimously adopted. The general statutes - Section 7-190 provides that within thirty (30) days after such initial action has been taken by the appointing authority - in this case the Board of Representatives - that the Charter Revision Commission shall be appointed, that we shall specify the areas for discussion by it and that we shall specify the date by which it shall make its report back to the appointing authority.

He said the Board failed in three aspects in regard to that statute. First, we did not appoint the Charter Revision Commission until the May 7, 1962 Board meeting - obviously more than thirty days from the date of the initial resolution authorizing this appointment. In the second place, we failed completely to specify the areas of discussion or consideration for the present Charter Revision Commission. Third, we did not specify the date by which it would make its return report to this Board.

He said he thinks it is not necessary to go further than that one statutory provision to determine the validity of this whole procedure. He said: "I don't think it's valid and in my discussion with the Corporation Counsel yesterday he took the position that an error may have been made, but so what, in the sense that these were procedural aspects rather than substantive ones and he doubted that a court would over-rule it, since there was initial unanimous action on the part of this Board, authorizing the appointment of a Charter Revision Commission. However, I don't personally want to take that risk on the part of the whole City of Stamford.

"I submit three possibilities to the Board for consideration. Let's take the proposed bonding issue (Proposal No. 2) where we are asked to have a Charter revision authorizing a period of thirty years for the repaying of bonds. Would anyone here be willing to certify to a bonding company that our procedure has been completely valid in authorizing this referendum question? I, as a lawyer, would not for sure, and I would hate by so doing to jeopardize any bonding issue under this provision.

"We also have a question regarding appeals from the Zoning and Planning Boards (Proposal No. 6), to this Board. Supposing you were representing an opponent to an action by this Board on an appeal. I ask you if you wouldn't cite the background of this Charter Revision Proposal in any suit brought to you in appealing to a court from a decision of this Board?

"Going on still further - the statutes provide that the Commission - the Charter Revision Commission - will hold at least one public hearing within thirty days.

They did that. We have failed to act within the fifteen days required of that public hearing, and I submit to the Board that last night's public hearing was not a validly called public hearing, in that it was not called by the Board of Representatives, nor was it advertised as such, but as a public hearing advertised by a Chairman of a Committee of this Board and it was not issued in the name of the President of the Board and authorized by the Board.

"I would also submit to the Board that Section 9-370 of the general statutes provides that no question shall be submitted to the electorate within sixty (60) days of an election. If you take the day before our election in November and count back sixty days, this is the sixtieth day. We are within sixty days. I think that there are at least five or six examples of questionable validity to the entire proceeding of the Charter Revision Commission and of this Board in setting it up and I urge that all of the Charter revision proposals be rejected and I do this with great personal regret, because as you know, I was the proponent of one of those Charter revisions and I am very unhappy about this. However, this is something where the entire Board was at fault - not any one man or any one group of members and I think we should recognize our error and show our good faith to the public and start afresh."

MR. BAKER said he takes umbrage at Mr. Sherman's remarks on the legal opinion of our Corporation Counsel, knowing full well the careful and conscientiousness manner in which he operates and knowing that he would not act without great degree of certainty. He said he was sure that this opinion was not passed without having very substantial grounds for so doing and is sure that the action that this Board has taken is valid.

MR. BAKER said he based this opinion on personal experience in this very area now under discussion. With respect to the question of the thirty day limit, he said he was sure that Mr. Sherman does not know that the Supreme Court has repeatedly in numerous governmental agencies, held that the thirty day period is merely directive and not mandatory and that it does not invalidate an action where an action is not taken within the thirty day period prescribed. He referred to the "Arbitration Statute" which authorizes the State Board of Arbitration and Mediation to arbitrate where it states that a decision must be rendered within 15 days after it has been completely heard. He said in one case in which he was involved the State Board did not act within the 15 day period and acted substantially in excess of this 15 day period - the validity of this action was challenged and the Supreme Court ruled-----

MR. SCARELLA rose on a point of order. He said that Mr. Baker's remarks are not germane to what is on the floor, and he does not intend to sit and listen to any legal diatribe.

THE PRESIDENT ruled that Mr. Baker's remarks are in order.

MR. BAKER said he was trying to show the relationship here to the point which was raised by Mr. Sherman and that he did not know how to make it any plainer to Mr. Scarella. He continued with his remarks.

Mr. Baker said the point he was trying to bring out was the fact that the failure of the Board of Arbitration to act within 15 days did not invalidate their action, since the time limit in the statutes was directive only and not mandatory.

MR. SHERMAN said he realizes that each member of this Board has his own opinion, and "we don't know for sure". He said he could not see risking the good faith

of the City of Stamford on the supposition that a Court may uphold the action. He said he does not believe this Board should subject themselves to being put into a position where they will have to be proven right in a taxpayers suit, or any other action that may bring up this issue.

MR. JOHNSON said he thinks this Board should recognize the fact that the legal officer of the City of Stamford has considered the matter, although everyone may not agree with his decision - he is the legal officer and has rendered an opinion and this Board should consider that decision as being valid.

MR. MEYERS MOVED for approval of Proposal No. 1 with the recommendation that it be placed on the ballot at the November 6, 1962 election, Seconded by Mr. Nolan.

The following proposal was APPROVED by a roll call vote of 25 in favor, 3 opposed with one abstention, the President not voting:

THOSE VOTING IN FAVOR

AUSTIN, Eleanor R.
BAER, Jack
BAKER, Daniel
CLARKE, Hilda S.
CONNORS, George V.
CUSHING, Samuel D.
ESPOSITO, Anthony
FARINA, Rose C.
JOHNSON, David L.
KOZLOWSKI, Benjamin
KULOWIEC, Stanley
LILLIENDAHL, Frances
LONGO, Carmine V.
MEAD, R. A., Jr.
MEYERS, Robert M.
MORRIS, Thomas A.
MULREED, James E.
NOLAN, John R.
OPPENHEIMER, David
RYBNICK, Gerald J.
SCHWARTZ, Ronald M.
SHANEN, Allen J.
TRUGLIA, Anthony D.
CAPORIZZO, Vincent
WALSH, William

THOSE OPPOSED

HEARING, William
KUCZO, Paul J., Jr.
SCARELLA, Patrick

ABSTENTION

SHERMAN, Michael S.

PROPOSAL NO. 1

Concerning certain formal changes in the Charter, to make clear the language and to correct certain omissions (Proposed by the Corporation Counsel)

- (a) In Sections 420 through 423, (except Section 421) reference is made to the Commissioner of Health. By Special Act No. 23 (1955) an amendment to the Charter was made, setting out the qualifications of the Director of Health, to take effect upon the expiration of the term of the then Health Officer of Stamford (Section 421).

The inconsistency created by the above amendment is best solved by changing all references in the above sections from "Commissioner of Health" to "Director of Health". This arrangement avoids any confusion with members of the Health Commission and corresponds with the nomenclature used in other agencies of the government, e. g. Welfare Commission.

- (b) Section 502.1 does not, in its present form, specifically provide for perpetual existence of the Park Commission. This omission can be resolved by adding to the last sentence of this provision the words: "and thereafter each new alternate member shall be appointed to serve for five years".
- (c) In Section 553, the word "of" appearing immediately preceding the words: "the zoning regulations" in the first line should be omitted. This omission would appear to restore to said Section the plausible intention of the original framers.
- (d) In Section 553.2, fourth line from the end, the word "on" appearing before the words: "any areas so zoned" should be changed to "of" to restore a logical meaning to this provision.
- (e) Section 558.1 refers to limits set forth in Section 416.3. Section 416.3 was repealed in 1957 by Special Act No. 273 of that year. In view of said repeal, the words: "but shall not be interpreted as extending any other authority of the Building Inspector beyond the limits set forth in Section 416.3" should be omitted from Section 558.1.

- (f) A new Section should be added entitled:

"Section 571.1 Assessment Day. The assessment day of the City of Stamford shall be the first day of September."

(Note: This change embodies the mandate of S. A. 454, (1953), which incorporates by reference the provisions of S. A. 254, (1945), Section 10. See Section 576 of Charter.)

- (g) The last two sentences of Section 530 should be deleted and the following put in their stead:

"During the period from the second day through the twentieth day of January of each year, it shall hear all appeals from the doings of the Tax Assessor in the manner prescribed by law for appeals from assessments for town taxes."

(Note: This change effectuates the provision in S.A. 254, (1945) Section 9, which provides for meetings of the Board of Tax Review in the month of January. See Section 576 of the Charter which makes this provision applicable.

The limitation of time for hearings to the period from January 2 through January 20 is intended to provide the Tax Assessor with a ten day period within which to prepare a correct statement of the Grand List embodying all changes made by the Board of Tax Review. This statement must be delivered to the Commissioner of Finance before the first day of February of each year.

Special Meeting held Friday, September 7, 1962

There appears to be no reason to retain the provision empowering the Board of Representatives to set the dates for the hearings before the Board of Tax Review.)

(h) A new Section, to be numbered 572.1, should be added as follows:

"Section 572.1 Certification of the Grand List by the Assessor. In the month of January in each year, the Assessor shall prepare a correct statement, giving the total valuation or grand list of property taxable within said city and also the total valuation or grand list of the property taxable within each of the tax districts of said city, as shown in the last assessment lists after such lists have been completed and finally acted upon by the Board of Tax Review after any changes therein, determined by said Board, shall have been finally made and completed. Said statement, after having been sworn to by said Assessor, shall be by him delivered, on or before the first day of February in each year, to the Commissioner of Finance of said city, who shall preserve it with the public records of said city."

(Note: The above provision is S.A. 254, (1945) Section 13. This Special Act has not been repealed, and should therefore properly be included within the body of the Charter.)

(i) Section 576 should be amended as follows:

"Section 576. Date of Tax Liens. The liens on property for the taxes annually laid by the City of Stamford and due on or after April 1, 1947, and for any special tax laid after said date, shall date from the first day of September next preceding the completion of the lists upon which such taxes shall be laid."

(Note: This change embodies the contents of Section 12 of S.A. 254, 1945) as incorporated by reference by S.A. 454, (1953).)

(j) If the changes or additions listed in Subsections (f) through (i) above are adopted, then the setting out of the second paragraph of Section 576 of the Charter will be unnecessary and this provision should be repealed.

The altered, or amended sections of the Charter would then read as follows:

CHAPTER 42. HEALTH DEPARTMENT

Section 420. Powers and Duties of the Director. The Director of Health shall be responsible for the administration, supervision and discipline of the Health Department. He shall have the powers and perform the duties of municipal health officer. He shall: (1) investigate any matter pertaining to the public health and take any action necessary for the conservation thereof; (2) abate any nuisance injurious to health and may bring an action at law or in equity in the name of the municipality and through the Corporation Counsel to abate such nuisance; (3) take any necessary steps to prevent the spread of contagious or infectious diseases and to enforce all statutes, ordinances, rules and regulations concerning the preservation of human life, public health and sanitation; (4) take such action as shall be necessary to secure purity of the water, ice and milk supply in Stamford; (5) inspect restaurants, food, meat and milk and other dairy products and prescribe the manner in which foodstuffs may be protected from defilement or exposure to dirt and disease germs; (6) prevent the sale of decayed animal or vegetable matter or immature flesh for food; (7) provide for the removal of all filth and putrid substances or matter which may be injurious to public health and sanitation; (8) order the owner or

owners of property abutting on any street wherein a public sewer is located to connect any building on such property with the public sewer.

Section 420.1. Right of Entry. In pursuance of his duties he may enter upon or into any lands or buildings in Stamford.

Section 422. Assistant Health Officer. If an appropriation has been made therefor, the Director of Health may appoint an Assistant Director, who shall perform the duties that are delegated to him by the Director. The Assistant Director of Health shall possess all the powers and perform all the duties of the Director during the absence or disability of the Director of Health, or in the event of a vacancy in that office. The Assistant Director shall be a physician eligible to practice medicine in Connecticut.

Section 423. Orders of Director of Health and Appeal Therefrom. Every order of the Director of Health shall be in writing, signed by him, and shall set the time within which compliance therewith is required. A copy thereof shall be served on each person required to comply with the order. If such person is not a resident of Stamford, the copy shall be addressed by registered mail to him at his last known address, and if no address is known, then by giving public notice. In the event of the failure of any person to comply with the order, the Director of Health may cause compliance therewith, and the expense of the compliance may be collected as a debt against such person. Any person aggrieved by any order of the Director of Health may, within one week from the giving of notice of such order, appeal in writing to the Mayor, who shall, within five (5) days, hear the complaint. In the event that the Mayor finds the action of the Director of Health to be unreasonable or contrary to law, or in excess of his powers, he shall vacate such order. The appeal shall act as a stay of execution unless the Director of Health shall certify to the Mayor that such a stay will prejudice the interests of the public. Nothing in this section shall be construed as authorizing the Mayor to modify or suspend the operation of any law or ordinance or to act contrary thereto.

Section 502.1 amended will read as follows:

Section 502.1. Appointment of the Park Commission. The Mayor shall submit to the Board of Representatives, not later than June 30, 1955, his nominations of five members of the Park Commission. Of the five persons thus nominated, one shall be nominated as a member to serve until December 1, 1956; one to serve until December 1, 1957; one to serve until December 1, 1958; one to serve until December 1, 1959; and one to serve until December 1, 1960. Thereafter, each new alternate member shall be appointed to serve for a term of five (5) years.

Section 553. Amendments to Zoning Regulations (Other than the Zoning Map), After the Effective Date of the Master Plan. After the effective date of the Master Plan, the Zoning Regulations, other than the Zoning Map, shall not be amended by the Zoning Board until at least one public hearing has been held thereon, notice of which shall be given as hereinafter provided. If the Zoning Board is the proponent of any such change, said notice shall contain the Board's reasons for such proposed change. Such Zoning Regulations shall not be amended by said Board to permit a use in any area which is contrary to the general land use established for such area by the Master Plan.

Section 553.2. Referral to Board of Representatives by Opponents or Proponents of Amendments to the Zoning Regulations (Other than the Zoning Map) After the Effective Date of the Master Plan. After the effective date of the Master Plan,

if following a public hearing at which a proposed amendment to the Zoning Regulations, other than the Zoning Map was considered, a petition is filed with the Zoning Board within ten (10) days after the official publication of the Board's decision thereon opposing such decision, such decision with respect to such amendment shall have no force or effect, but the matter shall be referred by the Zoning Board to the Board of Representatives within twenty (20) days after such official publication, together with written findings, recommendations, and reasons. The Board of Representatives shall approve or reject any such proposed amendment at or before its second regularly scheduled meeting following such referral. When acting upon such matters, the Board of Representatives shall be guided by the same standards as are prescribed for the Zoning Board in Section 550 of this Act. The failure by the Board of Representatives either to approve or reject said amendment within the above time limit shall be deemed as approval of the Zoning Board's decision. The number of signatures required on any such written petition shall be one hundred (100), or twenty percent (20%) of the owners of privately owned land within five hundred (500) feet of the area so zoned, whichever is least, if the proposed amendment applies to only one zone. All signers must be land owners in any areas so zoned, or in areas located within five hundred (500) feet of any areas so zoned. If any such amendment applies to two or more zones, or the entire city, the signatures of at least three hundred (300) land owners shall be required, and such signers may be land owners anywhere in the city.

Section 558.1. Limitation on Building Inspector. The provisions of Section 558 of this Act are intended to extend the powers of the enforcing officer of the Zoning Board to the limits of the municipality.

A new Section 571.1 will read as follows:

Section 571.1. Assessment Day. The assessment day of the City of Stamford shall be the first day of September.

CHAPTER 53. BOARD OF TAX RELIEF.

Section 530. Powers and Duties of Board of Tax Relief. The Board of Tax Relief shall have all the powers and perform all the duties that now are or hereafter may be conferred upon or required of town boards of tax relief by law. The Board shall equalize the assessments upon all property in the municipality. It shall be the duty of this Board to examine, and, if necessary, revise assessments as returned by the Assessor, to the end that all property within the municipality shall be assessed as nearly as may be at its then actual value. The Board shall have the power to summon any property owner before it; to take testimony under oath, and to require the production of books, papers, accounts and other evidence of the ownership and value of property within the municipality. Any person failing to appear before the Board when summoned, or failing to give or produce such testimony or evidence, shall be guilty of a misdemeanor and may be punished by a fine not exceeding one hundred dollars. During the period from the second day through the twentieth day of January each year, the Board shall hear all appeals from the doings of the Tax Assessor in the manner prescribed by law for appeals from assessments for town taxes.

A new Section, entitled: "Section 572.1. Certification of the Grand List.", shall appear as set forth in Subsection (h) above.

Section 576 is amended as follows:

Section 576. Date of Tax Liens. The liens on property for the taxes annually laid by the City of Stamford and due on or after April 1, 1947, and for any special tax laid after said date, shall date from the first day of September

next preceding the completion of the lists upon which such taxes shall be laid.

(End of Proposal No. 1)

MR. MEYERS MOVED for approval of Proposal No. 2 with the recommendation that it be placed on the ballot at the November 6, 1962 election. Seconded by Mr. Nolan.

Proposal No. 2 was APPROVED by a roll call vote of 26 in favor, 2 opposed, with one abstention, the President not voting:

THOSE VOTING IN FAVOR

AUSTIN, Eleanor R.
BAER, Jack
BAKER, Daniel
CLARKE, Hilda S.
CONNORS, George V.
CUSHING, Samuel D.
ESPOSITO, Anthony
FARINA, Rose C.
HEARING, William
JOHNSON, David L.
KOZLOWSKI, Benjamin
KULOWIEC, Stanley
LILLIENDAHL, Frances
LONGO, Carmine V.
MEAD, R. A., Jr.
MEYERS, Robert M.
MORRIS, Thomas A.
MULREED, James E.
NOLAN, John R.
OPPENHEIMER, David
RYBNICK, Gerald J.
SCHWARTZ, Ronald M.
SHANEN, Allen J..
TRUGLIA, Anthony D.
CAPORIZZO, Vincent
WALSH, William

THOSE OPPOSED

KUCZO, Paul J., Jr.
SCARELLA, Patrick

ABSTENTION

SHERMAN, Michael S.

PROPOSAL NO. 2

Concerning provision for bonding procedures toward expansion of parking facilities by the Parking Authority. (The affected Sections are 583, 591, 592 and 594.)

The amended Sections will read as follows:

Section 583. The Authority is authorized to establish, construct, maintain and operate public parking facilities, to purchase, lease or otherwise own and acquire land and buildings to be used for public parking of vehicles within the limits of the City of Stamford. All public parking lots presently owned by the City of Stamford shall be placed under the jurisdiction of the Authority.

When all bonds or other obligations now and hereafter issued under the provisions of Section 592 of the Stamford Charter and the interest thereon shall have been

paid, or sufficient moneys for the payment of all such bonds and other obligations and the interest thereon to the maturity thereof shall have been set aside in trust in accordance with the terms of such bonds and obligations for the payment thereof, all property, including land and buildings, owned or operated by the Authority shall become the property of the City.

Section 591. All public parking facilities within the City, for which fees or charges may be imposed, shall be maintained and operated by the Authority as a separate corporate entity, and the City shall not, directly or indirectly, otherwise maintain or operate any such facilities. The Authority may lease or otherwise contract for the use of any parking facilities by private operators of services incidental thereto.

Section 592. Said Authority shall have the power to issue bonds or other obligations of the Authority for the purpose of purchasing, constructing and acquiring parking facilities in the City of Stamford, which facilities shall include parking meters and property and structures to be used for public parking facilities, whether on or off the public streets or highways of said City, and for the purpose of funding or refunding bonds or other obligations of the authority, either at maturity or prior to maturity. Said bonds or other obligations shall be payable solely from the revenues derived from the parking facilities, including parking meters, whether on or off the public streets and highways, and the revenues derived by the Authority from the use of parking lots or other properties in the City. Said bonds shall not constitute a pledge of the faith and credit of the City of Stamford and shall not apply to the debt limitation upon the City of Stamford prescribed by the general statutes. Such bonds or other obligations shall be issued and sold in such manner as shall be provided by resolution of the Authority, and shall be in such form and detail, payable at such time or times within a period not exceeding thirty (30) years, bear interest at such rate or rates not exceeding five percent (5%) per annum, carry such privileges of registration or reconversion from registered into coupon form, be redeemable at such premium or without premium and be executed, all as provided by resolution or resolutions authorizing the issuance thereof. Such bonds or other obligations shall be exempt from all state and local taxes, and shall be fully negotiable within the meaning of the law merchant or any provision of law. The Authority may invest temporarily in direct obligations of the United States such portion of the proceeds from the sale of such bonds or other funds as are available for such purpose. Subject to the rights contained in any outstanding bonds, the proceedings authorizing the issuance of any bonds may contain provisions and limitations, which shall constitute a contract with the holders of such bonds, relating to the pledge of all or any part of the revenues of the Authority; the rates and charges to be imposed for the use of parking facilities; the establishment, safekeeping and investment of funds and reserves for the payment and security of the bonds and the maintenance and operation of the parking facilities; the amount of annual operation and maintenance expense, which may be greater or less than that prescribed by Section 588 of the Stamford Charter and which shall supersede the limitation prescribed thereby; the sale, lease or encumbrance of parking facilities and the insurance thereof and of their operation; the issuance of additional bonds as to purpose and amount and any other matters which might affect the security of the bonds, including the procedure, if any, by which the terms of any contract with the holders of such bonds may be changed or abrogated.

Section 594. Said Authority is authorized and directed to reimburse the City of Stamford, from time to time, for payments made by the city on bonds or notes issued under the provisions of Special Act No. 37 of the 1958 Session. Not later than one hundred and twenty (120) days after the close of each fiscal year, the Authority shall pay to the City of Stamford fifty percentum (50%) of the revenues

received during the preceding fiscal year in excess of the amount thereof required to be retained, deposited or otherwise applied, pursuant to the provisions of the Authority's outstanding bonds and the proceedings authorizing their issuance.

(End of Proposal No. 2)

MR. MEYERS MOVED for approval of Proposal No. 3 with the recommendation that it be placed on the ballot at the November 6, 1962 election. Seconded by Mr. Cushing.

Proposal No. 3 was APPROVED by a roll call vote of 26 in favor, 2 opposed, with one abstention, the President not voting:

THOSE VOTING IN FAVOR

AUSTIN, Eleanor R.
BAER, Jack
BAKER, Daniel
CLARKE, Hilda S.
CONNORS, George V.
CUSHING, Samuel D.
ESPOSITO, Anthony
FARINA, Rose C.
HEARING, William
JOHNSON, David L.
KOZLOWSKI, Benjamin
KULOWIEC, Stanley
LILLIENDAHL, Frances
LONGO, Carmine V.
MEAD, R. A., Jr.
MEYERS, Robert M.
MORRIS, Thomas A.
MULREED, James E.
NOLAN, John R.
OPPENHEIMER, David
RYBNICK, Gerald J.
SCHWARTZ, Ronald M.
SHANEN, Allen J.
TRUGLIA, Anthony D.
CAPORIZZO, Vincent
WALSH, William

THOSE OPPOSED

KUCZO, Paul J., Jr.
SCARELLA, Patrick

ABSTENTION

SHERMAN, Michael S.

PROPOSAL NO. 3

Concerning alteration of debt limitation statement by the Commissioner of Finance, from January 5 to January 15.

Sections 611.1 and 611.2 as amended, would then read as follows:

Section 611.1. Report of Commissioner of Finance. On or before the fifteenth (15th) day of January, the Commissioner of Finance shall report to the Board of Finance and to the Mayor, the amount and nature of the expenditures which, in his opinion, the City may safely incur for capital projects during each of the six succeeding fiscal years, and the estimated effect of such expenditures upon the current budgets for each of those years, together with his recommendations in relation thereto.

Section 611.2. Certificate of the Board of Finance. On or before the first (1st) day of February, the Board of Finance shall transmit to the Planning Board the report made by the Commissioner of Finance, pursuant to Section 611.1 together with its certificate of the amount and nature of expenditures which, in its opinion, the City may safely incur for capital projects in the ensuing fiscal year, with the recommendations as to the method of financing such capital projects as may be included in the budget for that year.

(End of Proposal No. 3)

MR. MEYERS MOVED for approval of Proposal No. 4 with the recommendation that it be placed on the ballot at the November 6, 1962 election. Seconded by Mrs. Austin, Mr. Mulreed, Mr. Cushing.

Proposal No. 4 was APPROVED by a roll call vote of 26 in favor, 2 opposed, with one abstention, the President not voting:

THOSE VOTING IN FAVOR

AUSTIN, Eleanor R.
BAER, Jack
BAKER, Daniel
CLARKE, Hilda S.
CONNORS, George V.
CUSHING, Samuel D.
ESPOSITO, Anthony
FARINA, Rose C.
HEARING, William
JOHNSON, David L.
KOZLOWSKI, Benjamin
KULOWIEC, Stanley
LILLIENDAHL, Frances
LONGO, Carmine V.
MEAD, R. A., Jr.
MEYERS, Robert M.
MORRIS, Thomas A.
MULREED, James E.
NOLAN, John R.
OPPENHEIMER, David
RYBNICK, Gerald J.
SCHWARTZ, Ronald M.
SHANEN, Allen J.
TRUGLIA, Anthony D.
CAPORIZZO, Vincent
WALSH, William

THOSE OPPOSED

KUCZO, Paul J., Jr.
SCARELLA, Patrick

ABSTENTION

SHERMAN, Michael S.

PROPOSAL NO. 4

Concerning removal of a certain section of the City from the jurisdiction of the Turn-of-River Fire Department and transferring of same to the jurisdiction of the City Fire Department.

This alteration will require the deletion in Section 620.1, entitled "City Tax District" of everything from line 25 of page 73 of the Charter, beginning from the word Greenwich through the word Greenwich on line 40 of the same page, and substitute the boundaries for the area therefor.

The last sentence is also deleted from Section 620.1. The amended and revised Section 620.1 will then read as follows:

Section 620.1. City Tax District. The City Tax District shall consist of so much of the territory of Stamford as now constitutes the City of Stamford, being more particularly bounded and described as follows: Beginning at the point where the boundary line between the towns of Stamford and Greenwich meets the waters of Long Island Sound; thence Southerly along a projection of said line to mean low water mark; thence along the mean low water mark on the shore of Long Island Sound to the mean low water mark at the extreme Southerly end of Shippan Point; thence along the mean low water mark at the extreme Southerly end of Shippan Point; thence along the mean low water mark on the shore of Long Island Sound to the mean low water mark at the extreme Southerly end of the point of land on the Westerly side of the mouth of Bishop's Cove, also known as Cove Harbor; thence in a straight line across the mouth of said Bishop's Cove to the mean low water mark at the extreme Southerly end of the point of land on the Easterly side of the mouth of said Bishop's Cove, said point of land being part of a tract formerly known as "The Pound"; thence in a Northerly and Easterly direction along the mean low water mark on the shore of Long Island Sound to the mean low water mark at the extreme Easterly end of the point of land on the Westerly shore of Noroton-Gut; thence due East to the boundary line between Stamford and the Town of Darien; thence Northerly along said boundary line between said towns of Stamford and Darien to the Northerly boundary line of the Connecticut Turnpike, where said Turnpike crosses Noroton River; thence Westerly along the Northerly boundary line of said Connecticut Turnpike to its intersection with the Northeasterly boundary line of Hamilton Avenue; thence along said boundary line of said Hamilton Avenue Northerly and Westerly to the point where said boundary line or a projection thereof intersects a straight line drawn between the point of intersection of the center lines of said Hamilton Avenue and of Glenbrook Avenue, and the point of intersection of the center lines of Strawberry Hill Avenue and Belltown Road; thence along said last-mentioned straight line to said last-mentioned point of intersection; thence Westerly along a straight line passing through the intersection of the center lines of Summer Street and Bedford Street, at Bull's Head, to the center of Mill River; thence Southerly along a straight line drawn between the last-mentioned point in the center of Mill River and the point of intersection of the center line of the railroad right-of-way of the New York, New Haven and Hartford Railroad Company and the boundary line between Stamford and the Town of Greenwich to the center line of Bridge Street; thence Westerly along the center line of said Bridge Street to the intersection of Bridge Street and Stillwater Road; thence Southerly along the center line of Stillwater Road to the intersection of Palmer's Hill Road and Stillwater Road; thence Westerly along the center line of Palmer's Hill Road to the boundary line between Stamford and the Town of Greenwich; thence Southerly along the boundary line between Stamford and the Town of Greenwich to the center line of the railroad right-of-way of the New York, New Haven and Hartford Railroad Company; thence Southerly along said boundary line to the point of beginning. Except Caritas and Vincent Island, all islands and other areas of land, of either natural or artificial formation, bridges, piers, wharves and buildings or other structures, existing or which may hereafter be made or formed, within the Town of Stamford, in waters which adjoin said described area of Stamford, shall be included within said district, although not included within the limits of the district as hereinbefore defined.

(End of Proposal No. 4)

PROPOSAL NO. 5Concerning provision for compulsory Charter review every ten (10) years.

MR. MEYERS said the Committee had voted unanimously to approve the above Proposal and therefore to recommend its placement on the ballot for action by the electorate. However, he said the Committee is of the opinion that due to the large number of referendum items which will be on this year's ballot, it might be a more prudent course for this Board to consider placing the item on next year's ballot so as not to unduly burden the voters at the polls in November.

MR. MEYERS MOVED for approval of Proposal No. 5 and that it be placed on the ballot at the November 6, 1962 election. Seconded by Mrs. Austin.

MR. BAKER asked a question. He asked if this was the unanimous opinion of the Committee that this proposal should be deferred until next year.

MR. MEYERS replied that the report of the Committee is of a unanimous nature and all of the comments made are with the unanimous consent of the Committee.

MR. NOLAN said the Committee had felt that this decision should be made by the whole Board, rather than by a Committee, and for this reason the Committee made the recommendation to defer it until next year but decided to place it before the Board and let them make the decision.

MR. CUSHING asked how this Board would go about putting this before the next Charter Revision Commission. He said suppose the Board voted yes tonight - then it would go on this year's ballot and if they voted no it would be a dead issue, would it not?

MR. BAKER asked if a motion would be in order to table this for the next Charter Revision Committee.

THE PRESIDENT said this would not be in order.

MR. NOLAN said it could be possible for a person to explain his vote, to show that this Proposal was not being entirely rejected - that it has merit, but was thought best to defer action at this time, in view of the number of items that will be placed before the voters at the next election.

MR. BAKER said that in view of the large number of issues that will be on the ballot this year, it seems this Board might be doing a disservice in putting this on the ballot at this time - that it could easily get lost and be defeated. He said it would seem a more prudent course to defer this matter for action by the next Charter Revision Committee and for this reason he will vote against it.

After considerable further debate, a roll call vote was taken on Proposal No. 5. It failed to pass by the following vote; there being 20 opposed, 8 in favor, with one abstention and the President not voting:

THOSE VOTING IN FAVOR

JOHNSON, David L.
LILLIENDAHL, Frances
MEYERS, Robert M.
MORRIS, Thomas A.

THOSE OPPOSED

AUSTIN, Eleanor R.
BAER, Jack
BAKER, Daniel
CLARKE, Hilda S.

THOSE VOTING IN FAVOR

MULREED, James E.
OPPENHEIMER, David
SCHWARTZ, Ronald M.
WALSH, William

ABSTENTION

SHERMAN, Michael S.

THOSE OPPOSED

CONNORS, George V.
CUSHING, Samuel D.
ESPOSITO, Anthony
FARINA, Rose C.
HEARING, William
KOZLOWSKI, Benjamin
KUCZO, Paul J., Jr.
KULOWIEC, Stanley
LONGO, Carmine V.
MEAD, R. A., Jr.
NOLAN, John R.
RYBNICK, Gerald J.
SCARELLA, Patrick
SHANEN, Allen J.
TRUGLIA, Anthony D.
CAPORIZZO, Vincent

PROPOSAL NO. 6

Concerning alteration of the procedures involved in a reversal by the Board of Representatives of Planning Board and/or Zoning Board decisions, where said decisions are unanimous. (Amending Sections 529.1 and 556.1 of the Charter)

MR. MEYERS said the Committee by unanimous vote approved this item and recommends that it be placed on the ballot at the November 6, 1962 election, and so MOVED. Seconded by Mr. Nolan.

MR. SCHWARTZ said he personally had some amendments on this particular one which he thought were pertinent and since he did not have the opportunity to make these amendments, was going to vote against it and thinks it should be defeated.

There being no further speakers on this Proposal, a roll call vote was taken on Proposal No. 6. It failed to pass by the following vote, there being 17 in favor, 11 opposed, with one abstention and the President not voting:

THOSE VOTING IN FAVOR

AUSTIN, Eleanor R.
BAER, Jack
BAKER, Daniel
CUSHING, Samuel D.
ESPOSITO, Anthony
FARINA, Rose C.
KOZLOWSKI, Benjamin
KULOWIEC, Stanley
LONGO, Carmine V.
MEAD, R. A., Jr.
MEYERS, Robert M.
MULREED, James E.
NOLAN, John R.
OPPENHEIMER, David
SHANEN, Allen J.
TRUGLIA, Anthony D.

THOSE OPPOSED

CLARKE, Hilda S.
CONNORS, George V.
HEARING, William
JOHNSON, David L.
KUCZO, Paul J., Jr.
LILLIENDAHL, Frances
MORRIS, Thomas A.
RYBNICK, Gerald J.
SCARELLA, Patrick
SCHWARTZ, Ronald M.
WALSH, William

ABSTENTION

SHERMAN, Michael S.

THOSE VOTING IN FAVOR (Continued)

CAPORIZZO, Vincent

PROPOSAL NO. 7.Concerning extension of the term of Mayor from two (2) to four (4) years.

MR. MEYERS said the committee had voted unanimously to REJECT this item, in view of the opinion of the Corporation Counsel's office construing it as being contrary to the provisions of the Constitution of the State of Connecticut.

(Note: Opinion given in letter dated August 13, 1962 to Chairman of 5th Charter Revision Commission)

MR. MEYERS MOVED that Proposal No. 7 be REJECTED. Seconded by Mr. Nolan.

A VOICE VOTE was taken on Mr. Meyers' motion and CARRIED, with one abstention (Mr. Sherman).

PROPOSAL NO. 8Concerning revision and amendment of the Pension Systems of the City of Stamford.

MR. MEYERS said the committee had voted unanimously to REJECT this item, with the recommendation that this proposal be referred to the next Charter Revision Commission, with a view of expanding certain benefit provisions, such as widow's benefits. Further, in view of the complexity of this question and the importance of this item to the City of Stamford, it was felt that it would be better to give such an important proposal a more prominent place on the ballot than to sandwich it in with ten other items.

MR. MEYERS MOVED that Proposal No. 8 be REJECTED. Seconded by Mrs. Austin and Mr. Mulreed.

MR. JOHNSON urged everyone to vote to reject this proposal and said he intends to vote in favor of the motion to reject.

A VOICE VOTE was taken on Mr. Meyers' motion and CARRIED, with one abstention (Mr. Sherman).

MR. SCHWARTZ said he would like to make a suggestion that the Steering Committee appoint a Sub-Committee to work out a specific set of Charter revision proposals *procedure* a schedule, so that the Board does not run into the "snafu" that we ran into this time. He said he thinks it would be easier for future Boards and Commissions and Committees to have this right at hand when the original resolution is passed.

Time table

Special Meeting held Friday, September 7, 1962

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There being no further business to come before the Board, upon motion duly seconded and CARRIED, the meeting was adjourned at 10:00 P.M.

vf

APPROVED:

Paul D. Shapero
Paul D. Shapero, President

Velma Farrell
Velma Farrell
Administrative Assistant
(Recording Secretary)

Note: The proceedings of the above meeting were not broadcast over the radio.

VP


