

Minutes of January 7, 1963  
Meeting of the 7th Board of Representatives  
Stamford, Connecticut

3548

A regular meeting of the 7th Board of Representatives of the City of Stamford was held on Monday, January 7, 1963, in the Cafeteria of the Dolan Junior High School, Toms 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. William H. Thomas, Turn-of-River Presbyterian Church.

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 38 present and 2 absent at the calling of the roll. However, Mr. Philpot arrived shortly afterward, changing the roll call to 39 present and one absent, William Murphy.

ACCEPTANCE OF MINUTES - Meeting of December 3, 1962

The Minutes of the above meeting were accepted with the following corrections:

Page 3535, 3rd line, under Appointments Committee, 2nd sentence, after the words: "She said the Committee...." omit the words: "...would interview..." and substitute therefor the words: "...is in the process of interviewing..."

COMMITTEE REPORTS:

THE PRESIDENT read the following report:

STEERING COMMITTEE REPORT  
Meeting held Monday, December 17, 1962

A meeting of the Steering Committee was held on Monday, December 17, 1962 in the Mayor's Office, City Hall.

The meeting was called to order at 8:20 P.M. The Chairman, Paul D. Shapero, presided. The following members were present: Paul Shapero, Rose Farina, Alan Ketcham, David Johnson, Fred Blois, Anthony Truglia, Hilda Clarke, and George Russell. Mr. David Oppenheimer was also present as Chairman of the Urban Redevelopment Committee, a special committee.

The following matters were discussed and acted upon:

- (1) Mayor's appointments - REFERRED TO APPOINTMENTS COMMITTEE
- (2) Additional appropriations deferred at last Board meeting were ORDERED ON AGENDA.
- (3) Mayor's letter dated 11/1/62 re appropriation of \$15,220.00 for "The Smith House", requiring amendment to 1962-1963 Capital Projects Budget - REFERRED TO FISCAL COMMITTEE and EDUCATION, WELFARE & GOVERNMENT COMMITTEE.

- (4) Mayor's letter dated 10/30/62 re appropriation of \$63,500.00 for "Riverbank School", requiring amendment to 1962-1963 Capital Projects Budget - REFERRED TO FISCAL COMMITTEE and EDUCATION, WELFARE & GOVERNMENT COMMITTEE.
- (5) Mayor's letter 12/6/62 re appropriation for Bureau of Purchases in amount of \$396.00 for Code 118.0101, Salary Account for reclassification of Purchasing Agent from Grade S-23 to Grade S-26, effective 7/1/62 - REFERRED TO FISCAL COMMITTEE.
- (6) Parking Authority request in letter dated 11/9/62 for approval of lease on Dr. John Watts property located on West Main Street, to accommodate 42 vehicles - REFERRED TO HEALTH & PROTECTION COMMITTEE.
- (7) Budget for Board of Representatives for fiscal year 1963-1964

There was some discussion on the above matter and the necessity for getting the budget request in on time was stressed.

- (8) Letter dated 12/7/62 from Corporation Counsel, concerning request for opinion regarding disqualification of members voting on matters pertaining to the Southeast Quadrant and possible conflict of interest.

After some discussion on the above matter, it was decided to incorporate the letter in the Minutes of the January meeting.

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

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Paul D. Shapero, Chairman  
Steering Committee

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APPOINTMENTS COMMITTEE:

MRS. AUSTIN, Chairman, reported that the Committee met on January 6, 1963 with the following members present: Patsy Arruzza, Jack Baer and Eleanor Austin. She said the Committee interviewed ten of the Mayor's appointees, four others having been previously interviewed. She read the following list of candidates for appointment and said they had all been unanimously approved by the Committee, with the exception of one abstention in the appointment of Dr. Ballin to the Health Commission.

The Tellers distributed the ballots and collected same, the voting being done by secret ballot. The votes are indicated after each name.

(1) ZONING BOARD OF APPEALS:

Term Ending:

FRANK D. D'ANDREA, JR. (Republican) (5 yr. term)  
35 Twin Brook Drive  
(Replacing W. S. Herrmann)

Dec. 1, 1967

VOTE: 27 yes  
8 no  
3 abstentions

(2) PATRIOTIC & SPECIAL EVENTS COMMISSION:

Term Ending:

LESLIE MEYERS (Independent) (5 yr. term)  
26 Old Well Road, Springdale  
(Reappointment)

Dec. 1, 1967

VOTE: 26 yes  
10 no  
2 abstentions

(3) HUBBARD HEIGHTS GOLF CLUB COMMISSION:

HARRY A. RINALDI (Republican) (5 yr. term)  
11 Grandview Avenue  
(Reappointment)

Dec. 1, 1967

VOTE: 29 yes  
8 no  
1 abstention

(4) PLANNING BOARD:

JAMES F. BINGHAM (Republican) (5 yr. term)  
1 Old Wagon Road  
(Replacing Robert Lewis)

Dec. 1, 1967

VOTE: 27 yes  
10 no  
1 abstention

(5) PARK COMMISSION:

ROBERT F. CROSSWAITE (Republican) (5 yr. term)  
11 Bertmor Drive  
(Replacing T. Frank Cowlin)

Dec. 1, 1967

VOTE: 29 yes  
9 no

(6) PUBLIC WELFARE COMMISSION:

FREDERICK M. LIONE (Republican) (3 yr. term)  
763 Shippan Avenue  
(Reappointment)

Dec. 1, 1965

VOTE: 34 yes  
4 no

(7) PERSONNEL COMMISSION:

JAMES J. SOTIRE (Employees' representative)  
107 Pine Hill Avenue, Glenbrook

Dec. 1, 1965

VOTE: 27 yes  
11 no

(8) HEALTH COMMISSION:

DR. BERT BALLIN (Democrat) (5 yr. term)  
168 Four Brooks Road  
(Reappointment)

Dec. 1, 1967

VOTE: 18 yes  
18 no  
3 abstentions

The first vote taken on the above appointment was voided due to an unavoidable accident. A second vote was taken later, Mr. Philpot having arrived in the meantime, changing the roll call to 39 present.



MRS. AUSTIN read the names of the following candidates and said they would be reported on at the February meeting of the Board in conformity with the provisions of the Charter:

BOARD OF TAX REVIEW:

JOSEPH F. IACOVO (Republican)  
51 Pepper Ridge Road (Reappointment)

Term Ending:

Dec. 1, 1967

BOARD OF TAX REVIEW:

JOSEPH DEJEWSKI (Republican)  
3 Twin Brook Drive  
(Replacing Charles D. Alexander, resigned)

Dec. 1, 1963

FLOOD & EROSION CONTROL BOARD:

HENRY GREGORY (Republican)  
213 Hubbard Avenue

Dec. 1, 1967

NICHOLAS LOGLISCI (Democrat)  
50 Leeds Street

Dec. 1, 1966

PARKING AUTHORITY:

CLEMENT S. RAITERI (Democrat)  
10 Duncanson Street  
(Reappointment)

Jan. 1, 1966

ZONING BOARD:

STEARNS E. WOODMAN (Republican)  
70 Strawberry Hill  
(Reappointment)

Dec. 1, 1967

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FISCAL COMMITTEE:

MR. MEYERS, Chairman, presented his committee report. He said a meeting was held on December 19, 1962 and those present were: George Connors, Richmond Mead, Jr., George Russell and Robert M. Meyers.

- (1) \$130,000.00 - Proposed resolution amending 1962-1963 Capital Projects Budget for Purchase of the Palmer Property for Park Purposes and appropriation therefor in accordance with terms of contract, as outlined in Mayor's letter of 6/7/62 (Deferred 11/13/62; deferred 12/3/62)

The above matter was DEFERRED.

- (2) \$20,000.00 - POLICE DEPARTMENT - Traffic Lights - Resolution No. 401, amending 1962-1963 Capital Projects Budget to add an item to be known as "Traffic Lights" and appropriation therefor. (Reduced by Board of Finance from \$40,000) (Mayor's letter 10/4/62) (Deferred on 12/3/62 - See page 3540 of Minutes)

MR. MEYERS MOVED for approval of the following resolution. Seconded by Mr. Scar-  
ella:

RESOLUTION NO. 401

AMENDING 1962-1963 CAPITAL PROJECTS  
BUDGET TO ADD ITEM TO BE KNOWN AS  
"TRAFFIC LIGHTS", AND APPROPRIATION  
OF \$20,000.00 THEREFOR.

BE AND IT HEREBY IS RESOLVED, by the Board of Representatives of  
the City of Stamford, to amend the Capital Projects Budget of  
1962-1963 so as to add an item thereto to be known as "Traffic  
Lights", in the sum of \$20,000.00, and

BE IT FURTHER RESOLVED that said sum is hereby appropriated  
for said purpose.

MR. SCHWARTZ, through the Chair, asked Mr. Meyers a question. He asked if this  
appropriation was being allocated to specific areas.

MR. MEYERS said it was.

MR. SCHWARTZ asked if anything would be done at the intersection of Old North  
Stamford Road and Bedford Street. (See page 3513, minutes of 10/1/62; also page  
3516, minutes of 11/13/62, item #11 and page 3526, item #2)

MR. MEYERS informed him that the precise intersection Mr. Schwartz mentioned is a  
part of an integrated plan which covers several areas.

MR. SCHWARTZ inquired as to whether or not these funds being appropriated here  
tonight will take care of all the areas contained in the integrated plan.

MR. MEYERS replied that it would not take care of them all -- that the funds are  
to be utilized to start an integrated system to be installed and that the precise  
intersection mentioned by Mr. Schwartz is not included. He said it was his under-  
standing that it cannot be installed until after the main controllers are put in,  
which is the first step.

MR. SCHWARTZ said he recently attended a meeting of the Planning & Zoning Committee,  
at which time Chief Kinsella and Mr. Oefinger were present, pursuant to a letter  
which was read into the record at the last meeting, he was expressly advised by  
Mr. Oefinger and by Chief Kinsella that they concurred with the problem, and they  
understood the problem of that intersection and they would do their utmost, if the  
money was appropriated, to install the light. He said no mention was made at  
that time of any integrated plan.

MR. NOLAN asked Mr. Schwartz to be more explicit. He inquired if Chief Kinsella  
and Mr. Oefinger had made the statements attributed to them, prior to the appropri-  
ation being reduced from \$40,000 to \$20,000 by the Board of Finance.

MR. SCHWARTZ said their statement had been to the effect that when the appropriation  
was approved by the appropriate Boards, that it would be used to install a light  
at the intersection in question.



MR. SCARELLA called attention to the fact that this appropriation was reduced by the Board of Finance and it would therefore seem that no Engineer could be very specific in a plan under these circumstances. He said it is important to bear in mind that they will do the most important work first and the balance will have to wait until more money is appropriated.

MR. CONNORS reminded the members that this item had been referred to the Health and Protection Committee by the Steering Committee at their October 29, 1962 meeting and Mr. Oefinger's letter had been read into the Minutes of the November 13, 1962 Board meeting by Mr. Truglia, (see page 3526 of Minutes) and action was postponed for a month. Mr. Connors said they were in receipt of a copy of a letter to Chief Kinsella from Mr. Oefinger, dated December 3, 1962 on this matter, which he now read as follows:

December 3, 1962

To: Chief Joseph W. Kinsella

Re: Traffic light information for consideration of Board of Representatives.

Total requested - \$40,000.00

Approved by Planning and Board of Finance - \$20,000.00

1. The following intersections could be signalized if the request now before the Board of Representatives' Fiscal Committee is approved:

- (a) Intersection of Hoyt Street and Bedford Street with a progression phase, tied in with existing controller at Bedford and North Street. Also, the exit and entrance to the new high rise apartments on Bedford Street could be controlled with this system.

Total estimate ----- \$7,000.00

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- (b) Strawberry Hill and Hoyt Street, Prospect Street and Hillandale Avenue intersection:

Replace existing single dial equipment. Reinstall controller capable of favoring incoming traffic in a. m., normal daytime traffic and outgoing traffic in the p.m. Extra phases would permit more control of traffic at this extremely busy intersection, and also system would not be on flashing amber during peak hours, as the designed equipment would be able to handle the peaks.

This system also could be tied in with the planned system at the foot of Hoyt Street, at Police Headquarters. This would permit a large degree of progression on Bedford and Hoyt Street, not now possible to obtain with the obsolete equipment installed.

Estimated cost, approximately \$6,000.00

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- (c) Main Street at railroad bridge, Crystal Street and Frontage Road of State of Connecticut:

Revamp existing traffic signalization at this intersection, adding additional phases and giving more time to Crystal Street. Many complaints are received of small amount of time allotted to Crystal Street, but presently installed equipment is at maximum and no adjustments can be made for additional time on Crystal Street

Estimated cost ----- \$4,500.00

State of Connecticut share will be steel poles and additional signal heads for Frontage Road. This will be material only and the \$4,500 will be our share.

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(d) Intersection of North Stamford and Bedford Street:

Estimated cost will equal balance of amount appropriated. Approximately \$2,500.00 and this amount for this intersection will be closed.

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The above work, as outlined, will be a close \$20,000.00

(Signed) Hawley C. Oefinger,  
Supt. Communications  
Police and Fire Department

After considerable further debate, a vote was taken on RESOLUTION NO. 401 and CARRIED unanimously.

RE-BALLOTING ON APPOINTMENT OF DR. BERT BALLIN TO HEALTH COMMISSION:

At this time, the Board returned briefly to the Appointments Committee, to allow for a re-balloting to be taken on the above vote. The President explained that when the door was opened, a gust of wind caused the previous ballots to be scattered, so it was thought best to do this over again.

(Note: Final vote on this appointment was previously reported under item No. 8 of the Appointments Committee)

THE PRESIDENT explained that Mr. Philpot had arrived in the interim, so those present are now 39, with one member absent.

While the Tellers distributed and counted the ballots, the meeting was continued under the reports from the FISCAL COMMITTEE.

Fiscal Committee (continued):

(3) \$15,200.00 - Proposed resolution amending 1962-1963 Capital Projects Budget to add item to be known as "The Smith House" and appropriation therefor.

The above matter was DEFERRED.



- (4) \$63,500.00 - Proposed resolution amending 1962-1963 Capital Projects Budget to add an item to be known as "Riverbank School" and appropriation.  
(Mayor's letter 10/30/62) (REDUCED from \$95,000 by Board of Finance)

The above matter was DEFERRED pending additional information.

- (5) \$396.00 - BUREAU OF PURCHASES - Code 118.0101, Salary Account - Reclassification of Purchasing Agent from Grade S-23 to S-26 (From \$9,007 to \$9,403)  
effective July 1, 1962. (Mayor's letter 12/6/62)

MR. MEYERS MOVED for approval of the above request. Seconded by Mr. Kelly, Mrs. Austin, Mr. Johnson and Mr. Oppenheimer. CARRIED unanimously.

LEGISLATIVE & RULES COMMITTEE:

Proposed Ordinance adopting a new codification and rearrangement of the existing Ordinances of the City of Stamford, Connecticut (1962 revision)

MR. BAKER MOVED for suspension of the rules to take up the above matter. Seconded by Mr. Meyers and CARRIED unanimously:

MR. BAKER MOVED for adoption for publication of the following Ordinance, with final adoption to take place at the next meeting. Seconded by Mr. Meyers and Mr. Oppenheimer and CARRIED unanimously:

PROPOSED ORDINANCE OF THE CITY OF STAMFORD, CONNECTICUT, ADOPTING A REVISION AND CODIFICATION OF "THE GENERAL ORDINANCES OF THE CITY OF STAMFORD", CONTAINED IN "THE CODE OF THE CITY OF STAMFORD, CONNECTICUT."

BE IT ORDAINED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD, CONNECTICUT, THAT:

SECTION 1. There is hereby adopted by the City of Stamford "The General Ordinances of the City of Stamford", containing certain ordinances of the City of Stamford of a general and permanent nature, as compiled, consolidated, codified and indexed in Chapters 1 to 32, both inclusive, and contained in "The Code of the City of Stamford", not less than three copies of which Code have been and are now filed in the Office of the City Clerk.

SECTION 2. The provisions of "The General Ordinances of the City of Stamford" shall be in force upon the final adoption of this ordinance, and all ordinances of a general and permanent nature in force and effect on April 15, 1962, and not contained in "The General Ordinances of the City of Stamford" are hereby repealed from and after the date of final adoption of this ordinance, except as herein-after provided.

SECTION 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the date of final adoption of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds of the City or any evidence of the City's indebtedness or any contract or obligation assumed by the City; nor shall such repeal affect the



administrative ordinances or resolutions of the Board of Representatives not in conflict or inconsistent with the provisions of "The General Ordinances of the City of Stamford"; nor shall it affect the annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the City on any person or corporation; nor shall it affect any ordinance relating to the salaries of the City officers or employees; nor shall it affect any ordinance annexing territory to the City; nor shall it affect any ordinance naming, opening, accepting or vacating streets or alleys in the City; nor shall it affect any ordinance relating to zoning; nor shall it affect any ordinance enacted after April 15, 1962.

SECTION 4. Whenever in "The General Ordinances of the City of Stamford" adopted by this ordinance or in any other ordinance of the City, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of "The General Ordinances of the City of Stamford" or any other ordinance of the City shall be punished by a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment. Every day any violation of "The General Ordinances of the City of Stamford" or any other ordinance of the City shall continue, shall constitute a separate offense.

SECTION 5. It is hereby declared to be the intention of the Board of Representatives that the sections, paragraphs, sentences, clauses and phrases of this ordinance and "The General Ordinances of the City of Stamford" hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance and "The General Ordinances of the City of Stamford" hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance of "The General Ordinances of The City of Stamford" hereby adopted.

This ordinance shall take effect upon the date of its enactment.

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THE PRESIDENT explained that the above Ordinance is to effect the adoption of the codification of the Code of General Ordinances and the Charter for which funds were appropriated about a year and one half ago. He said there will be three copies placed on file in the office of the City Clerk for examination by the public and that the method of distribution to the members of this Board will be worked out shortly.

REQUEST FOR RECESS:

MR. JOHNSON requested a ten minute recess at this time (9:15 P.M.). He said something of grave importance has come up and it would be best to discuss this matter other than over the radio. The request was granted.

The recess was over at 9:25 P.M. and the members resumed their seats.

HEALTH & PROTECTION COMMITTEE:

- (1) Parking Authority - Request in letter of 10/24/62 for permission to install 21 all-day meters on Beehler Street and 12 meters on South Street, from railroad bridge to the Electric Specialty Co. (Deferred 11/13/62/ deferred 12/3/62)

MR. TRUGLIA presented his committee report and said they met on January 4, 1963 with all members present.

MR. TRUGLIA said the committee approved part of the above request and MOVED for approval of the placing of 12 parking meters on South Street, from the railroad bridge to the Electric Specialty Co. Seconded by Mr. Scarella.

MR. CONNORS asked how far up these meters go. Mr. Truglia explained their location.

MR. CONNORS asked if a certain area would be allocated so that salesmen could park while conducting business. He objected to this area being reserved for all day parking only.

MR. RUSSELL said he thought at least one or two meters should be for one or two hour parking. He said it seemed as if the commuters have taken over that whole area, lock, stock and barrel and some consideration should be given to the factory's parking needs. He said he would like to see this referred back to committee in order to make some provisions for those wishing to park for only a short while.

MR. MEAD said he resents the term "Commuters" and said he thought there should be some difference between the commuters from Stamford and those from Darien, New Canaan and the surrounding towns. He said if the parking places should be limited, perhaps it might be a good idea to limit them to the residents and there would be plenty.

MR. MULREED suggested that it might be a better solution to give them a qualified "yes" with the provision that Electric Specialty is given adequate parking facilities.

MR. SCARELLA said he does not believe parking space is being taken away from the Electric Specialty Co.

THE PRESIDENT inquired of the Chairman if anyone from Electric Specialty had objected to the loss of the parking spaces. Mr. Truglia replied "no".

MR. CONNORS MOVED to amend the motion to add the provision that parking be limited to two hours and not all day parking. Seconded by Mr. Russell.

MR. NOLAN objected and suggested that this be put off for one month to give everyone a chance to straighten out any misunderstandings. He MOVED to TABLE for one month. Seconded by Mr. Kuczo and Mr. Kane. CARRIED, with one negative vote.

- (2) Parking Authority - Request in letter dated 11/9/62 for approval of lease on Dr. John Watts property located on West Main Street, to accommodate 42 vehicles.

MR. TRUGLIA said the above matter is being kept in Committee.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL presented his committee report at this time. He said the committee met in joint session with the Legislative and Rules Committee as well as holding



their regular meeting, on Wednesday, January 3, 1963 and present were: Dr. Melvin Grove, Robert Meyers, James Mulreed and George Russell. Absent was Allen Shanen, who was on vacation.

- (1) Request for variance of 49.50 feet in road width (as specified in Ordinance No. 51 Supplemental) and substitution of frontage on Haviland Road of 44.90 feet in subdivision of John J. Denham, et al, as requested in letter dated 9/26/62 from law firm of Curtis, Brinckerhoff & Barrett (Tabled 11/13/62 - Also see Minutes of 12/3/62, item #2, page 3542)

MR. RUSSELL reported that after a lengthy discussion between both committees and a verbal opinion from the Corporation Counsel, Mr. Mackler, the committees agreed that the latest amendment to the General Statutes of Connecticut, as well as the powers spelled out in the City Charter, gave the Planning Board the power to grant such a waiver of road width. He said this matter is therefore referred to the Planning Board for further action.

- (2) Intervale Road - Change of name requested in letter postmarked 8/17/62 from James B. Perkins and Billie M. Perkins (To change name of section of road to (1) Shadow Lane, or (2) Cardinal Trail) (See Minutes of 9/10/62, item #11, page 3481)

MR. RUSSELL said the Committee agreed to propose a change of name of that part of Intervale Road, which is a "dead end stub" and which has continually caused confusion and is a serious problem to the only resident of this section. In accordance with this, he MOVED for approval for publication of the following proposed Ordinance; which was seconded and CARRIED unanimously:

PROPOSED ORDINANCE CHANGING THE NAME OF A PORTION OF  
INTERVALE ROAD TO SHADOW LANE

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

The street name of that portion of Intervale Road which runs northerly approximately 725 feet from the intersection of Intervale Road with Newfield Court to a dead end, be changed to SHADOW LANE.

This Ordinance shall take effect upon its adoption.

- (3) Request to change name of Alma Rock Road to OLD ROCK ROAD (Dated 10/3/62 from some of the residents on this road) - Also letter dated 11/9/62 from Bruce M. Bogin, Attorney on this matter.

MR. RUSSELL said the committee agreed to change the name of the above road, and said he would like to place this on the floor for a vote.

MR. MULREED said it was his understanding that this was to stay in committee.

DR. GROVE said this was also his understanding.

MR. RUSSELL said perhaps he had misunderstood. The matter was DEFERRED.

URBAN REDEVELOPMENT COMMITTEE:

MR. OPPENHEIMER, Chairman, presented his committee report as follows:

URBAN REDEVELOPMENT COMMITTEE

Meeting held December 11, 1962

The Urban Redevelopment Committee met with members of the Commission and Board of Finance Tuesday evening, December 11, 1962 at 308 Atlantic Street. Present were Benjamin Kozlowski, Carmine Longo, Anthony Esposito, George Connors, Michael Sherman, David Oppenheimer, Peter Sileo, Mrs. Dwight Marshall, Louis Greenbaum, James Carey, Paul Plotkin, Salem Shapiro, John Toth and Susan Pinchot.

We discussed the suggestion of providing each member of the Board of Representatives with a copy of the renewal plan and sample copies of the several requisite resolutions that will accompany it so that each person would have about a month to study them and ask questions of their Committee before the Board is required to formally consider them.

The question of conflict of interest was raised and it was decided to make sure that the Corporation Counsel renders an opinion before the Plan and resolutions come to the floor for action.

It is believed that the Commission will hold a public hearing on or about January 15th, 1963. If the appropriate boards and the Mayor take prompt action, it is possible that the Board of Representatives would be requested to consider the Plan at our February meeting.

Respectfully submitted,

David E. Oppenheimer, Chairman

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MR. OPPENHEIMER stated that all members of the Board had received copies of the Urban Renewal Plan at the start of tonight's meeting. He asked the members if everyone has received a copy, and if not, to please come forward and pick up his copy. He said if there are any questions, to please contact him or Mr. Michael Sherman, or the Commission - that this is being done to enable everyone to study, read, and ask questions, before the public hearing. He said that everyone is cordially invited to attend the public hearing, which is to be held in the Auditorium of Burdick Jr. High School, Tuesday evening, January 15, 1963.

THE PRESIDENT thanked Mr. Oppenheimer for making this material available so that the Board members will all have time to study it before the "moment of decision".

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

Letter from Corporation Counsel, concerning request for opinion regarding disqualification of members voting on matters pertaining to the Southeast Quadrant and possible conflict of interest.



December 7, 1962

Paul D. Shapero, Esq., President  
Board of Representatives  
City Hall  
Stamford, Connecticut

Dear Mr. Shapero:

You have asked for an opinion whether or not any member of the Board of Representatives should disqualify himself from participation in any vote pertaining to approval of the plan for the proposed Southeast Quadrant Redevelopment Project or pertaining to appropriations and other questions concerning the financing of the project, where such member has a direct financial interest as an owner or tenant in property located within the Quadrant area, whether or not such property has been designated for acquisition.

In the absence of specific legislation in the charter or state statutes, the case law of Connecticut and of other jurisdictions applicable in comparable situations offers guidance. First let us look at the law in other jurisdictions.

A public official's duty is to give the public service the full benefit of a disinterested judgment and the utmost fidelity. He owes an undivided duty to the public whom he serves and should not place himself in a position which will subject him to conflicting duties or expose him to the temptation of acting in any manner other than in the best interests of the public. 43 Am jur, Public Officers, Section 266.

In applying these standards of conduct to situations involving disqualification from voting of a public official who has an interest in a matter before the body of which he is a member, the rule of disqualification is sometimes based on the nature of the body. Where a body acts in a judicial or quasi-judicial capacity, any member of that body having a direct personal interest in any matter before the body is disqualified from voting. Where a body acts in a legislative capacity, then it is generally held that such member need not disqualify himself. Annot., 133 ALR 1257.

While a public body may act for the most part in a legislative capacity, nevertheless, there may be times when that same body acts in a quasi-judicial capacity. See Low v. Madison, 135 Conn. 1 (1948). It is, therefore, necessary to determine its proper characterization before a determination can be made whether a member of the body should be disqualified from voting.

At times the distinction between a legislative act and a quasi-judicial or judicial act may not be clearly discernible but for the most part, however, such distinctions can be made. A legislative act is one which prescribes a general rule of conduct, while a judicial act is one which imposes burdens or confers privileges in specific cases according to the finding of some person or body. 133 ALR, *supra*, page 1260. Sometimes the distinction is made in another way. Acts, which result in the adoption of a general system of policy, which affect all the inhabitants of a city or town or all the property situated within its limits, and which impose a financial burden on all equally, are considered legislative, whereas acts which provide a particular improvement in one locality, the cost of which is to be

defrayed by certain specified individuals, as distinguished from all taxpayers, are considered quasi-judicial. Gardiner v. Blufton, 173 Ind. 454 (1909) 89 N. E. 853, 133 ALR 1260, 1261.

Many jurisdictions however, do not require disqualification if the improvement is such that the member receives the same benefit as the rest of the community, or a considerable portion thereof. Gardiner v. Blufton, supra; Buffington Wheel Co. v. Burnham, 60 Iowa 493 (1883), Topeka v. Huntoon, 46 Kan. 634 (1891); Steckert v. East Saginaw, 22 Mich. 104 (1870); and other cases cited 133 ALR 1262, 1267. Thus, disqualification is not required in those jurisdictions for actions on road improvements, sewer improvements or other similar improvements which benefit limited properties or localities, but are nevertheless general in nature..

It has been held that if an act or ordinance results in the imposition of a tax, a member of a council who is a property owner is not disqualified from voting by his ownership of property because then no member who is a property owner could vote on an ordinance which imposes a general tax levy. Likewise, it has been held that a member of a council does not have a personal or private interest which will disqualify him from voting on an ordinance which imposes a tax on his property in the manner authorized by law in common with all other properties of the same class, even though the tax is imposed as a special assessment for the cost of public improvements, because the rules laid down affect alike and impartially the interests of the members of the council and all others whose property would be taxed. Erie City v. Grant, 24 Pa. Super Ct. 109 (1904) 133 ALR 1261.

Now, let us look at a Connecticut case. The question of disqualification of a member of a zoning board from voting on an application for a change of zone made by that member's wife was at issue in Low v. Madison, 135 Conn. 1 (1948). The court discussed cases in other jurisdictions and stated that pecuniary interest lies at the foundation of many of the reported decisions. It also considered the distinction drawn in other jurisdictions between a legislative process on the one hand and what is variously described as a quasi-judicial, ministerial or administrative proceeding on the other, and the rule that in actions found to be legislative, courts could not inquire into the motives of an enacting body and that personal interest does not void its action. The court went on to say that whatever the reasons assigned in other jurisdictions for finding disqualification or lack of it, in public officers in other than judicial positions, Connecticut has not adopted personal pecuniary interest as the conclusive test; that in many situations such an interest has been held to disqualify, and in other situations certain close relationships have resulted in disqualification, regardless of pecuniary considerations.

The court stated that public office is a trust conferred by public authority for a public purpose; that the status of the public officer forbids him from placing himself in a position where his private interest conflicts with his public duty; that good faith of the official is of no moment because it is the policy of the law to keep him so far from temptation as to insure the exercise of unselfish public interest; and that the public officer must not be permitted to place himself in a position in which personal interest may conflict with his public duty.

The court then stated that while a modification of the zoning regulations partakes of the nature of a legislative proceeding, nevertheless it is not legislative in the broad sense, but that the power emanates from a specific grant and the manner of its exercise is limited. The court stated that the administration of the zoning



power, whether it is denominated legislative, or quasi-judicial, demands the highest public confidence and anything which weakens the public confidence and undermines the sense of security for individual rights to which the citizen is entitled, is against public policy. The court concluded that the proceedings in that case were such that it would be difficult if not impossible to satisfy the opponents of the application that they had received a fair and impartial hearing and ruled that the member of the zoning board in that case was disqualified from acting on his wife's application.

The basis of the decision in Low v. Madison, supra is that a public officer must not be permitted to place himself in a position in which his private personal interest may conflict with his public duty and that anything which weakens the public confidence and undermines the sense of security for individual rights to which the citizen is entitled, is against public policy. Now then, our task is to apply these broad general principles to the facts at hand, and to determine whether a member of the Board of Representatives who owns property or is a tenant in property located within the proposed redevelopment area should be disqualified from voting on the acceptance of the proposed redevelopment plan or on appropriations and other questions concerning the financing of the project.

In Wilson v. Long Branch, 27 N.J. 360, 142 A.2d 837 (1958) the question at issue was the disqualification of members of the planning board who were officers, stockholders and directors of a bank which held mortgages in a blighted area. The planning Board was one of the boards which had to vote on the determination of the blighted area. The court held that these members were not disqualified from voting because of personal pecuniary interest, nor was the health officer disqualified, although he owned and resided in property 300 feet from the project area. The court said these interests were so remote and contingent as not to warrant disqualification.

In Aldom v. Borough of Roseland, 42 N. J. Super. 495, 127 A 2d 190 (1956), the court laid down the rule that the personal or private interest which disqualifies a public official may be identified generally as an interest which is different from that which the public officer holds in common with members of the public. The court stated that the rule disqualifies where personal and public loyalties come in conflict, and that in those rare instances such high minded persons undoubtedly will welcome the disqualification.

A more recent New Jersey case held that members of a municipal body who were employed by Princeton University were disqualified from voting on the question of determination of blight where Princeton University held a controlling interest in a corporation which owned much property in the project area and the surrounding area, and the corporation was likely to be selected to perform the redeveloping work. The court held that Princeton University had a big stake in the corporation which is affected by the determination of the question of blight. In deciding whether the employees were disqualified, the court stated that there was no definite test and that the answer depended on the circumstances of the particular case. It held that there was a potential for conflict and that the long standing association of the employees to the university would bind their loyalties to the university in such manner that they would be interested in all matters affecting the institution. Griggs v. Borough of Princeton, 33 N. J. 207, 162 A 2d 862 (1960).

An analysis of the New Jersey cases and Low v. Madison, supra, would indicate that the distinction between situations and circumstances requiring disqualification and

those which do not, is often one of degree. Our own situation seems to lie somewhere between the factual situations in Wilson v. Long Branch, supra, and Griggs v. Borough of Princeton, supra.

It is my opinion that the interests of the members of the Board of Representatives who own property in the proposed Southeast Quadrant, whether or not their property has been designated for acquisition, are interests held in common with other members of the public who own property in the area and that such board members are not disqualified from voting on the approval of the Redevelopment Plan, since this plan is one of general concern to all members of the community and its benefits and burdens would be borne by all equally. I am of the same opinion with respect to the question of voting on appropriations and other fiscal matters relative to the project for the reasons stated above.

I distinguish our situation from that of Griggs v. Princeton, supra, where the corporation owned much property in the project area and was also likely to become the sponsor, although I recognize that the distinction is one of degree. Nor, does it appear to me that participation in these proceedings by members of the Board of Representatives would violate the rule of public policy laid down in Low v. Madison, supra, which invalidated actions by public officials which tend to weaken public confidence and to undermine the sense of security for individual rights which the citizen is entitled to feel.

Very truly yours,

(Signed) Isadore M. Mackler,  
Corporation Counsel

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NEW BUSINESS:

Changes in Committee membership:

THE PRESIDENT announced the following changes in Committees, and said that while Mr. Murphy is ill, he is going to ask Mr. Caporizzo to serve on the Fiscal Committee in his place.

FISCAL COMMITTEE - Vincent Caporizzo replacing William Murphy as a temporary replacement during Mr. Murphy's illness.

Mrs. Frances Lilliendahl replacing William Walsh.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE - Romaine A. Philpot, II, replacing William Walsh.

URBAN REDEVELOPMENT COMMITTEE - William G. Hearing, replacing William Walsh.  
(Special Committee)

THE PRESIDENT announced the appointment of the following members of the Charter Revision Committee. He said it is his hope that the Committee, at the next Board meeting, will present the appropriate resolution for the appointment of the 7th Charter Revision Commission.

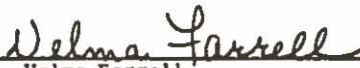


CHARTER REVISION COMMITTEE: (6 members)  
(Special Committee)

(D) James E. Mulreed, Chairman  
(D) John V. Kane, Jr.  
(D) Benjamin Kozlowski  
(D) Mrs. Eleanor R. Austin  
(R) Samuel D. Cushing  
(R) Ronald M. Schwartz

ADJOURNMENT:

There being no further business to come before the Board, upon motion, duly seconded and CARRIED, the meeting was adjourned.

  
Velma Farrell  
Administrative Assistant  
(Recording Secretary)

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APPROVED:

  
Paul D. Shapero, President  
Board of Representatives

Note: The proceedings of the above meeting were broadcast over Radio Station WSTC.

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