

Minutes of April 1, 1963
Meeting of the 7th Board of Representatives
Stamford, Connecticut

3616

A regular meeting of the 7th Board of Representatives of the City of Stamford was held on Monday, April 1, 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. A. W. Clausen, Zion Lutheran Church

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

ROLL CALL was taken by Mrs. Farrell, in the absence of the Clerk, Rose C. Farina, recently appointed as a member of the Board of Finance.

There were 38 present and 2 absent at the calling of the roll. After the election of a replacement for Miss Farina, there were 39 members present and one absent. George Russell, Republican, 17th District, was absent because of illness.

RESIGNATION OF ROSE C. FARINA, 5TH DISTRICT REPRESENTATIVE AND REPLACEMENT

THE PRESIDENT read a letter of resignation from Miss Farina who resigned for the reason that she has accepted an appointment to serve on the Board of Finance, replacing Howard Allaway on that Board.

The President relinquished the Chair to the Majority Leader, John Nolan at this time, in order to nominate a successor in the 5th District.

MR. JOHNSON rose to object to the order of business. He said it was his understanding that the Rules of the Board require the first order of business, in the event of the resignation of the Clerk, to be the election of a successor.

MR. NOLAN ruled that the Charter takes precedence in matters of this sort.

MR. JOHNSON objected to the ruling of the Chair. He again stated his objection. He said he questioned whether or not the first order of business is a replacement of the member from the 5th District, or the appointment of a Clerk to this Board.

MR. NOLAN said his ruling was that the appointment of a member would come first, because the Charter supercedes the Board Rules.

MR. NOLAN called for a VOTE on Mr. Johnson's appeal from the ruling of the Chair. A voice vote was taken first. There being some doubt, the Chairman asked for a raising of hands. LOST by a tie vote of 18 in favor and 18 opposed with two abstentions.

MR. SHAPERO, as a member from the 5th District and in accordance with past procedure in matters of this sort, offered the name of ARMANDO L. GURLIACCI, Democrat, 18 Carolina Road, as replacement in the 5th District for Rose C. Farina.

The nomination was seconded by Mr. O'Neill.

MR. NOLAN read a letter, addressed to him as Majority Leader of the Board, from the

Town and City Committees, in which they support the candidacy of Mr. Gurliacci to fill the vacancy in the 5th District on the Board of Representatives, occasioned by the resignation of Miss Farina.

MR. BLOIS offered the name of MRS. MARIE STEWART as replacement for Miss Farina in the 5th District.

MR. BAKER rose to a point of information. He asked, through the Chair, how long the nominee has been a member of the Democratic Party.

MR. BLOIS said he could not answer that question.

THE PRESIDENT assumed the Chair.

MR. NOLAN MOVED for suspension of the rules in order to vote by roll call. The motion was seconded by Mr. Mulreed. (undebatable)

MR. SCHWARTZ rose to a point of order for the reason that he believes the motion to be an improper motion. He said it is his understanding that this Board follows Robert's Rules of Order. He quoted from page 85:

".....For instance, a rule requiring notice of a motion to be given at a previous meeting cannot be suspended by a unanimous vote, as it protects absentees who do not give their consent. A rule requiring officers to be elected by ballot cannot be suspended by a unanimous vote, because the rule protects a minority of one....."

He said he thinks this ties in with the rules of this Board, where it goes on to say that if you wish to suspend the rules, the by-laws themselves must allow, where elections are involved, a suspension of the rules. He said the only way we can get a suspension of the rules is by amending our by-laws after a notice is given in the call of the meeting. He said this has not been done and he would therefore say the motion is out of order.

MR. NOLAN said Mr. Schwartz is talking about a Society and not about a Legislative body. He said he is not asking that the rules be changed, but merely asking that they be suspended which this Board has a right to do by a two-thirds vote. He said this was an entirely different matter.

MR. BLOIS rose on a point of personal privilege. He said he did not hear the President call for a second to the nomination. The President replied it was not necessary to have a seconder.

Mr. Longo said he seconded the nomination of Mrs. Stewart.

THE PRESIDENT returned to the point immediately before the Board which has to do with suspension of the rules. He said Mr. Nolan's motion was not for a permanent change to the rules of this Board, and was a motion to suspend the rules as to this particular election as to a successor to Miss Farina in the 5th District.

THE PRESIDENT ruled that for such a suspension of the rules, no notice is necessary and no further procedure is necessary other than what is outlined in the Rules of the Board of Representatives, which say that these rules may be suspended upon a two-thirds vote.

MR. NOLAN requested a roll call vote be taken. The President said it would be necessary to have 8 members request this. Eight members signified this was their intention.

MR. SCHWARTZ asked the President to state what the exact number of votes is necessary in order for the motion to carry.

THE PRESIDENT replied it would require 26 votes to carry.

Mrs. Farrell called the roll. The motion was LOST by the following vote of 17 in favor and 21 opposed:

THOSE VOTING IN FAVOR:

Patsy Arruzza
Eleanor Austin
Jack Baer
Daniel Baker
Vincent Caporizzo
Anthony Esposito
Dr. Melvin Grove
John Kane
Chester Walajtys
Robert Meyers
James E. Mulreed
William Murphy
John Nolan
Richard O'Neill
Allen Shanen
Paul Shapero
Anthony Truglia

THOSE OPPOSED:

Fred Blois
Hilda Clarke
George Connors
Samuel Cushing
Edward Dombroski
William Hearing
David Johnson
Stephen Kelly
Alan Ketcham
Paul Kuczo
Stanley Kulowiec
Frances Lilliendahl
Carmine Longo
Richmond Mead
Thomas Morris
David Oppenheimer
Gerald Rybnick
Patrick Scarella
Ronald Schwartz
Michael Sherman
Romaine Philpot

THE PRESIDENT asked the Tellers to step forward to pick up the ballots for distribution. He instructed the members to write the name of either Mr. Gurliacci or Mrs. Stewart on the ballot given to them.

MR. SCARELLA said that in view of what has transpired in regard to the secret ballot, he MOVED that once the Tellers have counted the ballots and given them to the President, that the ballots should be destroyed by the Tellers.

THE PRESIDENT ruled the motion out of order. He said no motion is in order when the Board is about to vote on a motion before them.

MR. SCARELLA appealed from the ruling of the Chair. LOST by a show of hands.

MR. CONNORS asked the President what happened to the ballots after a vote is taken.

THE PRESIDENT said to his knowledge they were destroyed. Mr. Scarella asked if the Tellers destroyed the ballots. The President said to his knowledge no formal procedure has ever been set up.

Mr. Mulreed, Mrs. Austin, Mr. Nolan, Mr. Meyers, Dr. Grove, Mr. O'Neill, Mr. Baer and Mr. Baker said they wished to go on record as voting for Mr. Gurliacci.

Mr. Blois said he would like to go on record as voting for Mrs. Stewart.

The Tellers distributed and counted the ballots. The President announced the following vote:

19 votes for ARMANDO GURLIACCI
18 votes for MRS. MARIE STEWART
1 Abstention

THE PRESIDENT declared Mr. Gurliacci elected as Representative from the 5th District.

ARMANDO GURLIACCI was thereupon administered the oath of office by the President and took his seat as a member of the Board of Representatives, changing the roll call to 39 members now present.

ELECTION OF CLERK:

MR. BAER offered the name of Mrs. Eleanor R. Austin in nomination for Clerk. Seconded by Mr. Meyers.

MR. CONNORS nominated Stephen E. Kelly for Clerk. Seconded by Mr. Blois.

There being no further nominations for the position of Clerk, the President declared the nominations closed.

Vote was taken by ballot, with the Tellers distributing them among the members.

The President announced the result of the vote as follows:

22 votes for MRS. ELEANOR AUSTIN
17 votes for STEPHEN KELLY

THE PRESIDENT declared Mrs. Austin elected as Clerk.

ELECTION OF SUCCESSOR ON BOARD OF EDUCATION, REPLACING THOMAS F. BURNES, DEMOCRAT

MR. NOLAN placed the name of ROBERT NOLAN, Democrat, residing at 110 Hope Street, in nomination as replacement on the BOARD OF EDUCATION for Thomas F. Burns, recently resigned. Seconded by Mrs. Austin.

MR. CONNORS placed the name of MICHAEL J. DOWNEY, Democrat, in nomination as replacement on the BOARD OF EDUCATION.

There being no further nominations, the President declared the nominations closed.

The Tellers distributed and counted the ballots.

THE PRESIDENT declared ROBERT NOLAN elected by the following vote:

32 votes for ROBERT NOLAN
7 votes for MICHAEL J. DOWNEY

MR. ESPOSITO was excused at this time, resulting in a roll call of 38 members now present.

COMMITTEE REPORTS:

MR. SHAPERO presented the following report of the Steering Committee:

STEERING COMMITTEE REPORT

Meeting held Monday, March 18, 1963

A meeting of the Steering Committee was held on Monday, March 18, 1963 in the Mayor's Office, City Hall.

The meeting was called to order at 9:00 P.M. The Chairman, Paul D. Shapero, presided. All members were present with the exception of George Russell and Allen Shanen. 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) Additional appropriation - \$250.00 covering Code 730.1701, Fuel Oil, for HUBBARD HEIGHTS GOLF COMMISSION (Mayor's letter 2/7/63) (Reduced by Board of Finance 3/14/63 by denying request for Paints & Misc. of \$300)

REFERRED TO FISCAL COMMITTEE

- (2) Leases - Circuit Court House - Between City of Stamford and State of Connecticut, covering Circuit Court House on Hoyt Street (Approved by Board of Finance on 3/14/63)

REFERRED TO LEGISLATIVE & RULES COMMITTEE

- (3) Two appropriations, deferred at the March 4th Board meeting were ORDERED PLACED ON AGENDA (Items #2 and #5 on March 4th Agenda)
- (4) Mayor's letter of 3/18/63 concerning HURRICANE AND FLOOD CONTROL PROJECT - Requesting Board to adopt resolution in which Federal Government is assured of continuing interest on the part of the City of Stamford and agrees to participate financially and otherwise in the Hurricane Barrier to be constructed across the East Branch, with dikes and walls along the West Branch and in Westcott Cove-Cummings Park area. REFERRED TO LEGISLATIVE & RULES COMMITTEE
- (5) Appeal from Zoning Board decision on Daycroft School - Previously referred to Legislative & Rules Committee and the Planning & Zoning Committee- ORDERED PLACED ON AGENDA
- (6) Letter dated 3/4/63 from Hordis Bros., Inc., concerning suggested amendment to Section 106.5, of Building Code, re safety glass. REFERRED TO LEGISLATIVE AND RULES COMMITTEE

- (7) Letter dated 3/5/63 from Durey & Pierson concerning Daycroft School, with attached map - REFERRED TO LEGISLATIVE & RULES COMMITTEE and PLANNING & ZONING COMMITTEE
- (8) Proposed amendment to Building Code (Section 105) entitled "Fire Districts" as submitted in letter of 2/14/63 from Office of Corporation Counsel.
ORDERED PLACED ON AGENDA
- (9) Letter dated 12/31/62 concerning PUBLIC MARINA FACILITIES FOR 1963 SEASON, as submitted by Supt. of Parks, Edward Connell, in accordance with Rules and Regulations of Park Commission (Deferred 3/4/63) ORDERED PLACED ON AGENDA
- (10) HARDESTY ROAD - Copy of letter of 3/11/63 from Dr. Stankard to the Commissioner of Finance, requesting the City go no further with the processing of Hardesty Road, as provided under Resolution No. 411 adopted 2/4/63, because the cost of \$70,000 is too high for the residents to go ahead with the project - NOTED AND FILED with copy sent to Planning & Zoning Committee Chairman.
- (11) Letter of 3/11/63 from OLD TIMERS' ATHLETIC ASSOCIATION, INC., concerning request to re-name Woodside Park the "John A. Scalzie, Jr. Park"
REFERRED TO PARKS & RECREATION COMMITTEE
- (12) Letter dated 3/11/63 from State of Connecticut Development Commission, regarding effective date of the SOUTHWESTERN REGIONAL PLANNING AGENCY-
Noted and filed.
- (13) Parking Authority balance sheet as of 12/31/62 - NOTED AND FILED
- (14) Public Welfare Department monthly report for January 1963 - NOTED AND FILED
- (15) Mimeographed copy of letter of February 1963 from FLOOD & EROSION CONTROL BOARD, giving complete summary of operations to date (Copies previously sent to all Board members of various city boards) - NOTED AND FILED

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

PAUL D. SHAPERO, Chairman
Steering Committee

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FISCAL COMMITTEE:

MR. MEYERS, Chairman, said the first two items on the agenda under his committee were reported on at the March 4th meeting, but were deferred at that time. He said a brief meeting was held earlier this evening at which time the committee approved item #3.

- (1) \$8,545.00 - Resolution No. 416 amending 1962-1963 Capital Projects Budget to add item to be known as STEVENS SCHOOL CAFETERIA IMPROVEMENT PROGRAM and appropriation for said project. (Mayor's letter 2/7/63)

MR. MEYERS MOVED for approval of the following resolution. Seconded by Mrs. Clarke who reported that her Committee (Education, Welfare & Government) also concurred in its approval; CARRIED unanimously:

RESOLUTION NO. 416

AMENDING 1962-1963 CAPITAL PROJECTS BUDGET,
"STEVENS SCHOOL CAFETERIA IMPROVEMENT PROGRAM"

BE AND IT HEREBY IS RESOLVED, by the Board of Representatives of the City of Stamford, to amend the 1962-1963 Capital Projects Budget, so as to add an item thereto to be known as STEVENS SCHOOL CAFETERIA IMPROVEMENT PROGRAM- enclose passageway, in the sum of \$8,545.00, and

BE IT FURTHER RESOLVED, that \$8,545.00 is hereby appropriated for said purpose.

- (2) \$5,400.00 - Department of Public Works, Code 630.1803, City Hall Maintenance
(Reduced by Board of Finance on 3/14/63 from \$9,000 to \$7,500)
(Mayor's letter 2/8/63)

MR. MEYERS said the above item is marked on the agenda as \$7,500 but had been reduced to \$5,400 by the Committee in approving it.

He MOVED for approval of \$5,400.00 for this request. Mr. Blois seconded the motion and said his Committee (Public Works Committee) concurred in the approval. CARRIED unanimously.

- (3) \$250.00 - Hubbard Heights Golf Commission - Code 730.1701, Fuel Oil (Mayor's letter 2/7/63) (Reduced \$300 by Board of Finance on 3/14/63 by denial of request for Paints & Misc.)

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

LEGISLATIVE & RULES COMMITTEE:

MR. BAKER reported that his committee met earlier this evening with regard to the items referred to it by the Steering Committee. He said Mr. Caporizzo and Mr. Meyers were absent and that Mr. Sherman abstained from voting on the appeal concerning Daycroft School.

He said Mr. Sherman has a very detailed report in regard to the first item on the agenda.

- (1) Appeal - Zoning Board - Concerning Daycroft School (Also referred to Planning & Zoning Committee)

MR. SHERMAN presented the following report on the above matter:

REPORT OF THE LEGISLATIVE AND RULES COMMITTEE
OF THE BOARD OF REPRESENTATIVES CONCERNING RE-
FERRAL OF ZONING BOARD'S ACTION APPROVING
APPLICATION NO. 62-023 - THE DAYCROFT SCHOOL, INC.

The Legislative and Rules Committee of the Board of Representatives of the City of Stamford met on March 21, 1963, at 8:00 P.M. in the office of the Mayor, City Hall, Stamford, Connecticut, to consider the validity of the referral, pursuant to Section 552.2 by opponents of the Zoning Board's action approving the application of The Daycroft School, Inc., changing to R-5 Multiple Family Residence District certain property in the R-7½ One Family Residence District. At said time and place, all parties interested in the referral were given full opportunity to be heard.

The Committee wishes to point out that it has no jurisdiction to hear arguments on, or to determine the merits of such a referral; its sole task is to determine the validity of the appeal. In making this determination, the Committee must reach the basic decision as to whether or not, in this particular instance, the referral petition was signed by owners of at least twenty per cent (20%) of the privately owned property within 500 feet of the borders of the area affected. In considering who constitute such owners, we must look to past judicial decisions interpreting the applicable provisions of the Charter. In the case of *Emily Woldan vs. City of Stamford*, 22, Conn. Sup. 164, it was held that those owning the entire interest in the property must join in order to make a valid protest under Section 552.2. That case remains the ruling law on this subject. It means, in substance, that if three (3) persons jointly own a given parcel of land, all three (3) of those persons must sign the referral petition.

(NOTE: At this point, Mr. Sherman referred the Board members to the Minutes of December 3, 1962, page 3540-41, in which an opinion of the Corporation Counsel on this matter, is set forth in full.)

As a result of its hearing, the Committee finds that:

1. From a map prepared by Edward J. Frattaroli, Land Surveyor, dated February 20, 1963, the total quantity of land within 500 feet of the borders of the area affected in this matter, exclusive of publicly owned land, streets and roads, is 55 acres, more or less, and that the referral petition in this matter must therefore contain the signatures of the owners of at least 11 acres, or 20% of said privately owned 55 acres.

2. A check of the signatories to the referral petition against information as to the record owners of privately owned property within 500 feet of the borders of the area affected, which information was presented to the Committee by the law firms of Durey & Pierson and Spelke & Weil, as a result of extensive examination of the Land Records of the City of Stamford, indicates that the referral petition has been signed by owners of only 3.006 acres or less than 6% of the privately owned land within 500 feet of the borders of the area affected. In reaching this conclusion, only signatories representing all owners of a given parcel were considered, pursuant to the ruling given in the *Woldan* case, although the referral petition did contain the names of persons who represented one of several owners of a given parcel of land.

Based upon the findings aforesaid, the Committee reports to this Board that the referral in this matter is not validly made, and not properly before the Board.

It is the sense of the Committee that those availing themselves of the referral provisions of the Charter pertaining to zoning and planning decisions should bear the onus of presenting to the Board of Representatives, in substantiation of the referral petition, a map showing the area affected by the zoning or planning change, showing the area within 500 feet of all borders of the area affected, delineating the parcels of privately owned land within 500 feet of the borders of the area affected, and certifying to the total acreage of privately owned land within 500 feet of the borders of the area affected. Further, we feel that all such referrals should be accompanied by an affidavit executed by at least one signatory to the petition, to the effect that said petition has been signed by the owners of the required percentage of privately owned land within 500 feet of the borders of the affected area.

THE PRESIDENT asked Mr. Sherman a question at this point. He said: "I understand that it is the report of the Committee that this Board cannot properly act on this appeal. Is this correct?"

MR. SHERMAN replied this was correct.

MR. CONNORS asked what Mr. Sherman meant by the presentation of a map of the area affected, by those who wish to oppose the zoning change.

MR. SHERMAN replied that it was the sense of the Committee that at the time a referral is taken by either party - proponents or opponents - that a map should be presented to the Committee in connection with the referral.

There ensued a considerable debate, with several of the members asking questions. Mr. Sherman submitted a large map and said that a comprehensive search of the Land Records showed that less than 6% of the surrounding land owners had signed the petition, rather than the 20% as required by the Charter.

(2) Proposed amendment to Building Code (Section 105) entitled "Fire Districts" as submitted in letter of 2/14/63 from Office of Corporation Counsel.

MR. BAKER read the following proposed amendment to Section 105 of the Building Code and MOVED for adoption for publication, with final adoption at the May Board meeting. Seconded by Mr. Hearing and Mr. Morris. CARRIED with one abstention. Mr. Schwartz abstained from voting:

AN ORDINANCE CLARIFYING THE LANGUAGE AND MEANING OF SECTION 105 OF THE BUILDING CODE OF THE CITY OF STAMFORD

A. Section 105. FIRE DISTRICTS

Sub-sections 1 and 2 are hereby repealed and the following enacted in their stead:

1. FIRE DISTRICT SUB-DIVISIONS

To control types of construction based on the inherent fire hazard of use groups of buildings, the fire district limits are hereby established to include all the zones designated as business, commercial and industrial zones, as now in effect or as the same may be amended hereafter. All other areas not included "within the fire limits" shall be designated as "outside the fire limits."

2. CONSTRUCTION AND USE WITHIN THE FIRE LIMITS

a. No new building of frame construction shall be erected within or moved from outside to within the fire limits except a one, two or three family dwelling which is to be used for residential purposes only. Said one, two or three family dwelling may be moved to or erected only upon a lot which is used solely for residential purposes.

b. No building designed or to be used for commercial or industrial purposes shall be erected upon or moved to a lot upon which there is an existing building of frame construction used for residential purposes.

c. No existing building of frame construction situated within or moved to within the fire limits, shall be occupied by more than three families, except as provided in Section 104 (1) of this Code. No alteration of such building shall be allowed the design or effect of which alteration is to increase the occupancy of such building to more than three families.

d. No building within the fire limits of otherwise lawful construction shall be extended in height or area by frame construction with the exception that existing one or two family dwellings may be extended to a height of not more than three stories nor more than 35 feet to the bottom of the third floor ceiling timbers, provided that total occupancy shall be by not more than three families. Roof coverings shall comply with Section 117 (3).

e. No existing or new building of unprotected metal construction, except buildings to be used exclusively for industrial purposes or in connection therewith, shall be altered or erected within or moved from outside to within the fire limits.

f. All buildings of unprotected metal construction permitted under the provisions of sub-section (e) above, shall be equipped with an automatic sprinkler system approved by the Fire Marshal; provided however, that buildings open on their long side are exempted from this requirement.

B. Section 105, Sub-section 7. ACCESSORY BUILDINGS

Sub-section 7 (e) is hereby repealed.

C. Section 105, Sub-Section 13. CONSTRUCTION OUTSIDE THE FIRE LIMITS

Sub-section 13 (a) is hereby repealed and the following enacted in its stead:

The provisions of paragraph 2 of this section shall also apply to all buildings of frame or unprotected metal construction, which are outside the fire limits, with the exception that outside the fire limits multiple family dwellings designed for occupancy by more than three families shall be permitted, provided that such dwellings are not used or designed for occupancy above the first and second stories thereof and provided further, that said dwellings shall conform to all applicable provisions of this Code and the Zoning Regulations of the City of Stamford.

Sub-section 13 (b) is to be retained and to remain in full force and effect.

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

(3) Leases - CIRCUIT COURT HOUSE - Between City of Stamford and State of Connecticut, covering Circuit Court House on Hoyt Street
(Mayor's letter 3/8/63)

MR. SHERMAN reported for the Committee on the above matter. He said in past years there has been one lease, but this year there are two leases - the first of which is exactly the same, with the exception of the new term as the lease now in existence. Under the terms of that lease, the City rents to the State of Connecticut a total of 5, 126 square feet on the first floor and part of the basement, for a total of \$10,251.96. He said the second lease is for an area of 496 square feet, previously untenanted, for a total of \$991.92 which space is to be used by the State Adult Probation Commission.

MR. SHERMAN MOVED for approval of the above two leases. Seconded by Mr. Baker.

MR. CONNORS asked a question at this time. He said he would like to know who pays for the Circuit Court.....that he had been under the impression that all the surrounding communities were going to help with the upkeep of the Circuit Court House. He asked if the City of Stamford has to pick up the tab on this.

MR. SHERMAN replied that Stamford has more than done its share in providing this facility for the surrounding communities as well as Stamford. He said "Our committee joins with the Board of Finance in their recommendation that there be immediately undertaken an investigation to determine the possibility of transferring this facility to the State of Connecticut." He said it is obvious that this lease is a very modest one and is not a competitive price or a fair market price. In addition, the City of Stamford must provide heat, lights and water, janitorial services and all janitorial supplies, even so far as providing electric light bulbs.

Mr. Sherman said, in view of the Board of Finance' recommendation that this be transferred to the State, he would DEFER this until completion of further investigation. He urged that the Steering Committee consider referring this to the proper committee.

MR. SCHWARTZ MOVED this matter be re-committed to the Legislative and Rules Committee. Seconded by Mr. Morris. VOTE taken on re-committal. CARRIED unanimously.

(4) Resolution No. 417 concerning HURRICANE AND FLOOD CONTROL PROJECT (Mayor's letter dated March 18, 1963 to President)

MR. BAKER read the following letter from the Mayor:

"As you know, the City of Stamford, the Federal Government and the State of Connecticut are involved in the HURRICANE AND FLOOD CONTROL PROJECT. Each one of the three participants agreed to share in the cost of construction.

"The City has already appropriated \$250,000 toward this project, with

the Federal Government allocating certain sums and the State of Connecticut already allocating \$1,104,000.

"In order to proceed further with the Federal Government in this matter, it now becomes necessary for the legislative body to pass a resolution in which the U. S. Government is assured of continuing interest on the part of the City of Stamford. This is a standard resolution that has been used by every other municipality involved in such projects with the Federal Government.

"May I respectfully request that the resolution attached be acted upon at the April 1st meeting of the Board of Representatives. It is necessary that it be acted upon at that time in order for me to take the resolution to Washington to present to the proper authorities there, so that further Federal appropriations be included in the present budget."

MR. BAKER said the Federal Government is to allocate \$3,742,000 and the City's share, spread over a three year period, will total \$1,152,000, with the State contributing a maximum total of \$1,278,000.

He said the cost of construction is expected to total \$2,006,000 and that the additional costs include acquisition of land of approximately \$500,000 and the cost of drainage around \$270,000.

MR. BAKER said the City of Stamford must be ready at this time with \$490,000 of which \$250,000 has already been appropriated and the Capital Budget contains an additional appropriation of \$250,000.

He said the dike will run about two miles, starting in the vicinity of the Helco property and will also run in front of the Cummings Park area. He said the benefits are obvious, as the entire area will be protected from the regularly recurrent flooding which almost annually and sometimes more frequently, inundates the area, which will enable much desirable land becoming available for industrial usage, and the Committee therefore recommends the passage of the following resolution.

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

RESOLUTION NO. 417

CONCERNING HURRICANE AND FLOOD CONTROL PROJECT

BE AND IT HEREBY IS RESOLVED, by the Board of Representatives of the City of Stamford, that the Mayor be and hereby is authorized to execute an assurance to the United States of America, in a form satisfactory to the Division Engineer, United States Army Engineers, New England, under the terms of which the City of Stamford will agree to participate financially and otherwise in the Hurricane Barrier to be constructed across the East Branch, supplemented by dikes and walls along the West Branch, and in the Westcott Cove - Cummings Park area, Stamford, Connecticut.

HEALTH & PROTECTION COMMITTEE:

Parking Authority - Request in letter dated 11/9/63 for approval of lease

on Dr. John Watts property, located on West Main Street,
to accommodate 42 vehicles (See Minutes 1/7/63, page
3549 - Tabled 3/4/63)

MR. TRUGLIA MOVED for approval of the above lease. Seconded by Mr. Arruzza.

MR. TRUGLIA explained that the rental on this property would be about \$100 per month; that it would cost around \$1,000 to prepare the ground, the insurance would be \$95 per year and taxes around \$235.

After considerable discussion a VOTE was taken on Mr. Truglia's motion to approve the above request. CARRIED unanimously.

Complaint from GLENBROOK BUSINESS ASSOCIATION in letter of 4/1/63
requesting more police protection because of vandalism.

MR. TRUGLIA read a letter which he had received from the President of the above named Association, complaining of inadequate police protection and requesting a 24 hour foot patrol in addition to squad car coverage of the area.

The above matter was REFERRED TO THE STEERING COMMITTEE for proper committee referral at their next meeting.

PLANNING & ZONING COMMITTEE:

In the absence of Mr. Russell, Chairman, Mr. Mulreed reported for the Committee. He said no action would be taken on the second item (request for change of name of Alma Rock Road) and that the first was previously taken care of under the report of the Legislative and Rules Committee.

PARKS & RECREATION COMMITTEE:

- (1) Public Marina Facilities for 1963 (Submitted in letter of 12/31/62 from Supt. of Parks, Edward Connell in accordance with Rules and Regulations governing parks. (Tabled 3/4/63)

MR. SHANEN said he is ready with the answers to some of the questions which were raised by some of the Board members in regard to the above matter at the March meeting. However, he said, during the past month, no member of his Committee has received any 'phone calls, letters, or inquiries of any sort asking for an answer to any specific question on this matter. Therefore, he said he can only conclude that these fees are acceptable to the members of the Board.

MR. SHANEN said he took the Minutes of the March meeting and using the questions that were asked at that time, would answer them in that order. He then proceeded to answer the questions presented by Board members at that time, and explained at some length.

MR. SHANEN MOVED for approval of these fees. Seconded by Mr. Mulreed.

MR. SCARELLA said he was sorry that he had been remiss in not getting in touch with the committee sooner, but would like to know if it is true that this Board must approve these fees before they can be levied. He said it has been brought to his

attention that the Park Commission has already collected these fees in the increased amounts.

MR. SHANEN said it was his impression, after discussing this with the members of the Park Commission that these fees are filed with the Board of Representatives and that they can charge for these moorings and if not approved by this Board, the money will be given back - that they have the right to go ahead and charge for these moorings. He said if this Board does not want to approve it, that is their privilege, but it is not a question of the legality of whether or not they can charge.

THE PRESIDENT said it is his understanding that the Park Commission has the right to go ahead and charge for these moorings.

MR. KUCZO asked if this was a ruling by the Corporation Counsel.

MR. NOLAN said about five or six years ago this Board went through the same thing.

MR. KETCHAM said he also was a member of this Board when the question of marina fees first came up and was debated at great length and with considerable heat. He said as he recollects, at that time it was definitely established that until such fees as may be suggested by any appointed Commission were approved by this Board, that those fees were not legally applicable.

MR. KUCZO spoke against approval of the fees.

MR. SHERMAN said he does not approve of fees being charged in advance of their approval, by this Board.

After considerable further debate on the subject, MR. NOLAN MOVED the item of marina fees be referred to the LEGISLATIVE AND RULES COMMITTEE in order to clear up the legal side of the question. CARRIED unanimously.

URBAN REDEVELOPMENT COMMITTEE:

MR. OPPENHEIMER, Chairman, presented the following report:

On Tuesday, March 18th, 1963 at 8:00 P.M., the Urban Redevelopment Committee met with members of the Commission at 308 Atlantic Street. Present were Messrs. Michael Sherman, William Hearing, William Murphy, Anthony Esposito, and David Oppenheimer. The Commission was represented by Mrs. Dwight Marshall, Messrs. Louis Greenbaum, James Carey, James Turrentine, Dr. Edward Allen, Salem Shapiro, John Toth and Miss Susan Pinchot.

This meeting afforded the members an opportunity to bring up any points that were of particular interest to them such as the next steps to be taken, now that our Board has approved the Plan.

Mrs. Marshall and the other Commissioners explained that processing of Part by the government takes two or three months - then the URC enters into loan and grant contract - this contract signing is evidence of good faith.

Mrs. Marshall discussed the hardship cases caused by the delay, such as landlords or owners whose buildings have been burned out and are awaiting redevelopment to buy these buildings, or those people who would like to make

future relocation plans or long term investments. The longer the delay, the worse it is for people such as this. Mr. Shapiro stated that appraisals cannot be released, but preliminary negotiations can be begun very shortly. He also explained that there are two acquisition appraisals to determine the fair market value, and negotiations will be based on this. The second acquisition appraisals are in the works now.

One member stated that he felt that URC should be ready now with the prices. The URC said that within three months they should have stage A-1 -- the loan and grant should be signed by then. As soon as the contract is signed and the second appraisals are completed, owners can begin negotiations with URC.

The meeting adjourned at 9:30 P.M.

David Oppenheimer, Chairman
Urban Redevelopment Committee

Request to re-name Woodside Park the "JOHN A. SCALZI, JR. PARK" in letter of 3/11/63 from the Old Timers' Athletic Association, Inc.

MR. KELLY asked why the above item, on the agenda under the Parks & Recreation Committee, was not reported on by the Chairman of that Committee.

MR. SHANEN said the committee had DEFERRED this matter for another month.

CHARTER REVISION COMMITTEE:

MR. MULREED said he wished to remind the members that the deadline for submitting Charter changes is April 10th and also that the Charter Revision Commission is holding a public hearing on Monday, April 22nd at a place to be announced at a later date.

He said the form for submitting charter changes is that they must be in writing, they must specify the section of the Charter that is to be revised and they must be signed and mailed or delivered to the office of the Board of Representatives.

MR. SHERMAN rose on a point of information. He said it was called to his attention by someone interested in Charter revision that there is a part of the Home Rule Act stating that the Charter Revision Commission cannot re-consider a given item within one year from the date of the last submission to this Board. In view of this, he said he thought it would be in order for the Steering Committee to so advise the 6th Charter Revision Commission.

THE PRESIDENT asked Mr. Sherman to put this request in writing so that it may be brought to the attention of the Steering Committee at their next meeting.

OLD BUSINESS:

Concerning use of salt on city streets by Public Works Department

MR. KUCZO said he did not wish to be repetitious, but as yet he has not been given an answer to this question. (Note: See page 3579, Minutes 2/4/63 under item #6; also see Minutes 3/4/63, page 3595, item #3; also page 3598, under report of Public Works Committee)

Mr. Kuczo asked the President if he had received a decision as yet from the Corporation Counsel and inasmuch as the Board of Finance would be soon acting on the Budget, that an answer should be forthcoming before that time.

THE PRESIDENT said he had not received this.

NEW BUSINESS:

Concerning proper order of election of officers and members of the Board of Representatives and other elected City officials

MR. JOHNSON brought up the above matter. He said he would like this matter submitted to the Steering Committee, particularly because of the way the agenda was set up and because of the fact that there was an even vote on the question of an appeal to the Chair. He said he believed that some of the sections of the Charter which may be pertinent to this are Section 113, Section 115, Section 201, Section 202.4, Section 204 and Rule No. 4 of the Rules of this Board, under "Clerk" and Rule No. 5 under "Members".

Mr. Johnson said he believes the important thing is that he cannot find anywhere where it states that the election of a successor to a member of this Board who has resigned becomes the first order of business. He said he notes, with some interest, where the Charter states in Section 202.4 under "Rules of Order" that "The board of representatives shall be empowered to adopt and amend rules of order." In that connection, he said, Rule 4 under the title of "Clerk" it states: "In the event of the resignation or death of the Clerk, the first order of business, following the calling of the roll, at the next regular meeting, shall be the election of a new Clerk." He said he would like this clarified by the Steering Committee.

Concerning news article re Sanitarians in Health Department

MR. KUCZO said he had recently read a newspaper article regarding the Sanitarians in the Health Department, in which a statement was made by the Chairman of the Health Commission that a "miserable job" is being done. He said he would like to see this referred to the Steering Committee.

THE PRESIDENT informed Mr. Kuczo that he would suggest he write a letter stating the problem, to the Steering Committee, in order that it can be referred to the proper Committee to look into the matter.

MR. SCARELLA said he would like to strongly recommend to the Steering Committee that an investigating committee be appointed to investigate this matter, so that it can be cleared up, inasmuch as it has been given so much publicity in the newspapers.

Concerning taking of shellfish for bait

MR. KELLY said he also would like to know how long the matter of the regulations against taking of shellfish for bait from nearby waters surrounding the city is going to stay in effect. He said all the areas for miles around have abolished this regulation and he doubts if there have been two cases of Hepatitis in the last three years. He also, asked to have this referred to the Steering Committee.

THE PRESIDENT informed all the members that any time they wish to have a matter referred to the Steering Committee, to write a letter stating their particular problem,

and to also attend the meeting of the Steering Committee and see to it that it is brought to their attention.

ADJOURNMENT:

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

vf

Velma Farrell
Velma Farrell
Administrative Assistant
(Recording Secretary)

APPROVED:

Paul D. Shapero
Paul D. Shapero, President
Board of Representatives

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


