

Minutes of August 5, 1963
Meeting of the 7th Board of Representatives
Stamford, Connecticut

A regular monthly meeting of the 7th Board of Representatives of the City of Stamford was held on Monday, August 5, 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. E. King Hempel, North Stamford Congregational Church.

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

ROLL CALL was taken by the Clerk. There were 32 members present and 8 absent. The absent members were: Daniel Baker, Vincent Caporizzo, Anthony Esposito, Melvin Grove, John Nolan, Richard O'Neill, Randolph Rogers, and Chester Walajtys.

ACCEPTANCE OF MINUTES - Special Meeting of June 17, 1963
Regular Meeting of July 1, 1963

MR. PHILPOT asked if he could make a correction in the Minutes of June 3, 1963.

THE PRESIDENT replied that it is too late.

MR. KETCHAM said he has a correction in the Minutes of July 1, 1963 on page 3748 concerning secret ballots, and the decision of Judge Comley. He said it was his understanding that Mr. Schwartz was told that this would appear in the Minutes and it was not done.

THE PRESIDENT said he found no stipulation whereby he agreed to print this decision in the Minutes of the July 1st Meeting, and as he recalls it, he said that it would be kept in the files of the Board.

MR. KETCHAM said that was not his understanding. He deferred to Mr. Schwartz at this time.

MR. SCHWARTZ said it had been his intention that the Judge's decision be included in the Minutes, and had been given to understand that because of the lateness of the hour, it would not be necessary to read it, but that it would be printed in the Minutes of the Meeting.

THE PRESIDENT said he had no objection.

MR. PHILPOT asked the President if he could bring his correction to the Minutes of June 3rd up under "New Business".

THE PRESIDENT said he would allow him to do so.

The following is Judge Comley's decision, as requested by Mr. Schwartz, reference to which appears on page 3748 of the Minutes of July 1, 1963:

MEMORANDUM OF DECISION - Rendered by Judge Comley, Superior Court, Fairfield County at Stamford, June 19, 1963 - Case No. 5954 - OTTO SAUR, STATE'S ATTORNEY - ex rel Stewart vs. ARMANDO GURLIACCI (Concerning a secret ballot taken by the Board of Representatives at meeting held April 1, 1963)

The absence of one of the thirty-eight ballots originally distributed among the members does not invalidate the election. There is no reason to believe that it was cast for either candidate and then not counted. The more logical inference is that one of the members present simply did not wish to vote and, as he had a right to do, refrained from placing his ballot in the box. There is no evidence that any member wishing to record his vote by placing it in the box was denied the opportunity to do so.

A more serious question is presented by the four marked ballots, three of which bear the signatures, and one the initials, of the members casting them. The amended Rules of Order, adopted by the Board on December 1, 1961, provide that "in all elections or appointments by the Board . . . the voting shall be by secret written ballot". The obvious purpose of this provision is not only to protect the member casting a ballot from being required or pressured to declare his vote, but also to protect the public from the undesirable effects of such pressures.

The rule was seriously and flagrantly violated in this election. The four ballots are illegal and should not have been counted. With these ballots eliminated, it follows that the defendant has not sustained his burden of proving that he is legally entitled to the office of Representative, which he claims.

It does not follow that the relator is entitled to the office. A quo warranto proceeding in this State is not an election contest in which the claim of two or more contenders for public office are adjudicated. The sole issue is whether the defendant is entitled to the office. In this case, he is not.

The issues are found in favor of the relator and judgment is rendered that the defendant be ousted and altogether excluded from the office of the Board of Representatives of the City of Stamford for the Fifth District. No costs will be taxed in favor of either party.

(Signed) Comley J.

COMMITTEE REPORTS:

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

STEERING COMMITTEE REPORT MEETING HELD MONDAY, JULY 22, 1963

A meeting of the Steering Committee was held on Monday, July 22, 1963 in the Conference Room, City Hall.

The meeting was called to order at 8:00 P.M. The Chairman, Paul D. Shapero, presided. Present were the following members: Paul Shapero, Daniel Baker, Eleanor Austin, William Murphy, Alan Ketcham, Ronald Schwartz, John Kane, Hilda Clarke, Allen Shanen and George Russell. Mr. Oppenheimer was also present as Chairman of the Urban Redevelopment Committee, a Special Committee.

The following members were absent: John Nolan, Fred Blois, James Mulreed and Anthony Truglia.

- (1) Mayor's Appointments - The three appointments not acted upon at the last Board meeting were ordered PLACED ON AGENDA.
- (2) Additional Appropriations - \$1,500.00 approved by the Board of Finance on 7/11/63 by resolution, transferring above sum from "Sundries" to Code 170.0000 "Pension Actuarial Services Account" was REFERRED TO THE FISCAL COMMITTEE.
- (3) \$130,000.00 - Concerning proposed resolution to amend the 1962-1963 Capital Projects Budget for purchase of the Palmer Property for park purposes and appropriation therefor, in accordance with terms of contract, as outlined in Mayor's letter of 6/7/62 (See Minutes of 2/4/63, page 3577 and Minutes of 7/1/63, page 3719)

It was decided to leave the above matter off the agenda, as this property has recently been sold.

- (4) GUILDWAY HOMES, ET AL - Petition from denial of Zoning Board to change Application #63-014 from R-2 to R-1 One Family Residence District - REFERRED TO PLANNING & ZONING COMMITTEE AND LEGISLATIVE & RULES COMMITTEE.

For the reason that the transcript of testimony has not been received on the above matter, it was not ordered placed on the August Agenda.

- (5) Petitions for road acceptance - REFERRED TO PLANNING & ZONING COMMITTEE
- (6) Petition from United Fund Campaign - Request in letter of 6/26/63 for permission to place campaign indicator on Atlantic Square directly in front of City Hall. REFERRED TO LEGISLATIVE & RULES COMMITTEE.
- (7) Changes in Committee Assignments: Mr. Shapero announced the following changes:

JOHN V. KANE, JR., Chairman of Fiscal Committee, replacing Robert Meyers, resigned.
CHARLES RODIN, replacing Armando Gurliacci on Fiscal Committee.
ARMANDO GURLIACCI, replacing Robert Meyers on Planning & Zoning Committee.

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

vf

APPOINTMENTS COMMITTEE:

MRS. AUSTIN reported that the Committee met the evening of June 24, 1963 and interviewed Mrs. Dwight Marshall and Dr. Edward Allen for reappointment to the Urban Re-development Commission, and also interviewed Mr. Arnow for appointment to the Heating & Air Conditioning Board. She said there was some question about the timing for the reason that Mrs. Marshall's present appointment will not be up until August 7th so it will be kept in Committee until the next Board meeting.

FISCAL COMMITTEE:

- (1) \$1,500.00 - Resolution No. 423 amending 1963-1964 Operating Budget by transferring above sum from "Sundries" to Code 170.0000 "Pension Actuarial Services Account" (Per,Sec. 656 of Charter) (Approved by Board of Finance on 7/11/63)

MR. KANE said the Fiscal Committee voted unanimously for approval of the above, and he so MOVED. He said the Board of Finance originally considered this as requested by the Mayor in his letter of June 6, 1963 and partially approved the first request for a transfer of \$3,500.00 in the 1962-1963 budget, with the recommendation that Mr. Gluss submit a request for a transfer of the \$1,500.00 after the start of the 1963/1964 fiscal year. He said Mr. Gluss then wrote a letter to the Board of Finance, asking for the transfer, which they approved on July 11, 1963.

MRS. CLARKE seconded the motion. CARRIED.

RESOLUTION NO. 423

AMENDING 1963-1964 OPERATING BUDGET BY TRANSFERRING
\$1,500.00 FROM "SUNDRIES" ACCOUNT TO CODE 170.0000
"PENSION ACTUARIAL SERVICES ACCOUNT"

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, in accordance with Section 656 of the Stamford Charter, to approve an amendment to the 1963-1964 Operating Budget by the transfer of funds in the amount of \$1,500.00 from the "Sundries" account to the "Pension Actuarial Services" account under Code 170.0000, as approved by the Board of Finance on July 11, 1963.

- (2) Concerning proposed resolution authorizing the issuance of \$850,000 General Obligation Bonds of the City of Stamford, Connecticut, to finance the acquisition of the HELCO BUILDING, in the Capital Budget for the fiscal year 1962-1963, as amended.

MR. KANE said he had another item which he wished to bring up at this time regarding the above matter. HE MOVED for suspension of the rules in order to bring this on the floor. Seconded by Mr. Murphy.

THE PRESIDENT explained this will require a two-thirds vote to pass.

VOTE taken and CARRIED unanimously to suspend the rules.

MR. PHILPOT said he wished to ask a question. He asked if there is any requirement that this be brought to the attention of the Board of Finance.

THE PRESIDENT said the Board of Finance will have to approve this also.

MR. KETCHAM said he also wished to clarify the question asked by Mr. Philpot. He said: "Are we being asked to act upon this before action is taken by the Board of Finance?"

THE PRESIDENT said this is true, but the resolution specifies that the resolution will take effect upon approval by the Board of Finance.

MR. KETCHAM said he would like to know why this matter was not taken up at the Steering Committee meeting in order that it could be placed on the agenda in the normal course of business?

THE PRESIDENT said he does not understand what Mr. Ketcham means by the "normal course of business". He explained that the City is supposed to act upon this by September 1st and understands this has been requested by counsel for the bonding company and in order to do this it would have to be acted upon tonight.

MR. KETCHAM said he would assume we have bonded items in the past and that the normal and orderly procedure in these matters is known to all parties concerned. For this reason he said he was concerned by the hurry up last minute procedure.

THE PRESIDENT said he cannot answer his question. He requested Mr. Kane to present the resolution which he proceeded to read as follows:

Proposed Resolution authorizing the issuance of eight hundred fifty thousand Dollars (\$850,000.00) General Obligation Bonds of the City of Stamford, Connecticut, to finance the acquisition of the Helco Building in the Capital Budget for the fiscal year 1962-1963, as amended.

WHEREAS, pursuant to Section 630 of the Charter of the City of Stamford, as amended, the Board of Representatives of the City of Stamford has received a letter from the Mayor, dated July 29, 1963, requesting it to authorize the issuance of bonds to finance the acquisition of the HELCO Building, a Capital Project, contained in The Capital Budget for the fiscal year 1962-1963, as amended;

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

- (1) That there be and there hereby is authorized, under and pursuant to the Charter of the City of Stamford and any other General or Special Statutes thereby enabling, the issuance of general obligation serial bonds of the City of Stamford, Connecticut, in the aggregate principal amount of Eight Hundred Fifty Thousand Dollars (\$850,000.00) for the purpose of financing the acquisition of the HELCO Building, which Capital Project is included in the Capital Budget for the fiscal year 1962-1963, as amended, duly adopted, and reference is hereby made to the said Capital Budget, as amended;
- (2) That said bonds shall be issued in the name of and upon the full faith and credit of the City of Stamford, and shall be issued as one bond issue, and subject to the Charter of the City of Stamford and other applicable provisions of law, in the manner and in the principal amounts that the Board of Finance may determine, from time to time, including, but without limitation, the determination of the form, date, dates of payment of principal and all other particulars;
- (3) That the Capital Project hereinabove described and contained in The Capital Budget for the fiscal year 1962-1963, as amended, is hereby confirmed as a duly authorized Capital Project;
- (4) That this resolution shall take effect upon approval by the Board of Finance, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

MR. KANE MOVED for approval of the above resolution which he had just read. Seconded by Mr. Mulreed.

MR. SCARELLA said, as he recalled when this first came before the Board last year, it was understood that this was to be financed by the sale of non-interest bearing bonds. He said he wanted to know what happens to the original resolution passed by this Board - he said is this going to be operational or is it to be taxed? He said at the time the resolution was passed, it was supposed to be an operational expense. He said what happens to the original resolution?

THE PRESIDENT said he does not happen to have a copy of the minutes to which he refers and is unable to answer his questions.

MR. SCARELLA said he cannot understand why this type of resolution was not presented when the Board adopted the original resolution. (See pages 3521 thru 3524 of Minutes dated November 13, 1962 for Resolution No. 396) He said it is the type of resolution that he has asked for time and time again.

After some further discussion, MR. PHILPOT MOVED that the resolution be TABLED. Seconded by Mr. Ketcham.

A ROLL CALL VOTE was requested on whether or not the resolution should be tabled. CARRIED by the following vote of 21 in favor of tabling and 11 opposed:

THOSE VOTING TO TABLE

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

THOSE OPPOSED TO TABLING

Patsy Arruzza
Eleanor Austin
Jack Baer
Armando Gurliacci
John Kane
Charles Rodin
James Mulreed
William Murphy
Allen Shanen
Paul Shapero
Anthony Truglia

LEGISLATIVE & RULES COMMITTEE:

MR. SHERMAN reported for the Committee in Mr. Baker's absence.

- (1) Final adoption of Ordinance concerning the revocation of the Building Line and Porch and Stoop Line on the Easterly side of Courtland Avenue, Stamford, Conn. (Maple Avenue Bible Protestant Church) (Adopted for publication 7/1/63 and published on 7/13/63)

MR. SHERMAN MOVED for approval of the following Ordinance for final adoption. Seconded by Mr. Connors and CARRIED unanimously:

ORDINANCE NO. 108 SUPPLEMENTALCONCERNING THE REVOCATION OF THE BUILDING LINE AND PORCH AND
STOOP LINE ON THE EASTERLY SIDE OF COURTLAND AVENUE, STAMFORD,
CONNECTICUT.

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Pursuant to the powers contained in Chapter 4, Section 40 (24) of the Charter of the City of Stamford re the establishment of building lines, that the building line established by the Town Planning Commission of the City of Stamford on March 17, 1931 on the easterly side of Courtland Avenue, extending from the northerly line of Hamilton Avenue to the southerly side of Lenox Avenue, parallel to the easterly street line of Courtland Avenue in length and 49.5 feet distant therefrom, be and it is hereby abolished; and

BE IT FURTHER ORDAINED that the stoop and porch line established by the Town Planning Commission of the City of Stamford on March 17, 1931 on the easterly side of Courtland Avenue, extending from the northerly line of Hamilton Avenue to the southerly side of Lenox Avenue, parallel to the easterly street line of Courtland Avenue in length and 40 feet distant therefrom, be and it is hereby abolished.

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

- (2) PETITION NO. 297 - United Fund Campaign - Request in letter of 6/26/63 for permission to place a campaign indicator 25 ft. high on Atlantic Square directly in front of City Hall.

MR. SHERMAN MOVED for approval of the above request, subject to the usual conformance with all city Ordinances and the meeting of insurance requirements. Seconded by Mr. Kelly and CARRIED unanimously.

PLANNING & ZONING COMMITTEE:

- (1) Petitions for acceptance of roads as city streets:

MR. RUSSELL MOVED for acceptance of the following streets as city streets. He said they have been certified for acceptance by the City Engineer, and the Committee recommends their acceptance. Seconded and CARRIED unanimously:

MacGREGOR DRIVE (Extension) - Approximately 1,080 feet, width 27 feet, extending from already accepted portion, westerly, to and including a permanent turnaround. As shown on Map #7172 on file in the Town & City Clerk's Office.

MITCHELL STREET - 1,099 feet, from Shippan Avenue to and including a permanent turnaround.

(Note: See Resolution No. 393 directing improvements to be carried out on this street under Section 640 of Charter. Adopted on Sept. 10, 1962 by Board of Representatives. Final step under Charter.)

- (2) GUILDWAY HOMES, ET AL - Petition from denial of Zoning Board to change Application #63-014 from R-2 to R-1 One Family Residence District

MR. RUSSELL reported that the above item is deferred to the September meeting.

- (3) Concerning Bad Road Conditions on WEBB AVENUE (See Minutes of 5/6/63, page 3647)

MR. RUSSELL gave a progress report on the above matter. He said, upon investigation it was discovered that this road was maintained for a considerable period of years by the City. He said he will report further on this matter at a later time, after he tries to determine what obligation the City may or may not have on this road. But, he said at no time was any formal acceptance given for this road.

MR. CONNORS said he objects to the City fixing up roads on which there are no homes, and other streets where there are homes, can never get their streets repaired.

He said not only are the conditions bad on Webb Avenue, but a bad flooding condition also exists on HOUSTON TERRACE with every rain storm that comes along.

He said, to his knowledge, WEBB AVENUE has been a street since 1935 and this condition has been gradually getting worse and as far as HOUSTON TERRACE is concerned, during this past week he had received at least six complaints. He asked that some consideration be given to the people who live on these streets and that the bad drainage situation be alleviated.

URBAN REDEVELOPMENT COMMITTEE:

MR. OPPENHEIMER gave a progress report of a meeting held on July 23, 1964.

CHARTER REVISION COMMITTEE:

Concerning Proposal No. 10 re Police and Fire Departments' Proposal to Increase Salaries (Rejected in report to Board of Representatives dated June 1, 1963)

MR. KANE, as acting Chairman, gave the Committee report. He presented the following letter from the Charter Revision Commission:

SIXTH CHARTER REVISION COMMISSION
City of Stamford, Conn.

Board of Representatives
City Hall
Stamford, Connecticut

Re: Yours of July 8, 1963 concerning
Proposal No. 10 - Report of the
Sixth Charter Revision Commission

Dear Members of the Board:

This is in reply to yours of the above instance. The Commission received your communication, met with your duly appointed representatives for discussion of your action and made a further study according to your request. In a final action, this Commission decided that, in view of the absence of specific recommendations from your Board, as indicated in the Home Rule Law, also in view of any new circumstances and in the light of its further study, there was no adequate cause for change of its previous position, as indicated

in the Commission's report submitted to you on June 1, 1963.

As in the case of the proposal to increase the salary of the Mayor, so with this proposal, the provisions for salary adjustments are already in the Charter and this Commission recommends that the existing provisions be employed to make any needed adjustments.

Sincerely, (Signed) Fobie Johnston
(For the Commission)

PICNIC COMMITTEE:

MR. RUSSELL, Chairman, reported that the picnic will be held on Sunday, August 25th.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

Petition under provisions of Section 7-188 of Connecticut General Statutes, requesting amendment of the Stamford Charter to incorporate provisions for a REFERENDUM ON URBAN RENEWAL AND/OR URBAN REDEVELOPMENT.

THE PRESIDENT read the following letter from the City and Town Clerk at this time:

CITY OF STAMFORD, CONNECTICUT

July 26, 1963

Mrs. Velma Farrell
Administrative Assistant
Board of Representatives
City Hall
Stamford, Connecticut

Dear Mrs. Farrell:

Attached hereto please find petitions which were filed with me by the Committee for Referendum under Section 7-188 of the General Statutes of the State of Connecticut.

These petitions were checked both by myself and my staff as to the authenticity of the signatures thereon, and I have found that there are 6,370 valid signatures of registered voters. This is more than 10% of the number of registered voters in the City of Stamford, so, therefore would comply with the statutes of the State of Connecticut concerning these matters.

I would suggest that you expedite this matter with the Board of Representatives in compliance with the statutes.

Very truly yours,

JVT:cm
enc.

(Signed) JOSEPH V. TONER
City and Town Clerk

Attached to above letter are the petitions, referred to above, which read as follows:

We, the undersigned electors of the City of Stamford, hereby present this petition under the provisions of Section 7-188 of the Connecticut General Statutes, requesting the amendment of the Stamford Charter so as to incorporate the following provision:

"Urban Renewal and/or Urban Redevelopment; referendum.

No funds obtained by taxation or by borrowing shall be expended by the City of Stamford in furtherance of existing or future Urban Renewal or Urban Redevelopment Projects, including, but not limited to, the appraisal and acquisition or rental of real property within a Renewal or Redevelopment area, whether by eminent domain, purchase, gift, lease or otherwise, unless and until such Renewal or Redevelopment Project shall have been submitted to the electors of the City of Stamford for approval or rejection in a regular election or at a special election warned and held for that purpose and unless such Project shall have been approved at such election by the affirmative vote of at least a simple majority of the electors voting in said election. The words "City of Stamford" as used herein shall be deemed to include and bind any municipal agency, authority, commission, department, board or other body. This section shall be retroactive in effect and shall apply to any Urban Renewal or Redevelopment Project approved by the Board of Representatives of the City of Stamford prior to the date of the referendum at which this section was adopted and approved. This section shall supersede any contrary provision of this Charter, the General Statutes and/or the Special Acts of the State Legislature."

and we certify that we are electors of the City of Stamford residing at the addresses set opposite our names and that we have not signed this petition more than once.

(SIGNATURES OF PETITIONERS ATTACHED TO
ABOVE DOCUMENT.)

THE PRESIDENT said he would like to call the Board's attention to both the language of the statutes and to the Board's own rules. He said the language of the statutes, (Sec. 7-188) provides for a petition of this type, requesting the appointment of a charter Revision Commission; and Sec. 7-190 reads as follows:

"Within 30 days after such action has been initiated, by vote of the appointing authority, or by petition, such authority shall provide by resolution for the appointment of a Charter Revision Commission....."

THE PRESIDENT said he would like to make this point: that this Board has to act on this matter by resolution - it is not on the agenda and was not presented to the Steering Committee so that this could be done so would therefore have to be acted upon under suspension of the rules. He said in view of the large number of signatures which have been authenticated, it would now be in order for someone to make a motion to bring this before the Board in order that it could be considered.

MR. MULREED MOVED for suspension of the rules in order that the Board may consider this matter. Seconded by Mr. Kane. CARRIED.

THE PRESIDENT said it would now be in order for someone to make a motion to present a resolution authorizing the appointment of a Charter Revision Commission to consider the request as presented in the petition.

MR. SHERMAN said he would like to know if such a Commission is appointed, how it will be possible under the existing statutes for them to report back to this Board in time for the November election?

THE PRESIDENT said he has raised a very good point and that in view of the late date that this petition has been presented to the Board he is of the opinion that the Commission, if appointed, will not be able to report back in time for any of their recommendations to be placed on the ballot for the November election, because the statutes require that any such petition be made sixty days before the election.

MR. SHERMAN said if the appointing authority should, by resolution, authorize the appointment of a 7th Charter Revision Commission and this Commission should report back after this November election, we are then faced with the great possibility of the expense of a special election. He asked if this was correct and was told it is possible.

He said this Board is also faced with the possibility of an additional problem, that this may very well be a matter that if a proposal for a referendum is placed before a different Charter Revision Commission, that it is, in effect, a matter already passed upon within one year and therefore debarred by the Home Rule Act.

THE PRESIDENT said he had an informal conference with a member of the Corporation Counsel's staff and it was their feeling that the second point now raised, would not have validity unless there was a change in the wording of the language of the petition to that which was previously submitted.

MR. KUCZO asked how many days does this Board have in which to take action?

THE PRESIDENT referred the question to Mr. Mulreed who said no action could be taken until after a public hearing has been held by both the Charter Revision Commission and the Board of Representatives.

THE PRESIDENT said action must be taken within thirty days after receiving the report at which time the Board must hold a public hearing.

He said the Charter Revision Commission has to hold at least one public hearing and can hold as many others as they deem necessary. It shall submit its report, including the proposed charter amendment or amendments, Home Rule Ordinance amendment or Home Rule Ordinances proposed to the appointing authority. Within thirty days thereafter, the appointing authority shall hold at least one public hearing on such report, and shall, within fifteen days after such hearing, make recommendations to the Commission for such changes in such report as it deems desirable; provided if no such recommendations are made within such fifteen days, the report of the Commission shall be deemed final.

He said in either case, the Commission shall make its final report to the appointing authority within thirty days after receiving such recommendations and within fifteen days thereafter, the appointing authority by majority vote of its entire membership, shall either approve the proposed charter amendment or amendments or reject the same or separate provisions thereof.

THE PRESIDENT said he does not know whether or not this is clear.

MR. KUCZO said he wants to know what is the absolute deadline on getting this on the November ballot.

THE PRESIDENT replied that there must be final action taken at least sixty days BEFORE the November election.

After considerable further discussion, MR. PHILPOT requested a recess at 9:12 P.M. which was granted.

The recess was over at 9:30 P.M. and the members resumed their seats.

THE PRESIDENT said the question presently before this body calls for a resolution appointing a Charter Revision Commission to consider the question raised by the petition presented and authenticated by the City and Town Clerk.

MR. MULREED MOVED for approval of the creation of a 7th Charter Revision Commission as called for in the petition. Seconded by Mr. Cushing, who called for a roll call vote.

THE PRESIDENT explained that a vote of "yes" means that a Charter Revision Commission will be appointed to consider and act upon the petition as presented to this Board.

MR. SHERMAN asked is there is a provision as to when they shall report back to this Board. He said that according to the Home Rule Act the time must be set.

THE PRESIDENT said it seems that the only time they can report back to this Board would be at the next regular meeting, which raises an interesting point. He said because of Labor Day falling on the first monday in September the next regular meeting of this Board would fall on September 9th. He said perhaps the Commission can be instructed to report back in time for the September Board meeting.

MR. CONNORS asked how the Town Clerk could ascertain the authenticity of the signatures on the petition. He asked if it would not be necessary to have a handwriting expert examine the signatures.

THE PRESIDENT read the language of the statute:

"Upon the filing of such petition, the clerk with whom the petition is filed shall proceed forthwith to determine its sufficiency by comparing the signatures thereon with those contained in said registry list and shall certify its sufficiency or insufficiency to the appointing authority."

He said he would assume that the City and Town Clerk is familiar with the wording of Sec. 7-188 of the Statutes, as he states in his letter that these petitions were checked "by myself and my staff as to the authenticity of the signatures thereon" and he says these are valid petitions. He said he can only tell what the letter states - that this is an authenticated petition.

MR. SHERMAN said the statutes require the certification as to sufficiency only and Mr. Toner is going beyond that in certifying the authenticity as well. He asked if this is correct?

THE PRESIDENT quoted from the letter again.

MR. SCARELLA said he had a question about the language used in the petition and asked if it was correct.

THE PRESIDENT said this would fall within the province of the Charter Revision Commission, if one is appointed, and the Board's own Charter Revision Committee, to go over the language of the petition and correct any flaws. He said he does not think they are bound by the language contained in the petition.

MR. KETCHAM said he is particularly concerned with the time element involved. He said: "If we on this Board implement the petition as submitted by the Town Clerk, if I am not wrong, I thought I detected a certain aura of doubt as to the amount of time. Am I in error in thinking there is some question as to whether there is suf-

ficient time left in which to act?"

THE PRESIDENT said he had said he does not think this Board can change the language of the State Statutes and force the Commission to report to us in less time than is specified under the statutes as set forth under Sec. 7-191. He said if this Board sets a time limit of September 9th, it changes the time limit as set forth in the Home Rule Act.

MR. KETCHAM said the thought has occurred to him that this Board would be indulging in a form of hypocrisy if we go through the motions of presenting this to the Charter Revision Commission and it died a lingering and unnatural death somewhere along the line.

THE PRESIDENT said he cannot answer that question.

MR. SCARELLA said it is his opinion that no matter what is done here tonight there will have to be a special election held.

MR. SCHWARTZ said he feels that what we are discussing here, considering the many and varied interpretations as to what can and cannot be done, reveals the true light of the whole picture. He said: "I think what we are being asked to do here tonight is to perpetrate a cruel political hoax both on the people for urban renewal and the people against it. I think that the Commission would be justified and warranted if they come out with the same result as they did a few weeks ago when a similar provision was before them. I think Mr. Ketcham's remark that this is an attempt to placate the opposition is the real consideration and if we are to sit here and vote in favor of a resolution which may or may not be mandatory, to create a Commission, I think we are indulging in a cruel hoax upon the community and upon the citizens of Stamford, both upon those who are for and those who are against.....I think we have taken action here once before on this very question. We are not voting on whether or not we will have a referendum, but are merely voting on whether or not to create a Commission which has already acted in the negative on this very issue. I say let us not indulge in hoaxes - let us indulge in realities and vote in the negative."

MR. SHANEN said he would like to be enlightened on the question as to whether this is a requirement and is this Board forced to act under the provisions of the Home Rule Act? He said he does not understand what Mr. Schwartz is trying to say.

THE PRESIDENT read from Section 7-190 of the General Statutes:

"Appointment of Commission. Within thirty days after such action has been initiated by vote of the appointing authority or by petition, such authority shall provide by resolution for the appointment of a Charter Commission or Charter Revision Commission....."

He said the question is the effect of the word "shall" provide and this is a question upon which many lawyers differ and he will not attempt to try to clarify.

MR. PHILPOT said: "Does the number of signatures on the petition qualify it under the terms of the Home Rule Act to call for a referendum?"

THE PRESIDENT replied that in accordance with the terms of Mr. Toner's letter, it does, as it is over 10% of the number of registered voters.

MR. SCARELLA said if this Board votes in the negative tonight, what is the position of this Board? He asked if it is not mandatory for this Board to accept the petition as authentic and pass a resolution to create a Commission.

THE PRESIDENT said that is his interpretation.

MR. CUSHING and MR. KUCZO MOVED THE QUESTION.

MRS. AUSTIN requested a recess at 9:50 P.M. which was granted.

The recess was declared over at 10 P.M. and the members resumed their seats.

MR. RODIN MOVED to TABLE the motion in view of the confusion surrounding the interpretation of exactly what we are voting on. He said as he understands it, there is not enough time to permit this being voted upon at the November election and thinks it it should be referred to the proper committee to report back to the Board so that the members will know exactly what they are voting on. Seconded by several members.

THE PRESIDENT explained that a motion has been made to table the resolution until the next Board meeting and it will be referred to the Steering Committee for referral to the proper Committee. He said the motion is undebatable and requires a majority vote to carry.

MR. KUCZO asked what happened to his previous motion? (He had moved the question)

THE PRESIDENT informed him that a motion to table always takes precedence.

Several people requested a roll call vote.

THE PRESIDENT explained that a vote of "yes" will table this resolution.

THE CLERK called the roll. The resolution was TABLED by a vote of 20 in favor and 12 opposed as follows:

THOSE VOTING TO TABLE

Patsy Arruzza
Eleanor Austin
Jack Baer
Hilda Clarke
Edward Dombroski
Armando Gurliacci
John Kane
Alan Ketcham
Stanley Kulowiec
Frances Lilliendahl
Charles Rodin
James Mulreed
William Murphy
David Oppenheimer
Romaine Philpot
Ronald Schwartz
Allen Shanen
Paul Shapero
Michael Sherman
Anthony Truglia

THOSE VOTING NOT TO TABLE

Fred Blois
George Connors
Samuel Cushing
William Hearing
Stephen Kelly
Paul Kuczo
Carmine Longo
Richmond Mead
Thomas Morris
George Russell
Gerald Rybnick
Patrick Scarella

PETITIONS:

MR. PHILPOT asked for permission to bring up something under petitions. His request was granted.

- (1) Petition from residents of Courtland Hill Street, Glenbrook, requesting immediate action in regard to the repavement and completion of work being done by DeLeo Bros. - Signed by 43 property owners on street.

MR. PHILPOT asked for permission to read the above petition at this time.

THE PRESIDENT informed Mr. Philpot that it was decided at a Steering Committee meeting held some months ago to adopt a policy of the Board that rather than reading all petitions sent to the Board during a Board meeting, to expedite matters by having them referred to the Steering Committee for referral to the proper committee.

MR. PHILPOT said this was a matter of long standing and must not be taken lightly.

THE PRESIDENT said he did not think referring a matter to the Steering Committee was taking it lightly as it is the ordinary procedure of this Board that was agreed upon some time ago. He said particularly in this case, where it has already been released to the newspapers. He said it would be adequate for him just to state he had a petition signed by 43 residents and to state the subject matter.

MR. PHILPOT said he had received a telephone call from a parent living on the street who said his little son had been bicycle riding yesterday and hit the manhole cover in the street, which juts up in the street. He was taken to the emergency room of St. Joseph's Hospital, where he was treated for injuries sustained in the accident and now his father is consulting an attorney in order to bring suit against the city and DeLeo Brothers. He said the accident would not have happened if the dangerous conditions on this street had been taken care of promptly, rather than to allow it to continue over many months.

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

- (2) Petition from residents of Pine Hill Avenue, complaining of flash flooding washing away top soil and ruining yards, equipment and gardens with oil, and debris, resulting in an unsanitary condition.

MR. PHILPOT presented the above petition at this time from 13 residents, urging immediate action be taken to remedy the situation caused by flooding.

THE PRESIDENT said this also would be referred to the Steering Committee.

MR. SCARELLA said he does not think it is proper to use the floor of this Board to dramatize certain conditions that happen in the Public Works Department. He said there may be extenuating circumstances surrounding this matter and before it can even get to the Steering Committee, the matter may be taken care of.

He said there are times when a street cannot be paved until it has settled.

OLD BUSINESS:

MR. PHILPOT said he wished to make a correction in the Minutes of the meeting of June 3, 1963 on page 3698, where the Minutes "came out to the effect that the experience of the committee in regard to employees' pension plan had been a happy one. My words were very explicit: NOT a happy one." Note: 7th paragraph from bottom of page, change the words which now read "...that committee experience has been a happy one" to read ".....that committee experience has not been a happy one."

THE PRESIDENT said it was a little difficult to rule on this, inasmuch as the Minutes of the June 3rd meeting have already been approved, but out of courtesy to Mr. Philpot he would allow the correction to be made.

Concerning Resolution on Civil Service Procedures (Presented 6/3/63 on page 3710 of Minutes)

MR. PHILPOT said he wished to introduce other information which he has received on the above matter.

THE PRESIDENT said this is not the proper place to introduce information.

MR. PHILPOT asked: "At what point am I permitted to reveal various findings - would that be under New Business?"

THE PRESIDENT said these findings should be revealed to the Committee which is considering the resolution and when that committee brings in their report it should be noted as to what action or non-action they recommend.

MR. PHILPOT asked if he incorporated this in a letter and submitted it to the President, would he see that it goes to the proper committee.

THE PRESIDENT said he thought he could submit this directly to the Personnel Committee to which committee it has been referred.

Concerning a Stop Light at Summer Street

MR. BLOIS said he wished to bring up the above matter which has been before this Board several times during the five years he has served as a member. He said the people who presented this petition are requesting a stop light and he would like to present this to the Steering Committee for action.

ADJOURNMENT:

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


Velma Farrell
Administrative Assistant

vf

APPROVED:


Paul D. Shapero, President
Board of Representatives

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