

Minutes of May 6, 1963  
Meeting of the 7th Board of Representatives  
Stamford, Connecticut

3633

A regular meeting of the 7th Board of Representatives of the City of Stamford was held on Monday, May 6, 1963, in the Cafeteria of the Dolan Junior High School, Tom's 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. John P. Odie, St. John's 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, Mrs. Eleanor R. Austin (appointed at the April 1, 1963 Board meeting).

There were 37 present and 3 absent at the calling of the roll. However, after the election of a replacement for Mr. Johnson, 20th District Representative, there were 38 members present and 2 absent. The absent members were: Chester Walajtys and Allen J. Shanen.

RESIGNATION - DAVID L. JOHNSON, Republican, 20th District Representative

THE PRESIDENT read a letter of resignation from Mr. Johnson, who resigned for the reason that he is moving out of the City.

REPLACEMENT IN 20TH DISTRICT:

MR. KETCHAM nominated RANDOLPH ROGERS (Republican), 66 Shady Lane, to fill out the unexpired term of David Johnson. Seconded by Mr. Schwartz. CARRIED.

THE PRESIDENT administered the oath of office to Mr. Rogers, who took his seat as a member of the Board. This changed the roll call to 38 members now present.

ACCEPTANCE OF MINUTES - Meeting of April 1, 1963

MR. BLOIS MOVED that the minutes of the above meeting be corrected on page 3619, under number of votes for replacement for Rose Farina, 5th District Representative, be corrected to read: "19 votes for Armando Gurliacci, 18 votes for Mrs. Marie Stewart" and that there be deleted from the minutes the words "1 Abstention".

MR. NOLAN objected to the correction. He said, to his knowledge, this was reported by the Tellers as being one abstention and does not see how this Board can change it.

THE PRESIDENT RULED that in accordance with the report of the vote as submitted to him by the Tellers, which read 19, 18 and one abstention, that no correction is needed to the minutes of April 1, 1963.

MR. CONNORS said it was his belief that he asked the question in regard to the one abstention. He said if someone abstains from voting then they do not get a ballot and from what he was told by the Tellers, everybody received a ballot. He said: "There were 38 people present and 38 people received a ballot - now if there was one abstention, who was it?"

THE PRESIDENT informed Mr. Connors he could not answer his question. He reiterated his ruling that no corrections are necessary to the minutes. He said if there was no appeal from the ruling of the Chair, the minutes would stand.

There being no appeal from the ruling of the Chair, the minutes were accepted.

COMMITTEE REPORTS:

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

STEERING COMMITTEE REPORT  
Meeting held Monday, April 22, 1963

A meeting of the Steering Committee was held on Monday, April 22, 1963 in Dolan Jr. High School, after a special meeting of the Board of Representatives.

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 Mr. Baker and Mr. 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 letter dated 4/22/63 concerning appointments - REFERRED TO APPOINTMENTS COMMITTEE
- (2) Additional appropriations, approved by Board of Finance on April 11, 1963 REFERRED TO FISCAL COMMITTEE, with items of \$2,000 and over referred to a secondary committee.
- (3) Concerning 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 and Ordinance No. 64) - REFERRED TO LEGISLATIVE AND RULES COMMITTEE "to consider legal side of question" (See page 3628, Minutes of 4/1/63 under Parks & Recreation Committee)
- (4) MUNICIPAL EMPLOYEES' ASSOCIATION - Letter dated 4/22/63 from Attorney Saul Kwartin, enclosing PROPOSED AMENDMENT TO CLASSIFIED EMPLOYEES' PENSION PLAN, under provisions of Section 754 of Charter - REFERRED TO LEGISLATIVE AND RULES COMMITTEE
- (5) Letter dated 4/22/63 from Mayor, concerning proposed ORDINANCE PERMITTING A PEDESTRIAN BRIDGE TO BE BUILT BY PITNEY BOWES to connect property owned by them on both sides of Crosby Street - REFERRED TO LEGISLATIVE & RULES COMMITTEE
- (6) PETITION FROM STAMFORD YACHT CLUB (dated 4/17/63) Requesting permission to hold the annual Fireworks Display at the Club on July 4th - REFERRED TO LEGISLATIVE & RULES COMMITTEE
- (7) Concerning bad road conditions on WEBB AVENUE, as submitted in letter of 4/12/63 from Paul Kuczo, Jr. (10th District Representative) - REFERRED TO PUBLIC WORKS COMMITTEE



- (8) Use of salt on streets in snow removal operations - ORDERED ON AGENDA UNDER PUBLIC WORKS COMMITTEE (See Minutes 2/4/63, page 3579; Minutes of 3/4/63, item #3 on page 3595 and item #1 on page 3598; Minutes of 4/1/63, page 3630 under "Old Business")
- (9) Complaint from GLENBROOK BUSINESS ASSOCIATION (in letter of 4/1/63) requesting more police protection because of vandalism (See Minutes of 4/1/63, page 3628) - REFERRED TO HEALTH & PROTECTION COMMITTEE
- (10) Letter from Secretary of STAMFORD'S BIG FIVE VOLUNTEER FIRE COMPANIES, concerning statement recently made by a member of the Stamford Fire Dept. REFERRED TO HEALTH & PROTECTION COMMITTEE
- (11) Concerning news article re Sanitariums in Health Department - REFERRED TO HEALTH & PROTECTION COMMITTEE (Letter from Mr. Kuczo, 10th District Representative, dated 4/22/63). (See Minutes of 4/1/63, page 3631)
- (12) Concerning change of name of Woodside Park to the "JOHN A. SCALZI, JR. PARK" contained in letter of 4/18/63 from Michael F. Lione Memorial Association, urging action be taken - REFERRED TO PARKS & RECREATION COMMITTEE
- (13) Public Welfare Department monthly report for February 1963 (Noted and filed, with copy sent to Education, Welfare & Government Committee)
- (14) Board of Education financial statement for February 1963 (Noted and filed, with copy sent to Education, Welfare & Government Committee)
- (15) Letter from Mrs. Cornelia Peterman (dated 4/1/63) Re: (1) Ambulances being housed where a doctor is available to go along, instead of allowing Firemen and Policemen to take over the work of a doctor; and (2) Wright Technical School - Method of on-the-job training for students.

Inasmuch as the subjects covered in Mrs. Peterman's letter are not within the purview of the Board, the President said he would answer the letter, conveying this information.

- (16) Concerning proper order of election of Officers, members of the Board of Representatives, and other City officials who have resigned (See Minutes of 4/1/63, page 3631)

After considerable discussion on the above matter, it was REFERRED TO THE LEGISLATIVE & RULES COMMITTEE, to look into this, with the idea of clarifying the method of procedure in the future.

- (17) COMMITTEE CHANGES - Fiscal Committee:

William Murphy, replacing Vincent Caporizzo  
Armando Gurilacci, replacing Rose Farina

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

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PAUL D. SHAPERO, Chairman  
Steering Committee

APPOINTMENTS COMMITTEE:

MRS. AUSTIN, Chairman, said the committee was in the process of interviewing the Mayor's appointees and would report at the next regular meeting of the Board.

THE PRESIDENT informed all Board members that if they had not noticed the news articles printed in the Stamford Advocate regarding the Mayor's appointees, to please check the Supplemental Agenda which was distributed to all members this evening, which lists all of them.

FISCAL COMMITTEE:

MR. MEYERS, Chairman, submitted his committee report. He said his committee met the evening of April 30, 1963 at 8 P.M. in the Mayor's office and all members were present. He said all items on the agenda under his committee were approved.

- (1) \$375.00 - Mayor's Office - Code 108.0501, Telephone (Mayor's letter 4/4/63)

MR. MEYERS MOVED for approval of the above request. Seconded by Mrs. Austin and CARRIED unanimously.

- (2) \$2,000.00 - Probate Court - Code 188.1101, Record Books, Maps & Library  
(Mayor's letter 4/4/63)

MR. MEYERS MOVED for approval of the above request. Mrs. Clarke, Chairman of Education, Welfare and Government Committee, seconded the motion, saying her committee concurred in approving this item. CARRIED unanimously.

- (3) \$1,489.00 - Sunset Home - Code 430.1501, Fuel Oil, Electric Lights, Propane Gas and Power (Mayor's letter 4/4/63)

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

LEGISLATIVE & RULES COMMITTEE:

MR. BAKER, Chairman, presented his committee report at this time.

- (1) Final adoption of amendment to Section 105 of Building Code, entitled "FIRE DISTRICTS" as submitted in letter of 2/14/63 from Office of Corporation Counsel  
(Approved for publication 4/1/63, published 4/8/63)

MR. BAKER said his committee recommends the final adoption of this amendment to the Building Code, and MOVED for approval of the following. Seconded by Mr. Mulreed and CARRIED unanimously:

ORDINANCE NO. 80.5 SUPPLEMENTAL

CLARIFYING THE LANGUAGE AND MEANING OF SECTION 105,  
ENTITLED "FIRE DISTRICTS", OF THE BUILDING CODE OF  
THE CITY OF STAMFORD

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

The Building Code, 1959, of the City of Stamford is amended to read as follows:



**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.

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- (2) 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) (See Minutes of 4/1/63, page 3626)

MR. BAKER said the above matter was re-committed to the Legislative and Rules Committee at the April 1, 1963 meeting "to determine the possibility of transferring this facility to the State of Connecticut".

He said the Committee recommends that, pending action by the Legislature, that the lease not be signed and that the State be carried as a month-to-month tenant. He explained that there is now pending legislation which would authorize the State to increase our payments to cover the cost of the City for maintenance.

Mr. Baker said the committee recommends that our Representatives in the State Legislature be requested to introduce legislation which would authorize the State to purchase the Court House. He MOVED for approval of the following resolution:

RESOLUTION NO. 418

CONCERNING REQUEST TO INTRODUCE LEGISLATION TO  
AUTHORIZE STATE TO PURCHASE CIRCUIT COURT HOUSE

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford, that this Board request our Representatives in Hartford to introduce legislation which would authorize the State to purchase the Circuit Court House located in Stamford, Connecticut.

MR. SCHWARTZ seconded Mr. Baker's motion.

MR. SCARELLA spoke against the resolution, saying he was not sure it is advisable.

MR. NOLAN said he thought adoption of the resolution should be deferred in order to look into the matter further. He said this was not on the agenda and would suggest either suspending the rules or postponing action tonight.



MR. BAKER said "we do not ask for suspension of the rules - we see no emergency and see no reason why this should not be considered and studied thoroughly."

THE PRESIDENT asked Mr. Baker if he would consider withdrawing the resolution and submitting it to the Steering Committee so that it can be more thoroughly studied.

MR. BAKER said he withdraws the resolution so that it may again be brought before this Board in the appropriate fashion, through the Steering Committee.

MR. SCHWARTZ said in view of the fact that the Legislature will soon be adjoining in June and there is a deadline in the early part of May for any new Bills by members of the Legislature and it could be just an idle gesture to bring it up at a later date.

MR. BAKER said if the Board wishes, he will re-introduce the resolution.

MR. NOLAN said it would have to be introduced under SUSPENSION OF THE RULES.

MR. BAKER MOVED for suspension of the rules in order to consider Resolution No. 418 which he had previously read.

MR. SCHWARTZ seconded the motion. CARRIED to suspend the rules.

THE PRESIDENT informed the members that discussion on Resolution No. 418 is now before the Board.

MR. CONNORS spoke in favor of the resolution. He said when he brought this up at last month's meeting he thought and still does, that the cost of the Circuit Court was supposed to be shared equally by the surrounding communities who use its services. He said he believes that the City of Stamford should not bear the burden of the cost of maintaining this Court for the use of other cities and towns who do not share in the upkeep. He said he thinks it should be shared equally, by all of the communities who are served by this Court. He said to "forget the lease" at this time and concentrate on getting this matter before the Legislature.

MR. SHERMAN said he believes that Mr. Connor's question is deserving of an answer. He said upon investigating the problem, was found that each of these so-called member communities have Circuit Court facilities to a varying degree and are therefore, contributing their share. He said there is a facility in Norwalk, in Greenwich. He said it was his understanding that when this building was first constructed, it was so designed that at least one additional story could be added - that it had been designed strictly for Court House use and he doubts that it would have any other practical function.

He said it was also his understanding that although the possibility of future additions were contemplated, the Circuit Court has refused to allow the use of their facilities for anything other than court purposes, even for the use of the Board of Representatives for their meetings, and other such purposes. He said he would therefore urge the passage of this resolution. He said obviously the terms of the lease do not represent what the going market price demands.

He said, despite the pending legislation for reimbursement to the City for

custodial care, that the avenue be at least open for negotiation for the facility by the State.

MR. SCHWARTZ also spoke in favor of the resolution.

MR. BAKER said perhaps Mr. Scarella was absent at the last Board meeting when this was discussed at some length. He said it was pointed out at that time that the city receives a much lower return than the prevailing market, and it was for this reason that it was decided to see what could be done in the way of trying to get the State to buy the property. He said in view of Mr. Scarella's obvious lack of information, he must have been absent at the time it was discussed.

MR. SCARELLA said he does not want Mr. Baker to draw any erroneous conclusions about his understanding or his absence - that he was present at the meeting and heard every word.

MR. SHAPERO explained the resolution now before the body for a vote. He said it does not provide for sale of the Circuit Court House; that it does not offer the property for sale, nor does it authorize the sale - the resolution merely asks our representatives in the State Legislature to introduce a bill which will permit the State to buy the property. That it will just give to our Representatives in Hartford an opportunity to give to the State the power to buy the building - it does not sell the building to them.

MR. RYBNICK said this seems very confusing. He asked the President to explain what difference there is between asking the State to purchase the building and then turning around and saying we not offering this building for sale.

He said this all sounded like double talk to him - that in one breath we are asking the State to ask the Legislature to pass a Bill to take over this property, when we're not going to be ready to sell.

THE PRESIDENT said perhaps he didn't put it simply enough. He said "What I said was, we are not offering the building for sale, and I will stand by my statement. This resolution is to authorize or to request that our Representatives in Hartford seek legislation to give the State the power to buy - and that is not the same as offering it for sale. Any offer which may subsequently be made by the State has to be reviewed by the appropriate bodies and then be acted upon."

MR. RYBNICK said he still cannot see why we should ask the State to pass a Bill, and then when they have done so and have the power to buy the Court House, then have them come before this Board and have it say "No, we don't want to sell." He said he does not think this is the proper way to go about this.

MR. CUSHING asked if it would be in order for him to offer an amendment to this resolution by saying that the City is not obligated to sell this property.

THE PRESIDENT said he believes the amendment is superfluous.

After considerable further debate on the resolution, a rising VOTE was taken and the resolution was CARRIED. (No count was made of the vote as it obviously carried)

- (3) Public Marina Facilities for 1963 (Submitted in letter of 12/31/63 from Supt. of Parks, Edward Connell, in accordance with the Rules and Regulations governing parks, under provisions of Ordinance No. 64) (See Minutes 4/1/63, page 3628)



MR. BAKER said the above matter was referred to his committee for a limited purpose only - that the question concerned the authority of the Park Commission to set the fees. He said an opinion was solicited from the Corporation Counsel's office, which follows:

May 3, 1963

Michael S. Sherman, Esq.  
Legislative and Rules Committee  
Board of Representatives  
City Hall  
Stamford, Connecticut

Dear Mr. Sherman:

In response to your letter of April 18, 1963, requesting an opinion with respect to the authority of the Park Commission in the setting of fees for marinas, I call your attention to Section 595 of the Charter, which provides that the Park Commission is authorized to maintain all parks and recreation areas and to determine all park policies for the City of Stamford, except as may otherwise be determined by the Board of Representatives.

It would seem to me that the setting of fees for marina activities would be a park policy which is normally determined by the administrative agency charged with this responsibility, namely, the Park Commission. However, in view of the fact that the Charter also gives the Board of Representatives the power to determine these policies, it seems to me that the policy making function is thus divided between the two Boards. As the Charter reads, it would be my opinion that the Park Commission has the power and authority to set fees for city marina facilities and to execute these policies and therefore to collect such fees. Since your Board also has power to set policies, I presume it has the right to approve the fees set by the Park Commission and that it also has the right to set fees which are higher or lower than those set by that Commission.

In view of the divided responsibility set forth in the Charter, it would seem to me that the proper procedure would be to allow the Park Commission to take the responsibility for the establishment of fees for the facilities used in the parks, including public marinas, tennis and other facilities offered. This is in line with customary practice with other Commissions which set their rates. For example, the Hubbard Heights Commission establishes its rates for the use of the golf facilities without any further action by any other Board. The Board of Education sets many fees for the use of its facilities, as does the Health Department, the Board of Recreation and other municipal departments. However, in view of the Charter provision previously mentioned, since your Board has the power and authority in connection with the determination of park policies, it can take action on the determination of fees for the use of this service if it so desires.

I have been informed that the marina fees were submitted to the Board of Representatives in December 1962, in accordance with the procedures

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followed in prior years. It would seem to me that there should be some coordination between the two Boards with respect to the determination of matters such as this, so that they should not be allowed to go to such a late date and thus to create uncertainty in the minds of the public. The Park Commission is a dedicated Board, consisting of members who have acquired a degree of expertness in this particular area and I would suggest that great weight be given to their recommendations.

The above takes care of the first three questions raised in your letter of April 18, 1963. As to the last question, it would seem that the City should reimburse any person for the difference between the fees set by the Park Commission and any fees determined by your Board which might be lower than those set by the Park Commission.

Sincerely yours,

(signed) ISADORE M. MACKLER,  
Corporation Counsel

IMM/sg

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MR. BAKER said his committee was only concerned with the question of authority, and have given to the Board the opinion as set forth above, of the Corporation Counsel's Office and make no recommendation with regard to the merits of the levying of the fees since this was not entrusted to them.

THE PRESIDENT said the question of the levying of fees will be reported on by the Parks and Recreation Committee.

- (4) MUNICIPAL EMPLOYEES' ASSOCIATION - Letter dated 4/22/63 from Attorney Saul Kwartin, enclosing PROPOSED AMENDMENT TO CLASSIFIED EMPLOYEES' PENSION PLAN, under provisions of Section 754 of Charter

MR. BAKER said that in view of the fact that this matter is of a complex nature, and requires further study by the Committee that it will not be reported on at this time. However, he said they may be able to report on this at the next Board meeting.

- (5) Proposed Ordinance permitting a pedestrian bridge to be built by Pitney Bowes to connect property owned by them on both sides of Crosby Street (Requested in Mayor's letter of 4/22/63)

MR. BAKER presented the following letter from Pitney Bowes, explaining the reason for requesting this Ordinance:

PITNEY-BOWES, INC.  
Walnut and Pacific Streets  
Stamford, Conn.

April 19, 1963

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



Re: Pitney-Bowes, Inc. Request to Construct a Closed Pedestrian Ramp  
Across Crosby Street

Pitney-Bowes, Inc. hereby requests permission to build a closed pedestrian ramp across Crosby Street, at a minimum height of 14-1/2 feet above street level, between the Pitney-Bowes, Inc. buildings located on the north and south sides of Crosby Street.

The Pitney-Bowes building located on the north side of Crosby Street has been owned by the Company for many years. The Pitney-Bowes building located on the south side of Crosby Street was acquired from The Hartford Electric Light Company on October 15, 1962. Pitney-Bowes owns all the property abutting the north side of Crosby Street and the better portion of the property abutting the south side of Crosby Street.

The Pitney-Bowes property abutting the south side of Crosby Street runs from the intersection at the corner of Crosby and Pacific Street, westward along Crosby Street up to a point just 272.88 feet from the intersection of Crosby Street and South Street. The Hartford Electric Light Company owns the other portion of the property abutting the south side of Crosby Street. The proposed pedestrian ramp would be located approximately midway in the property owned by Pitney-Bowes along the south side of Crosby Street, and some 355 feet from the Hartford Electric Light Company property line on the south side of Crosby Street.

The controlling precedent authorizing the City of Stamford to issue an ordinance allowing the erection by Pitney-Bowes, Inc. of a pedestrian ramp over and across Crosby Street is Yale University v. City of New Haven, decided by the Supreme Court of Errors of Connecticut in 1926. We believe that the proposed pedestrian ramp over Crosby Street will meet the criteria established in Yale University:

1. The granting of permission by ordinance to Pitney-Bowes, Inc. to build a pedestrian ramp will not unreasonably interfere with a public easement over Crosby Street.
2. The construction of the pedestrian ramp cannot materially injure owners of land upon either side of the highway, since Pitney-Bowes, as aforesaid, is the owner of all properties north of Crosby Street between Pacific and South Streets, and over one-half of the properties running along the south side of Crosby Street between Pacific and South Streets.
3. The proposed pedestrian ramp will thus rest upon foundations set outside Crosby Street and upon land or property of Pitney-Bowes, Inc., and no part of the structure will touch Crosby Street.
4. The pedestrian ramp will be erected at a minimum height of 14-1/2 feet above Crosby Street so as in no way to interfere with travel or traffic upon Crosby Street's surface.
5. The pedestrian ramp will not interfere with the light, air or view of any owner of the land on either side of Crosby Street. We

understand The Hartford Electric Light Company, only other owner abutting the south side of Crosby Street has no objection to the construction of the pedestrian ramp.

6. The pedestrian ramp will not interfere with any legitimate use of Crosby Street.
7. The pedestrian ramp will help bind together in common use two of the buildings of Pitney-Bowes, will thereby increase the efficiency of Pitney-Bowes, which of course, is of substantial public interest and benefit to the citizens of Stamford and surrounding communities.
8. The pedestrian ramp will protect the safety and well-being of employees and visitors to Pitney-Bowes, particularly insofar as it will obviate the necessity for such employees and visitors to hazard crossings of Crosby Street at street level. It will thus also serve to hasten the uninterrupted flow of traffic along Crosby Street.

In summary, we believe no abutting owner or other land owner can claim compensation for violated rights of property. No one of the public will suffer in his rights to public easement over Crosby Street. The City of Stamford will not be injured by it, and the entire community will be benefited substantially, as noted above.

For the reasons cited, Pitney-Bowes, Inc. submits that the City of Stamford should approve and issue an ordinance allowing the erection by Pitney-Bowes, Inc. of a pedestrian ramp extending over and across Crosby Street. We believe that an ordinance allowing the construction of the pedestrian ramp will be in the best interests of the City of Stamford, as well as being of substantial benefit to the operations of Pitney-Bowes, Inc., particularly with respect to the safety and convenience of its employees.

The Board of Representatives early and favorable action upon Pitney-Bowes, Inc.'s request, and the issuance of an appropriate ordinance, will be greatly appreciated. Should you have any questions concerning Pitney-Bowes, Inc.'s request, we should be pleased to answer these questions at the Board's, or any of its committees', convenience.

Respectfully submitted,

(signed) DANIEL A. AUSTIN, JR.  
Assistant Counsel

DAA/fs

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MR. BAKER said there were two representatives from Pitney-Bowes at the committee meeting when they considered this request and it was the unanimous opinion of the committee that their request be granted - that no one could possibly be adversely affected by allowing the construction of this bridge. He said the Corporation Counsel's office drew up the proper ordinance and that office has advised that there is no conflict with any State statute and in his opinion, this Board is empowered under the provisions of the Charter to pass the requested ordinance.



MR. BAKER said there are several reasons why the passage of this ordinance requires haste, foremost of which is that Pitney-Bowes is now in the process of additional construction and the key to that additional construction is the erection of this bridge and the insurance that construction of it will be approved. He said the construction plans would have to be interrupted in the event of the uncertainty of approval of this ordinance.

MR. BAKER MOVED for suspension of the rules in order that the ordinance be brought up for final action tonight, rather than waiting for publication.

THE PRESIDENT instructed Mr. Baker that a motion for waiver of pre-publication would be in order at this time.

MR. BAKER suggested that suspension of the rules would be necessary in order to bring the matter of waiver of publication before the Board, and that he had been so informed of this fact by the Majority Leader.

THE PRESIDENT said this was not necessary.

MR. BAKER said his source of information must have failed him.

MR. BAKER MOVED to waive pre-publication of the Ordinance. Seconded.

MR. KELLY asked Mr. Baker a question through the Chair. He asked if they have done anything to take the "high line" which runs along Crosby Street out of the way of this bridge.

MR. BAKER said he was not aware of the fact that there was any "high line" which might constitute an obstacle, but he was sure that Pitney-Bowes would make whatever arrangements would be necessary to take care of this.

MR. MULREED said it is his understanding that Pitney-Bowes has contacted the Power Company and that the line will be moved over it at the expense of Pitney-Bowes.

MR. KELLY said it wasn't mentioned in Mr. Baker's report and that is the reason why he asked about it.

MR. CONNORS said he is not going to oppose this, but notes that the telephone company has to maintain a height of 18 feet with their wires. He said it is his understanding that the State law requires a height of 18 feet over a road.

MR. MULREED said he thinks the State law requires a minimum height of 14 feet. He said actually the bridge will be higher than that.

VOTE taken on Mr. Baker's motion for a waiver of pre-publication of the Ordinance. CARRIED, with Mr. Scarella and Mr. Mulreed abstaining from voting for the reason that they are employed by Pitney-Bowes. Mr. Meyers wished to be recorded as voting in opposition to the motion.

MR. BAKER thereupon read the ordinance and MOVED its adoption. Seconded.

MR. MEYERS said he knows that the City of Stamford is self insured for highway and sidewalks injuries and was wondering whether or not the company (Pitney-Bowes) would agree to indemnify the City of Stamford against future suit in the event of injury caused by any falling objects, etc. to persons using the public highway.

MR. BAKER passed around a large map which showed the proposed bridge. He pointed

out that this will be an enclosed passageway and there is slight danger of anything falling down from it.

MR. MEYERS said he is not only thinking in terms of someone dropping a soda bottle off the ramp, but rather in terms of over a period of years, deterioration of the construction which might allow for the cracking of mortar or shingles to fly off a roof and things of that sort which could, at some future time cause the City to become liable.

MR. MULREED said they have the assurance of the Corporation Counsel that the City will be adequately protected.

After considerable further debate, a VOTE was taken on Mr. Baker's motion to approve the following Ordinance. CARRIED, with Mr. Scarella, Mr. Mulreed and Mr. Meyers abstaining from voting for reasons previously cited:

ORDINANCE NO. 107 SUPPLEMENTAL

CONCERNING THE ERECTION BY PITNEY-BOWES, INC. OF AN  
OVERHEAD PEDESTRAIN RAMP EXTENDING OVER AND ACROSS CROSEY  
STREET

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Pursuant to the powers contained in Section 40 (25) and Section 40 (32) of the Charter of the City of Stamford, the construction of an overhead pedestrian ramp over and across Crosby Street, a public highway, located in the City of Stamford, connecting buildings presently owned by Pitney-Bowes, Inc. on opposite sides of said highway, at the location shown in the sketch appended hereto, is hereby approved, subject, however, to the following conditions:

1. The provision of a minimum clearance above said highway and the sidewalks connected therewith of fourteen and one-half (14-1/2) feet.
2. Approved by the Building Inspector of the City of Stamford of the construction details of said overhead pedestrian ramp, and the issuance of a building permit therefor.
3. The delivery to the City of Stamford of an agreement by Pitney-Bowes, Inc., which agreement shall run with the above-designated real property owned by Pitney-Bowes, Inc. (to be fully described in said agreement) and shall bind Pitney-Bowes, Inc., its successors and assigns, to remove at the expense of Pitney-Bowes, Inc., its successors and assigns, said overhead pedestrian ramp at such time as it is determined by the Board of Representatives of the City of Stamford that the public convenience and necessity require said removal. This agreement shall be recorded in the Stamford Land Records Office.

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

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- (6) PETITION NO. 294 - STAMFORD YACHT CLUB (dated 4/17/63) Requesting permission to hold annual Fireworks Display at the Club on July 4th

MR. BAKER said the committee recommends that this request be granted and MOVED for approval, subject to the securing of the necessary permits from Police, Fire and other City departments. Seconded by Mr. Kelly and CARRIED unanimously.

- (7) Concerning proper order of election of Officers, members of the Board of Representatives, and other City officials who have resigned (See Minutes of 4/1/63, page 3631)

MR. BAKER said because of the absence of Mr. Sherman and Mr. Meyers, the Committee decided to hold this matter in Committee. However, he said it is expected that a report will be given at the next Board meeting. He said he also wishes to note at this time that Mr. Schwartz dissented, as he wished to have this matter reported out of committee this evening.

PUBLIC WORKS COMMITTEE:

MR. BLOIS, Chairman, presented his report at this time. He said a meeting was held Wednesday evening, May 1st, with the following members present: Mr. Longo, Mr. Esposito, Mr. Morris, Mr. Arruzza, Mr. Dombroski and Mr. Blois. He said Mr. Mead was not able to attend the meeting because he was attending a meeting of the Fiscal Committee called for the same night.

- (1) Concerning bad road conditions on WEBB AVENUE, as submitted in letter of 4/12/63 from Paul Kuczo, Jr. (10th District Representative)

MR. BLOIS read the above letter at this time, which cited the deteriorated condition of Webb Avenue in great detail.

MR. SHERMAN rose on a point of information. He asked, through the Chair, if this portion of Webb Avenue is an accepted city street.

THE PRESIDENT asked Mr. Sherman to defer this question until Mr. Blois has finished with his report.

MR. BLOIS now presented the following petition, signed by 26 residents of Webb Avenue:

We, the undersigned residents of Webb Avenue and Houston Terrace, hereby present this petition to the proper authorities of the City of Stamford, to take immediate action by correcting the deplorable drainage and road surface of Webb Avenue. We feel this is necessary for the following reasons:

1. A serious drainage problem presently exists, causing property devaluation and damage.
2. Webb Avenue needs to be widened and resurfaced to prevent further erosion of both road and property.
3. Trees, weeds and bushes should be cut back to eliminate a fire hazard and prevent people from discarding trash along the roadside.

4. The debris carried by the water and trash thrown by "litter bugs" causes a health menace to the area residents

MR. BLOIS gave his committee report on the above item. He said at this point in his committee meeting, he excused himself from participating in the meeting, due to what might be misconstrued as a conflict of interest and Mr. Morris was thereupon appointed Temporary Chairman and continued the hearing on the subject before the committee.

He reported that after some discussion by the committee it was decided that nothing further could be gained by continued discussion and that on site inspection of the area in question should be made and a report made to the Board of its findings.

Mr. Blois said Mr. Arruzza and Mr. Morris volunteered to make the inspection.

MR. MORRIS reported on their findings at this point. He said he and Mr. Arruzza made the on site inspection and reported that they found this street in good condition from Seaside Avenue until after the road turned at a sharp right angle. Then, the road narrowed down to very hazardous condition. Also, only a small width of the road was paved, with no curbing or storm drains that they were able to discover.

Mr. Morris reported that upon talking to the Public Works Commissioner he found that this road has never been accepted by the City.

He said the Public Works Committee feels very strongly that something should be done to remedy this condition.

MR. CONNORS said that Webb Avenue happens to be one of the oldest streets in the City of Stamford and was supposed to have been accepted several years ago..... and that there are many streets in the City of Stamford which have never been accepted - not even Strawberry Hill. He said several years ago this Board accepted many of these streets in the City of Stamford which had never been accepted as City streets at that time. He pointed out that he was not referring to new streets, but very old streets. He said if Webb Avenue was not accepted at that time, then it is the fault of the Board of Representatives, because Home Court was not an accepted street either, and it also is one of the oldest streets in the City of Stamford.

He said this Board went on record, and Mr. Russell (Chairman, Planning & Zoning Committee) can verify this, this Board "picked up" all of the old streets in the City of Stamford several years ago and accepted them as City streets and Webb Avenue was one of these streets that was supposed to have been accepted at that time, in its entirety - from Mathews Street over to Seaside Avenue. He said if at that time they only accepted part of it, then it is the fault of this Board, not the fault of the taxpayers and residents of the street - that they are paying the City taxes and are entitled to all of the services than any other taxpayer receives. He said this street is in deplorable condition. He urged that something be done to help these residents.

MR. RUSSELL said if his memory serves him right, the matter of the acceptance of this street goes back some five years or so, perhaps more. He said at the time these old roads were accepted, they were very careful not to accept roads which were in what they called at the time "minimum acceptable condition" and for this reason there were something like close to 100 roads which they did not accept at



that time - mainly because they were either small alleys, or insufficient width, or deplorable condition and did not meet the minimum road specifications of the City, so they could only accept those roads which came up to minimum road specifications. He said it was for this reason - and he named several roads in this category - that over the past few years certain roads which did not meet the minimum specifications of the city, had been brought up by a shared expense, divided between the property owners, under the provisions of Chapter 64 of the Charter.

MR. CONNORS asked why, if this was not a City accepted street, why did the City put in storm drains in 1956 at the rear of Houston Terrace? He said anyone can go over and see for themselves - that there is a drain there which was put in by the City of Stamford and maintained by the City and also they put in curbing when they built new houses on Houston Terrace to prevent the water from running down on those properties. He said the drain is approximately behind 100 Houston Terrace and is there for everyone to see.

THE PRESIDENT asked if there were any further speakers on this subject, and if not, certainly this Board has been made aware of the conditions that exist on Webb Avenue. He suggested that perhaps the Committee can look into the matter and report on it again as to whether this is or is not a City street - otherwise there is no action that the Board can take at this time.

MR. SCARELLA MOVED that the Planning and Zoning Committee of the Board of Representatives report at the next Board meeting as to whether or not this is a City accepted street.

THE PRESIDENT said if Mr. Kuczo would send a letter asking that this be done, it could then be referred to the proper committee by the Steering Committee at their next meeting.

(2) Use of salt on City Streets in snow removal operations (See Minutes 2/4/63, page 3579; Minutes 3/4/63, pages 3595, 3598, and Minutes 4/1/63, page 3630)

MR. BLOIS said this matter was sent to the Corporation Counsel, asking for an opinion on the legality of the use of salt on city streets on May 3rd, 1963.

He said this matter has been a controversial one in this Board for the past three months and asked the President if a letter has been received from the Corporation Counsel and he had been told that a letter would be sent very shortly.

MR. BLOIS read his committee report on the above matter.

HEALTH & PROTECTION COMMITTEE:

MR. TRUGLIA, Chairman, presented his report at this time.

(1) Glenbrook Business Association - Complaint dated 4/1/63, requesting more police protection because of vandalism (See Minutes of 4/1/63, page 3628)

MR. TRUGLIA, Chairman, reported as follows:

A joint meeting between Chief Kinsella, Mr. Morris, Mr. Truglia and Mr. Caterbone, President of the Glenbrook Business Association

was held on April 26. Mr. Caterbone voiced his Association's grievances with Mr. Kinsella, and after some lengthy discussion, Chief Kinsella agreed to do whatever he could with the manpower on hand.

- (2) Stamford's Big Five Volunteer Fire Companies - Letter of 4/19/63 from Secretary, regarding statement made by a member of the Stamford Fire Department.

The above matter was DEFERRED.

- (3) Sanitarrians in Health Department - Letter of 4/22/63 from Mr. Kuczo, 10th District Representative (See Minutes of 4/1/63, page 3631)

The above matter was DEFERRED.

PARKS & RECREATION COMMITTEE:

In the absence of Mr. Shanen, Chairman of this Committee, a report was given by Mrs. Lilliendahl.

Concerning Change of Name of Woodside Park to the "JOHN A. SCALZI, JR. PARK"  
(See Minutes of 4/1/63, page 3630)

MRS. LILLIENDAHL said the Committee sought an opinion from the Corporation Counsel and the Superintendent of Parks regarding the procedure to be followed in the re-naming of an established park. However, since precedent has been established for this in the past, the Committee unanimously approved the request of the Old Timers Association. It was strongly felt by the Committee that the present method of re-naming established parks is awkward and the method does not serve the best interests of the community. As an example - any letter submitted to the Board of Representatives that a majority of members vote on favorably, constitutes the changing of name of an existing park. The Committee suggests that future requests be submitted either in the form of a resolution or the present procedures be re-evaluated by this Board.

MRS. LILLIENDAHL MOVED for approval of the above request to change the name of Woodside Park to the "JOHN A. SCALZI, JR. PARK". Seconded by Mr. Hearing and Mr. Schwartz and many other members.

MR. KELLY said, as a member of the Old Timers Association, he wished the privilege of seconding the motion. He spoke in favor of the motion to change the name of this park and said it was a fitting tribute to a man who has devoted so many hours of his time for the benefit of the youth of Stamford. He urged the members to vote in favor of the motion.

VOTE taken on the motion as presented by Mrs. Lilliendahl and CARRIED unanimously.

URBAN REDEVELOPMENT COMMITTEE:

MR. OPPENHEIMER, Chairman, gave his committee report at this time. He said the Committee met on Tuesday, April 16, 1963 and present were: Messrs. William Hearing, Anthony Esposito, George Connors, Carmine Longo and David Oppenheimer. Other members of the Board of Representatives were also present, being Messrs. Richmond Mead, Chester Walajtys, Mrs. Hilda Clarke and Mrs. Frances Lilliendahl. Also



present were Mrs. Dwight Marshall, Messrs. Louis Greenbaum, James Carey, James Turrentine and Assistant Director John Toth of the Urban Redevelopment Commission. He said Mr. Bertram Weinert, Director of Community Council was guest speaker.

He said the next meeting of the Committee will be held Tuesday, May 14th at 8 P.M. at 308 Atlantic Street and the subject to be discussed will be "Traffic in and Around the Quadrant".

PETITIONS:

MR. SCHWARTZ MOVED for suspension of the rules to consider the following matter. Seconded by Mrs. Lilliendahl and CARRIED:

PETITION NO. 295 - Memorial Day Parade - Requested by Mr. Morgan P. Ames, Chairman of Patriotic and Special Events Commission in letter dated May 6, 1963

MR. SCHWARTZ MOVED for approval of the above request, subject to the approval of the Fire and Police Departments and provided that all necessary permits and insurance coverage be obtained. Seconded by Mrs. Lilliendahl and CARRIED.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

MR. BLOIS read a letter from the Glenbrook Civic Association at this time, asking that something be done about the bad conditions of the roads in Glenbrook.

THE PRESIDENT said the letter would be referred to the Steering Committee.

MR. MORRIS spoke about the deplorable conditions of these roads.

MR. SCHWARTZ spoke about the possible liability of the City on these roads. He said there should be signs posted saying that these roads are closed. He asked that this matter be referred to the Steering Committee.

MR. NOLAN objected, saying that no motion is before the Board.

MR. SCHWARTZ requested that the Steering Committee be requested to look into the legal aspects of the situation as to the liability of the City in the event of suit for damages to cars in traveling these roads when there are no signs posted officially closing the roads to absolve the city from liability.

MR. PHILPOT also spoke about the "deplorable road conditions" particularly on Hope Street and asked that something be done about it.

OLD BUSINESS:

Concerning Public Marina Facilities for 1963 and fees for same (See item #3 under Legislative & Rules Committee)

In answer to a question from one of the members, the PRESIDENT said he did not believe this was referred to the Parks and Recreation Committee, as he notes from the Steering Committee report that this was referred to the Legislative and Rules Committee "to consider the legal side of the question" and he also noted that nothing was mentioned on this matter when Mrs. Lilliendahl presented the report of the Parks and Recreation Committee, to whom this originally had been referred.

THE PRESIDENT said he would therefore assume this matter would stay in Committee until the next Board meeting.

MR. SHERMAN said he believes it was implicit in the opinion from the Corporation Counsel that time is running out on this sort of activity and would therefore MOVE that this matter be taken out of committee. Seconded by Mr. Meyers.

A VOICE VOTE was taken, but the Chair being in doubt, the President called for a standing vote.

MR. SCARELLA asked a question at this time. He asked if the fees would be remitted to those who have already paid, in the event they have over-paid. He said he does not see any reason for haste in the matter.

THE PRESIDENT requested the members to stand again. Several sat down during the count.

MR. SHERMAN said he had made his motion only because it has been his understanding that several of the members wished to bring it on the floor. He withdrew his motion.

MR. SCHWARTZ asked the President what the vote was on Mr. Sherman's motion to bring the above matter out of Committee.

THE PRESIDENT said a vote was not taken.

MR. SCHWARTZ said he saw people standing while their votes were being counted.

THE PRESIDENT informed Mr. Schwartz that as the presiding officer, he would say no vote was counted.

MR. SCHWARTZ objected.

THE PRESIDENT ruled that due to the "sinking and rising" of the members, it had been impossible to take the vote, and just as he had been about to take the vote again, Mr. Sherman, the propounder of the motion, withdrew it which ends the matter.

Concerning use of salt on streets in snow and ice removal

MR. KUCZO said he would like to request once more that an opinion from the Corporation Counsel be forthcoming on the above matter. He said almost four months have gone by since this was first brought before this Board. He said he would ask the President to request the Corporation Counsel to please send us this information.

Code of General Ordinances and Charter:

MR. SCHWARTZ said he would like to ask a question at this time of the President as to the availability of the new Code of General Ordinances.

THE PRESIDENT replied that these books are available to all members in the office of the Town and City Clerk.

MR. SCHWARTZ asked about what happens to those members of the Board who have purchased their copies at a cost of \$16. He asked if they would be reimbursed for these charges.



THE PRESIDENT replied that this would have to be taken up with the Town Clerk's office.

MR. SCHWARTZ asked if all members of the Board of Representatives are entitled to a free copy. The President replied that this is the case.

MR. SCHWARTZ asked if this applied to other city agencies. The President said a list was available in the Town Clerk's office and that he could not answer this now.

NEW BUSINESS:

Re: North-South Highway

MR. SCARELLA said a study was made of the above proposed highway in Stamford and the results of that study announced. He said many people were upset when the route was disclosed and made themselves heard to many of the Board members as well as through the newspapers and radio. He said if the proposed route is adopted many homes, schools and even the golf course will be rendered useless. He said the people of Stamford want an opportunity to present their views before any steps are taken to go ahead with this proposed route.

MR. SCARELLA continued speaking in opposition to anything being done on the proposed highway. He said a Bill is now before the Legislature for adoption on this matter and urged that Home Rule be applied to this, rather than having it decided in Hartford.

MR. SCARELLA MOVED that this Board by its President immediately notify the State Senate and the Roads and Highway Committee that this Board on behalf of the people of Stamford oppose the Bill presented by Senator Hickey which will allow the State Highway Department, or others than the elected officers of the City of Stamford to plan or otherwise take any steps other than to allocate funds for the North-South Artery in Stamford.

MR. NOLAN rose on a POINT OF ORDER. He said the motion should be made prior to making speeches and secondly it is out of order, not being on the agenda.

MR. SCARELLA said this is being brought up under "New Business".

MR. NOLAN said just because it is under new business does not mean that anything can be brought up without going through the usual channels.

MR. SCARELLA said he would like to know why not.

THE PRESIDENT said Mr. Scarella should present this to the Steering Committee, so that orderly action can be taken on it.

MR. SCARELLA said that time seems to be of the essence.

After considerable further discussion, the PRESIDENT instructed Mr. Scarella to see that a copy of his recommendations are presented to the Steering Committee.

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.