

Minutes of November 12, 1963
Meeting of the 7th Board of Representatives
Stamford, Connecticut

3807

A regular monthly meeting of the 7th Board of Representatives of the City of Stamford was held on Tuesday, November 12, 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: The invocation was given by the Rev. A.W. Clausing, Lutheran Zion 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 37 members present and 3 absent at the calling of the roll.

The absent members were: Richard O'Neill, Jack Baer and Alan Ketcham, the last being on vacation.

ACCEPTANCE OF MINUTES - Meeting of October 7, 1963

The minutes of the above meeting were approved, with no changes or corrections.

COMMITTEE REPORTS:

The President read the following report of the Steering Committee at this time:

STEERING COMMITTEE REPORT
Meeting held Monday, October 28, 1963

A meeting of the Steering Committee was held on Monday, October 28, 1963 in the Conference Room City Hall.

The meeting was called to order at 8:15 P.M. The Chairman, Paul D. Shapero, presided. Present were the following members: Eleanor Austin, John Kane, Paul Shapero, Alan Ketcham, Ronald Schwartz, Daniel Baker, George Russell and Anthony Truglia. Also present were: Mr. Oppenheimer, Chairman of the Urban Redevelopment Committee and Peter Somma, Chairman of a special committee concerning enforcement of Ordinance No. 65.

The following members were absent: William Murphy, Fred Blois, James Mulreed, Allen Shanen and Hilda Clarke.

The following matters were discussed and acted upon:

(1) The four additional appropriations, approved by the Board of Finance at their October 10, 1963 meeting were REFERRED TO THE FISCAL COMMITTEE, with the item of \$40,163.02 requested by the Welfare Department, REFERRED TO THE EDUCATION, WELFARE & GOVERNMENT COMMITTEE as well.

(2) Petition from THE SALVATION ARMY (letter dated 10/18/63) requesting permission to set up Christmas Kettles in various parts of the city.
REFERRED TO LEGISLATIVE & RULES COMMITTEE

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- (3) CITY HOUSING AUTHORITY request dated 9/19/63 for approval of amendment to "Cooperation Agreement" application to Federal Government for financial assistant to build low-rent public housing for the elderly, to increase it from 100 units to 500

The above matter, having been held in Committee since the October 7th Board meeting was discussed. Mr. Baker said he had been assured there was no great urgency in this matter. ORDERED ON AGENDA UNDER LEGISLATIVE & RULES COMMITTEE.

- (4) Concerning hazardous traffic condition on Stillwater Road, affecting school children attending Roxbury School (Requested in letter of 9/30/63 from Michael Sherman, 18th District Representative - See Minutes of 10/7/63, page 3804) REFERRED TO HEALTH & PROTECTION COMMITTEE
- (5) Complaint concerning unsanitary septic tank condition on Courtland Avenue (Letter of 10/21/63 from Secretary, Glenbrook Fire Dept.) REFERRED TO HEALTH & PROTECTION COMMITTEE
- (6) Final adoption of resolution concerning acceptance of old streets built prior to consolidation (Elmwood Street, Ferro Drive and Webb Avenue) (Adopted for publication Oct. 7th - advertised Oct. 10th) - ORDERED PLACED ON AGENDA UNDER PLANNING & ZONING COMMITTEE
- (7) Petitions for acceptance of roads as city streets - REFERRED TO PLANNING AND ZONING COMMITTEE
- (8) Copy of letter to Planning Board from Lake Wood Park, Inc., concerning release of bond for Sections 6.7, Fishing Trail (dated 10/14/63) NOTED AND FILED
- (9) Copy of letter to Representative Anthony Truglia from Mr. E. R. Jobson, Jr., regarding water pollution (dated 10/10/63) NOTED AND FILED
- (10) Board of Education - Financial Statement dated 9/15/63 - REFERRED TO EDUCATION, WELFARE & GOVERNMENT COMMITTEE
- (11) URBAN REDEVELOPMENT COMMISSION - 1962-1963 Annual Report - Copies previously mailed to all Board members.
- (12) Public Welfare Department - July 1963 Monthly Report - REFERRED TO EDUCATION WELFARE & GOVERNMENT COMMITTEE
- (13) Concerning copies of all communications to Board members (See Minutes of 10/7/63 - page 3803)
- The above matter was discussed. It was decided not to pursue this matter further, as the term of the present Board expires the end of November and policy making decisions would have to be made by the next Board.
- (14) Concerning action to be taken by Board of Representatives in extension of participation in the SOUTHWESTERN FAIRFIELD COUNTY REGIONAL PLANNING AGENCY (In accordance with provisions of Ordinance No. 100 and Public Act No. 448, 1959 Session of General Assembly)

Mr. Baker said it was his impression that the Board had to extend Stamford's participation in this Agency - that it was not a continuing thing. Copies of the Ordinance were furnished to the members and it was ascertained that no action need be taken by this Board - that it would terminate two years after the date the Agency became operative. Inasmuch as the Board was advised in letter dated 3/11/63 by Mr. Robert C. Young, Planner for the State Development Commission that the Agency was officially organized on January 6, 1963, the official termination date would appear to be two years from that time, or January 6, 1965.

- (15) Concerning Enforcement of Ordinance No. 65 and Special Committee appointed by President (See page 3804, Minutes of Oct. 7, 1963)

THE CHAIRMAN stated that Mr. Somma, Chairman of the above special committee should be instructed to report to the Board at their next meeting on the above matter. It was agreed that this be done.

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

vf

Paul D. Shapero, Chairman
Steering Committee

FISCAL COMMITTEE:

Mr. Kane reported that his committee met on November 7th and five members were present to consider the following items:

- (1) \$624.00 - TAX ASSESSOR, Code 144.1701, Auto Operating & Maintenance
(Per Mayor's letter - undated - rec'd 10/8/63)

MR. KANE MOVED for approval of the above request. He explained that the automobiles were obtained but there was no allocation made for maintenance and gasoline. Seconded by Mr. Murphy and CARRIED unanimously.

- (2) \$40,163.02 - DEPARTMENT OF PUBLIC WELFARE, covering the following:
(Mayor's letter 10/7/63)

Code 422.0000 General Hospital-----	\$40,000.00
*Code 410.0101 Salaries-----	163.02
	<u>\$40,163.02</u>

*For reclassification of Alice L. Panapada
from Executive Secretary to Administrative
Assistant, Grade S-12 - Effective 10/7/63
(19 pay periods at \$8.58)

MR. KANE MOVED for approval of the above request. Mrs. Clarke' seconded the motion. She said she would appreciate a little more breakdown on the request, as she had not been notified of the Fiscal Committee meeting in regard to this and as it had been also referred to the Education, Welfare & Government Committee, she felt they should know a little more about it before voting on it.

Mr. Kane read a letter he had received, from the Mayor, dated October 7, 1963 (previously mailed to all Board members).

Mr. Kane said: "What had happened was this - they had asked for an appropriation of \$180,000 originally, but was reduced by the Mayor to \$50,000. The reason for this is that they thought that the Smith House would have opened in time to take care of the hospital cases, but this did not take place and therefore, expenses were incurred during the period of where the financing, or rather, the funds ran out."

VOTE taken on the above motion, as seconded. CARRIED unanimously.

- (3) \$900.00 - PENSION for Mrs. Margaret Donohue (As per Special Act 128) - Widow of Custodian who retired 2/1/46 under old Pension Plan, with no survivorship benefits - Monthly pension of \$75.00, effective 7/1/63 Code 162 (Mayor's letter 10/17/63)

MR. KANE said the committee feels that this should be deferred as there is insufficient information presently on this matter on which they can act in a logical and competent manner and asked that it be retained in committee.

- (4) \$2,275.38 - PENSION for Patrolman Harry Spelke, effective 10/22/63, based on annual pension of \$2,935.96 or 52% of annual salary of \$5,646.08 (Mayor's letter 10/24/63)

MR. KANE MOVED for approval of the above request. Seconded by Mr. Kelly and CARRIED unanimously.

LEGISLATIVE & RULES COMMITTEE:

- (1) CITY HOUSING AUTHORITY request dated 9/19/63 for resolution to amend original "Cooperation Agreement" application to Federal Government for financial assistance to build low-rent public housing for the elderly, to increase it from 100 units to 500 (Originally approved by Board on 6/5/61 - See pages 3143-3149 of Minutes; amended on 11/13/61 - See pages 3260-3261; Minutes of 10/7/63, pages 3791-3794)

MR. BAKER read the following letter on the above matter at this time:

HOUSING AUTHORITY OF THE CITY OF STAMFORD
100 Myano Lane
Stamford, Connecticut

September 19, 1963

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

Dear Sir:

The Housing Authority is in the process of applying to the Federal Government for a program reservation of four hundred (400) additional housing units for elderly persons. In order to obtain Federal approval of this earmarking of units, it will be necessary for the Housing

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Authority to obtain a Cooperation Agreement with the City of Stamford.

We are submitting herewith a suggested form of resolution which would amend Cooperation Agreement dated July 21, 1961, as amended, for your consideration at the next meeting of the Board of Representatives.

This request is submitted at this time in order that Stamford be allocated these units before the Federal appropriation is exhausted. This Authority has substantiated and the Public Housing Administration has concurred that there is a need in Stamford for these housing units.

Sincerely yours,

(Signed) Robert S. Demms
Executive Director

RSD/ae
Enclosure

MR. BAKER explained that this request is being submitted now before the Federal appropriation is exhausted and the Public Housing Administration has concurred that there is a need in Stamford for these additional housing units. He said the Board of Representatives has previously approved on June 5, 1961 (Resolution No. 359) a Cooperation Agreement authorizing the application for the building of 100 housing units and a grant for such construction has been allocated. He said that 500 units is the total that the U.S. Government will authorize for Stamford and that the costs of construction and land will be paid for entirely by the U. S. Government. He said that 50 units were authorized by the State of Connecticut on Greenwich Avenue and 100 by the U. S. Government on Main Street and this is increasing the 100 units by an additional 400 more.

He said the costs were moderate - \$41.00 per month for an efficiency unit for the State Housing and \$44.00 for a one bedroom apartment, which rentals include the costs of all utilities.

He said the units authorized by the U. S. Government would cost \$35.00 to \$40.00 per month or a minimum of 20% of monthly income.

As for the location of these additional 400 units, he said the Housing Authority has not initiated any negotiations for land and cannot do so unless it is authorized to request an allocation for the additional units. He said they do, however, have under consideration a tract of land upon which the Daycroft School was formerly located and that it would require some twenty odd acres on which to build.

MR. BAKER said the choice of location of these units must be approved by the Planning Board and the Zoning Board first. He said location in the vicinity of shopping areas and churches, as well as nearby recreational facilities is needed to meet the convenience of the elderly tenants.

MR. BAKER said there is a need for expeditious action for the reason that present Public Housing Administration funds are completely allocated, but for the reason that through inaction by some communities, some of these funds have become available, and in order to obtain these funds, the Housing Authority is requesting the authorization from this Board so that they may request an allocation.

He said the committee, after some discussion, was not able to reach a decision in regard to presenting a recommendation to the Board. At the time of the meeting he said he felt that the Board should approve the request for the execution of the amendment to the cooperation agreement. He said the committee had some questions as to where the units would be located which they discussed at some length with the representatives from the Housing Authority. For the reason that the committee did not agree, he said he did not know whether it would be in order for him to ask for approval of the request.

THE PRESIDENT said it would be in order if Mr. Baker wished to move for approval.

MR. BAKER MOVED for approval of the following. Seconded:

RESOLUTION NO. 427

APPROVING SECOND AMENDMENT TO "COOPERATION
AGREEMENT" AND AUTHORIZING EXECUTION THEREOF

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford:

- (1) That an amendment to the "Cooperation Agreement" entered into between the City of Stamford, dated July 21, 1961, as amended November 21, 1961, be further amended by deleting the numeral 100 in Section 2 and substituting in lieu thereof the numeral 500 is hereby approved and the proper officers of the City are hereby authorized and directed to execute said Amendment on behalf of the City in as many counterparts as may be necessary and to impress and attest the official seal of the City on each counterpart of said Agreement.
- (2) The said amendment to the "Cooperation Agreement" shall be in substantially the following form:

AMENDMENT NO. 2 TO "COOPERATION AGREEMENT"

THIS AMENDATORY AGREEMENT, entered into this _____ day of _____, 1963, by and between the HOUSING AUTHORITY OF THE CITY OF STAMFORD, CONNECTICUT, (herein called the "Local Authority"), and the CITY OF STAMFORD, (herein called the "Municipality"),

W I T N E S S E T H

WHEREAS, a certain Cooperation Agreement, dated July 21, 1961, has been entered into between the Local Authority and the Municipality; and was amended November 21, 1961; and

WHEREAS, the Local Authority and the Municipality deem it desirable to further amend the Cooperation Agreement;

NOW, THEREFORE, the Local Authority and the Municipality agree as follows;

1. Section 2 of the said Cooperation Agreement is hereby amended by deleting the numeral 100 and substituting in lieu thereof the numeral 500.
2. In all other respects, the Cooperation Agreement, dated July 21, 1961, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the Local Authority and the Municipality have caused this Agreement to be executed the day and year first above written.

CITY OF STAMFORD, CONNECTICUT

(SEAL)

By: _____
William F. Hickey, Jr., Mayor

Attest:

Joseph V. Toner,
Town and City Clerk

HOUSING AUTHORITY OF THE CITY OF
STAMFORD, CONNECTICUT

(SEAL)

By: _____
Edward S. Czesnik, Chairman

Attest:

Secretary

MR. SHERMAN said he was concerned where these units would be located. He said it was his understanding that of the additional 400 units to be financed by the Federal Government that the Daycroft site only 9 acres were being considered by the Housing Authority, which would accommodate 150 to 200 units. He said the committee discussed that if they could get one-half of the Daycroft site - 15 or 20 acres - then the full 400 units could be located there. He said he feels the same as he did when the committee first considered the matter - that he has full confidence in the Housing Authority and sincerely believes that the need exists, or will exist in the city. He said his sole interest is where are these units going to be located and how will they be operated. He spoke at some length and said he thought the city of Stamford is entitled to know beforehand exactly where these units will be located and then apply for the allocation of funds. He said he believed it would be proper to know where the units are to be built and then to apply for Federal allocation, although this has not been done in the past.

MR. PHILPOT said he agrees with what Mr. Sherman has just said, but thinks the incoming Administration should handle it, inasmuch as this is the last meeting of the 7th Board, and so many points are in doubt at this time.

MR. KANE said he cannot understand the about face being taken by the opposite party, for the reason that at the last Board meeting they were very anxious to bring it out of committee and said that time was of the essence and now it appears there is no great hurry and they wish to keep it in committee.

MR. CONNORS said at the time the change of zoning was approved, there was a stipulation by the Planning Board that they were willing to give the Housing Authority 15 acres on the Cove Road end for housing for elderly citizens and now it is mentioned as being 9 acres. He said: "How did it get down to 9 acres?"

MR. SHERMAN said he never heard 15 acres mentioned, it was 9 or 20 or all.

MR. CONNORS said he was sure it was supposed to be 15 acres when this thing first started.

MR. SCARELLA said he thinks this Board should consider the need for this project before going ahead with it.

MR. CONNORS said this property is all that is left on which to build a school and if they use it for other purposes, where are they going to build a school?

MR. BAKER said there is a desperate need for housing for elderly citizens and here is a chance to use Federal financing to achieve that need, and sees no reason for further delay. He urged a favorable vote on his motion.

MR. SHANEN said he fails to see what the site has to do with this particular resolution.

MR. BAKER asked for permission to answer the question. He said the Committee asked the Housing Authority if they had any particular site under consideration and he wished to make it quite clear that they could not undertake any negotiations until they had been authorized to request this particular allocation. He said they have been considering available sites and it was merely during the questioning by the Committee that it was brought out that they were considering apart of the Daycroft School property. He said the matter as to how many units would be built on any site would be the decision of the Housing Authority and not of this Board. He said it is his opinion that the question of school needs as opposed to housing needs for the elderly is something that would have to be worked out between the Planning Board, the Housing Authority and the Board of Education.

MR. SHANEN said if all this Board is doing is giving authorization to the Housing Authority to locate sites and that once these sites are located, they will then go through the proper Boards - the Planning Board, the Zoning Board, etc, no matter what party is in control. He asked if this is true.

MR. BAKER said it would have that effect.

MR. SHANEN said it seems that Mr. Sherman's argument is illogical, since the first step would be to give the authority first, then go out and locate the site, and then come back to the proper Boards for authorization to build.

MR. CUSHING said he thinks there is a serious lack of understanding on Mr. Baker's part as to exactly what this Board is being asked to do here tonight. He said: "We are being asked to relinquish our rights as the only elected Board to act on this." He said any future Boards who would act on this matter would be strictly appointed Boards and not elected Boards. He said he does not think this matter will come back to this Board in the future- that this is their last chance to act on the matter.

MR. SHERMAN said he would like to make one point clear - the only concern is the location of these units and he does not think that adequate information has been given by the Housing Authority in this regard. He said his notes show that when the

committee questioned the site where the units were to be built, they were told that possibly all of the 400 units allocated could go on the Hartman tract, even on a 9 acre piece, on a high rise basis, and if they were the garden type, which is preferable, that they could go on a 20 acre site on the Daycroft plot. He said: "I propose to the Housing Authority and I propose to this Board that, if in good faith they are interested in the Daycroft site as a logical place for the senior citizens' housing, also the idea of reducing the need for another school there, that this authorization could be tied in with a limitation that it be located on that Daycroft site, or that there could at least be an expression of intent, by letter or otherwise, from the Housing Authority that this is the site contemplated or desired by it for the additional 400 units.

"I agree that we must have confidence in our Housing Authority. I also think that we have an obligation to the citizens of Stamford to find out as much as we can about this project, and I fully believe that this consideration of where the units will be located overrides the consideration of full confidence in the Housing Authority (which I happen to have) and I suggest to you that the proper procedure here would be to find out first the site and then go in for the allocation which would be specifically allocated to Stamford and which is readily available at ANY given time."

MR. RYBNICK said he thought this Board was just voting on the increase of the number of units. He said he has heard so much about location and yet this Board does not have the power to give another body permission of where to locate or where to buy the land on which to locate - that "we are only here to vote on the increase of the units and I understand from a letter which I heard Mr. Baker read that this will have to go to the Federal Government for the proper procedures and then come back - they do not have the money allocated as yet - they will have to go through a great deal of further procedure before this happens. And, here we are, trying to get a location decided upon, when they still haven't requested the money." He suggested that the Board concentrate their debate on the matter before it and stop trying to speculate on where the units would go.

MR. KULOWIEC said it seems to him that there is a misunderstanding here. He said he would like to know how the Housing Authority or any body else can look for a location if they don't know what they are looking for. He said if the money hasn't yet been allocated, what are they looking for? He said once they know that they are to locate 400 units, then and then only will they look for a site for them.

MR. RODIN said he thinks there is one question that has been overlooked. He said he is under the impression that to approve this the way it stands now is merely to hand a blank check to the Housing Authority to go ahead and from then on this Board would be entirely out of the picture. He said he would like to ascertain right now whether or not the Housing Authority has to come back to the Board of Finance and this Board for approval before any property could be purchased. He asked which understanding is correct - does the Housing Authority have to again come back to the City Boards for further approval of site, etc., or does the approval now of the proposed agreement mean the end of the matter as far as further approval is concerned?

MR. SCHWARTZ rose on a point of personal privilege. He said, despite some very strong and personal convictions on this matter, that because of a conflict of interest, he must abstain from further debate before the Board votes on the matter. As Minority Leader, he asked for a five minute recess at this time.

THE PRESIDENT declared a five minute recess at 8:55 P. M. The recess was declared over at 9:10 P. M. and the members returned to their seats.

MR. CONNORS said this Board went through this last month and it was deferred because of "lack of information" and now that we have the information, the trouble seems to be that we can't find out where they intend to put it; that he would like very much also to know where they are going to put it, because then he might be able to put a binder on the property. He said: "I don't think the Housing Authority has the right to tell ANYBODY where they are going to put these units. I think it's wrong and I think it's improper to even ask that question - that they should tell you where they are going to buy a piece of property - or even where they are going to situate these units before they have even bought it. Why I can tell you, it would be a real land grab, because I'd be interested myself - I do have some friends who might advance me a few thousand to put a binder on it. I think this is very wrong - its very improper and I don't think it was right to even ask that question where are they going to put them? There is no doubt that there is only certain places the east side, the west side or the south end, because they are surely not going to put them up in the country. Last month all Republicans were very much in favor of hurrying this thing through and now suddenly you don't hear them any more. What happened? Now just look at urban redevelopment. They are going to be dispossessed and there are over 400 of them that are in the category of elderly citizens and now all of a sudden no one is interested in them - what are we going to do with them? We've got to put them someplace....."

MR. PHILPOT rose to a point of order. He said Mr. Connors seems to be electioneering after election.

THE PRESIDENT called for order.

MR. CONNORS called attention to page 3792 of the Minutes, to the remarks made by Mr. Philpot at that time: "Mr. Philpot said it would appear that the way this matter had been presented to the Board tonight seems to suggest a woeful lack of proper presentation on the part of the Housing Authority" and suggested waiting for Mr. Czesarik's arrival as there seems to be too much at stake to take any hasty action. He said we now have Mr. Czesarik present and he hasn't heard anyone move yet to hear from him. He said to his mind there is one thing that is foremost in everyone's mind and that is - are we going to let them have 100 units or 500 units. Where they are going to build it is immaterial at this point and has nothing to do with the question before this Board. He said we are getting involved in so many different things that everyone is getting confused as to just what the issue is that the Board is being asked to vote upon. He urged that the members concentrate on the question before them and that is, how many units are we going to allow them to have? He said just look at the agenda if you are in doubt, because it is spelled out there in plain words.

MR. SHANEN MOVED THE QUESTION.

THE PRESIDENT said Mr. Baker was waiting to speak and he would allow him to be heard at this time.

MR. BAKER said he believes this Board has been improperly informed, perhaps inadvertently so, and that is with regard to the availability of funds. He said his recollection is that the members of the Housing Authority said to the Committee when they met with them that all of the money presently appropriated for this purpose has been allocated and there will not be any further appropriation until Congress has acted upon additional appropriations, but funds might become available for the reason that

those to whom such funds have been already allocated, do not follow through on making use of the allocations and this money then reverts back to the Federal Government, and it is THIS money that will then become available and in order for us to establish a priority, the sooner we approve this authorization, the higher we are on the priority list and the quicker we can obtain the money and the quicker we are able to then proceed to build. In this connection, he said, it then appears there is a good reason to proceed with haste and unless there is some overriding consideration, which would make it advisable to put the matter off, tonight it is important to take action and to delay no longer.

MR. SHANEN repeated his motion - TO MOVE THE QUESTION.

MR. PHILPOT said the confusion which arose over this matter, partially came out of Mr. Baker's own committee, with inadequate information being furnished to the Board. He said he thinks many members of the Board are still confused and many of the Republican members do not know just what this thing is leading up to. He said: "It is therefore our wish - the Republicans speaking as a group - that this matter be TABLED at this point and brought up again at a future meeting."

MR. BAKER rose on a point of personal privilege.

THE PRESIDENT informed Mr. Philpot that he only recognized him as a matter of courtesy - that the question has been moved - that he thought he was rising on a point of personal privilege and not for any further debate.

MR. BAKER said he objected to the remarks about his Committee.

MR. BAKER MOVED FOR A ROLL CALL VOTE. The President asked for a show of hands. There being enough members in favor, a roll call vote was approved.

THE PRESIDENT explained that a vote of "yes" is a vote in favor of the resolution.

THE following is the roll call vote on Resolution No. 427, as moved by Mr. Baker. It was CARRIED by a vote of 26 in favor, 4 opposed, with 7 abstentions, there being 37 members present and 3 absent:

THOSE VOTING IN FAVOR

PATSY ARRUZZA (Democrat)
ELEANOR AUSTIN (Democrat)
DANIEL BAKER (Democrat)
FRED BLOIS (Democrat)
VINCENT CAPORIZZO (Democrat)
HILDA CLARKE (Republican)
GEORGE CONNORS (Democrat)
EDWARD DOMBROSKI (Democrat)
ANTHONY ESPOSITO (Democrat)
ARMANDO GURLIACCI (Democrat)
WILLIAM HEARING (Republican)
JOHN KANE (Democrat)
STEPHEN KELLY (Democrat)
PAUL KUCZO (Democrat)
STANLEY KULOWIEC (Democrat)
GARMINE LONGO (Democrat)
JOHN MORRIS (Democrat)
JAMES MULREED (Democrat)

THOSE OPPOSED

SAMUEL CUSHING (Republican)
RICHMOND MEAD (Republican)
ROMAINE PHILPOT (Republican)
CHARLES RODIN (Democrat)

ABSTENTIONS

DAVID OPPENHEIMER (Republican)
RANDOLPH ROGERS (Republican)
GEORGE RUSSELL (Republican)
RONALD SCHWARTZ (Republican)
MICHAEL SHERMAN (Republican)
FRANCES LILLIENDAHL (Republican)
THOMAS MORRIS (Republican)

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WILLIAM MURPHY (Democrat)
 GERALD RYBNICK (Democrat)
 PATRICK SCARELLA (Democrat)
 ALLEN SHANEN (Democrat)
 PAUL SHAPERO (Democrat)
 PETER SOMMA* (Democrat)
 ANTHONY TRUGLIA (Democrat)
 CHESTER WALAJTYS (Democrat)

- (2) PETITION ¹⁰⁶ THE SALVATION ARMY - Requesting permission to set up Christmas Kettles in various parts of city (Letter dated 10/18/63)

MR. BAKER MOVED for approval of the above request. Seconded and CARRIED unanimously.

(3) Pending matters still in Legislative and Rules Committee:

MR. BAKER said as far as he was able to determine, his Committee has no other matter currently before them other than a proposed Ordinance creating a Human Rights Commission. He said it will not be brought before the Board at this time, because the matter of pre-publication makes it impossible for it to become effective within the lifetime of this Board and therefore automatically goes over for consideration by the new Board which will not take office until December 1st.

PUBLIC WORKS COMMITTEE:

Concerning opinion from Corporation Counsel on USE OF SALT ON CITY STREETS

MR. BLOIS asked if an opinion had yet been obtained from the Corporation Counsel on the use of salt on city streets.

THE PRESIDENT said he has been given the Corporation Counsel's opinion and will read it as soon as Mr. Blois is ready.

MR. BLOIS said they have been able to find out that the salt used is sodium chloride better known as "Rock Salt" and sells for \$14.10 per ton and the Public Works Department used approximately 2,300 tons last winter.

THE PRESIDENT read the following opinion from the Corporation Counsel on the above matter:

CITY OF STAMFORD, CONNECTICUT

November 12, 1963

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

Dear Mr. Shapero:

This letter is in response to a request for an opinion as to the legality if the use by the city of salt on city streets for snow removal purposes. The applicable Ordinance is Section 29 --14 of the Code of General Ordinances and it reads as follows:

"It shall be unlawful for any person to place or deposit any salt, brine, chemicals, glass, tacks or anything else that may cause injury to pavements, vehicles or vehicle tires on any street in the city."

The question asked is whether or not the use of salt on the streets of Stamford for snow removal purposes violates this Ordinance.

An Ordinance is to be interpreted in the light of the expressed legislative intent. Intent as a state of mind of the members of a legislative body is not conclusive even where it can be ascertained. It is the intent expressed in appropriate language in the legislation which controls. Toll Gate Farms, Inc. v. Milk Regulation Board, 148 Conn. 341, 348 (1961). Courts cannot import an intent into legislation devoid of language fit to express it. Loew v. Falsey, 144 Conn. 67, 72 (1956).

A reading of the Ordinance reveals that it does not contain an absolute prohibition against the placing or deposit on city streets of salt or chemicals or any other materials therein mentioned. If it contained such an absolute prohibition, then the words "that may cause injury to pavements, vehicles or vehicle tires on any street in the city" would be superfluous. It is a principle of statutory construction that, if possible, no clause, sentence or word shall be superfluous, void or insignificant. Fenwick v. Old Saybrook, 133 Conn. 22, 28 (1946). The Ordinance, therefore, is prohibitory if the designated materials cause injury to pavements, vehicles or vehicle tires.

If the Ordinance absolutely prohibited the deposit of chemicals on any street, it would be unlawful for anyone to wash the sidewalk in front of his house, since water is a chemical compound. Likewise, the oiling of roads would be unlawful, since the oil used for such purpose is a derivative of petroleum, which is a highly complex mixture, made up principally of compounds of two chemical elements, namely hydrogen and carbon. The marking of traffic lines on streets would be unlawful since paint contains chemicals. An asphalt pavement is a combination of a mineral aggregate and an asphaltic material. One of the mineral aggregates commonly used in such pavements is crushed limestone, a rock made up mostly of calcium carbonate, and classified chemically as a salt. The asphaltic material used in such pavements is a highly complex chemical structure of carbon and hydrogen. Thus, the covering of an existing pavement with an asphalt pavement would be a violation, because asphaltic pavement contains chemicals and/or salts, if the Ordinance absolutely prohibited the placing of these materials on streets.

Salt is one of the most common chemical compounds. Common salt is the best known of the group and is used for human consumption, in food processing, in the chemical industries, in hide and leather processing, in textile processing, in soap making, etc. It is fed to livestock and it is used to preserve hay, to condition and soften water and as a stabilizer in building secondary roads. It is used widely in the glass and soap industries, and of course, it is used widely for removal of snow and ice from highways and sidewalks.

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Salt has so many different uses, ranging from internal consumption by human beings and animals to heavy industrial usage, that it obviously has different characteristics and properties. Since your Board has asked me to decide whether its use for snow removal violates the Ordinance, the question of injury to pavements, vehicles and vehicle tires can only be decided on the facts. Injury is a relative matter and is dependent upon many variable factors. The same substance can be both beneficial or injurious, depending on the manner and circumstances of its use. This is a frequent occurrence with many chemical compounds. Thus, we are not here concerned whether salt is injurious to plant life or vegetation, since the Ordinance does not mention such matters.

In the absence of evidence of injury to pavements, vehicles or vehicle tires, it cannot be held that the use of salt for snow removal is illegal. To hold otherwise would place undue influence upon a literal interpretation of words and would create a result contrary to the apparent intention of the legislative body. The manifest reason and obvious purpose of the law should not be sacrificed to a literal interpretation of such words. Sutherland, Statutory Construction, 3d Edition. Vol. 2, Section 4706.

The City of Stamford has a duty under the general statutes to employ reasonable measures to make its highways reasonably safe from snow and ice. See Section 13-11 of the General Statutes of Connecticut. The danger to life and limb from traffic hazards and accidents caused by snow and ice, and the inconvenience to the public from the delays in vehicular movement caused by snow and ice during the winter months are only too well known to all of you. Therefore, it must be agreed that the use of salt by the city is a reasonable method of carrying out its duties under Section 13-11, supra. The fact that salt is so widely used for this purpose by other governmental bodies proves the efficacy of its use for this purpose and would outweigh any incidental damage to pavements, vehicles or vehicle tires, if, in fact, such damage did occur and as stated before, there is no evidence of this. It would seem, therefore, that the policy expressed in Section 13-11 of the General Statutes would supercede that expressed in the Ordinance. If there is a conflict between the duty to maintain a safe highway for the traveling public and a duty to maintain the physical condition of pavements or vehicles, the duty to the traveling public would be paramount. It is my opinion, therefore, that the use of salt for snow or ice removal purposes on city streets by the City of Stamford or by any other governmental body or by any person, does not violate Section 29-14 of the Code of General Ordinances of the City of Stamford.

Very truly yours,

(Signed) Isadore M. Mackler
Corporation Counsel

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MR. KUCZO said: "Now I understand why it took nine months to get this opinion." He said the State of Connecticut has recently found out that they are killing the trees and shrubs along the highways. Also, that pets and children could be made ill if they ate the roadside snow. Third, salts are corrosive to metal, there is no getting away from that. Fourth, salt is not effective for immediate traction in snow. This is one of the greatest of arguments against its use. He said: "They put it on a hill at 5 o'clock at night when it is just freezing and you have to wait an hour for it to penetrate. By that time you have a line about ten miles long."

He said the State of Connecticut uses about 62,000 tons of salt on highways and because of its harmful effects, are looking for a substitute. In Stamford, they are using around 2,300 tons, or approximately 4% of the total used by the entire State, costing about \$32,000 to \$33,000. He said he thinks it is about time we have one set of rules for everyone.

MR. KELLY thinks instead of taking nine months to get this decision, it could have easily been answered in two words: Municipal immunity.

MR. GURLIACCI said there was one thing that was not mentioned in the letter and that is that it is the salt that keeps the sand spreadable.

HEALTH & PROTECTION COMMITTEE:

- (1) Concerning hazardous traffic condition on Stillwater Road, affecting school CHILDREN ATTENDING Roxbury School (Requested in letter of 9/30/63 from Michael Sherman, 18th District Representative) (See Minutes of 10/7/63, page 3804)

MR. TRUGLIA, Chairman, said he had requested Mrs. Farrell to write a letter to the Police Department on the above matter, and the letter is as follows:

" I have been referred to you, regarding the above complaint concerning a hazardous traffic condition on Stillwater Road, affecting the school children who must use this road in traveling back and forth to Roxbury School.

" Mr. Anthony Truglia, Chairman of the Health & Protection Committee of the Board of Representatives, has suggested that I bring this matter to the attention of the Police Department, with the hope that possible police protection can be extended to alleviate this dangerous traffic condition."

(Letter dated Oct. 29, 1963)

MR. TRUGLIA said the letter had been sent to Captain Moylan of the Police Department and, as yet he has not received a reply, but expects one very shortly.

- (2) Complaint concerning unsanitary septic tank condition on Courtland Avenue (Letter of 10/21/63 from Secretary, Glenbrook Fire Department)

MR. TRUGLIA reported that the Health Department has been contacted in regard to the above complaint and it will shortly be taken care of.

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(3) Concerning placing traffic light at Ridgeway Shopping Center (5th, 6th and 7th Streets)

MR. TRUGLIA reported on the above, although it was not on the agenda. He said: "Mr. Oefinger of the Communications Division, has informed me that the adjoining property next to the Ridgeway Shopping Center, is to be re-zoned and when this happens, the entire traffic pattern within that area will be changed and so there can be no immediate decision on this question.

(4) Concerning dangerous condition on Bedford Street

MR. MULREED said he would like to mention something that was referred to the Health and Protection Committee some time ago by him and also a communication to the Chief of Police about a hazardous condition that exists on Bedford Street. He said he would like to have this matter, through the Steering Committee, revitalized.

He said he was particularly concerned about this now because of a recent traffic fatality in front of Hanover Hall on Bedford Street.

THE PRESIDENT said the best advice he could give Mr. Mulreed at this time is to "get in touch with your Representative." (laughter)

MR. TRUGLIA said he would like to report on the matter just brought up by Mr. Mulreed. He said they did investigate the problem and there is an appropriation in the budget for traffic lights, but the Police Department has not been able to go into it further, but he is sure something if at all possible, will be done to alleviate the condition.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL, Chairman, reported that a committee meeting was held on Monday, November 11, 1963 with the following members present: James Mulreed and George Russell.

(1) Final adoption of Resolution No. 428 concerning old Streets built prior to consolidation-Elmwood Street, Ferro Drive and Webb Avenue (Approved for publication 10/7/63 and advertised 10/10/63)

MR. RUSSELL MOVED for final approval of the following resolution. Seconded by Mr. Connors and CARRIED unanimously:

RESOLUTION NO. 428

CONCERNING ACCEPTANCE OF STREETS AS PUBLIC HIGHWAYS
WHICH WERE OPEN TO VEHICULAR TRAFFIC PRIOR TO APRIL 16, 1950
 (date of consolidation) WHICH HAVE NEVER BEEN ACCEPTED AS
AS CITY STREETS.

BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford that said Board by its proposed and published resolution of October 7, 1963, accepts the following named streets and Highways which were open to vehicular traffic prior to April 16, 1950 as public streets

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and highways:

ELMWOOD STREET - For approximately 315 feet from George Street to Ferro Drive,

FERRO DRIVE For approximately 432 feet from Elmwood Street to Martin Street,

WEBB AVENUE From the already accepted portion southerly to Dora Street.

(2) Petitions for acceptance of roads as city streets:

MR. RUSSELL MOVED for approval of the following streets for acceptance as city streets. Seconded by Mr. Kane and CARRIED unanimously:

AMHERST COURT _____ Extending from Amherst Place westerly to and including a permanent turnaround, Length, approximately 125 ft., width 30 ft. Map No. 7550 in Town Clerk's office.

AMHERST PLACE _____ Extending from the already accepted portion,
(Extension of) northerly to and including a permanent turnaround. Length, approximately 520 ft., width 30 ft. Map No. 7550 in Town Clerk's office.

BARCLAY DRIVE _____ Extending from the already accepted portion southerly and northerly to and including a temporary turnaround. Length, approximately 1,600 ft., width 27 ft. Map Nos. 7320, 7399, in Town Clerk's office.

BRANCH LANE _____ Extending from Riverbank Drive easterly to and including a permanent turnaround. Length, approximately 470 ft., width 27 ft. Map No. 7593 in Town Clerk's office.

BUBSEY LANE _____ Extending from the already accepted portion,
(Extension of) westerly to and including a permanent turnaround. Length, approximately 350 ft., width 30 ft. Map No. 7570, Town Clerk's office.

BUCKINGHAM DRIVE _____ Extending from the already accepted portion, northerly to and including a temporary turnaround. Length, approximately 545 ft., width 30 ft. Map No. 7550 in Town Clerk's office.

- GRAB APPLE PLACE _____ Extending from Winesap Road northerly to and including a permanent turnaround. Length, approximately 606 ft., width 27 ft. Map No. 7638 in Town Clerk's office.
- DAIRY VIEW LANE _____ Extending from Davenport Ridge Lane westerly, Length, approximately 182 ft., width 27 ft. Map No. 7369 in Town Clerk's office.
- DAVENPORT RIDGE LANE _____ Extending from Davenport Ridge Road southerly to and including a permanent turnaround. Length approximately 1,712 -width 27 ft. Map No. 7369 in Town Clerk's office.
- DOGWOOD COURT _____ Extending from Dogwood Lane northerly and easterly to and including a temporary turnaround. Length, approximately 1,157 ft., width 30 ft. Map No. 7342 in Town Clerk's office.
- ETHAN ALLEN LANE _____ Extending from Chestnut Hill Road southerly to and including a permanent turnaround. Length, approximately 680 ft., width 27 ft. Map No. 7560 in Town Clerk's office.
- FISHING TRAIL _____ Extending from the already accepted portion,
(extension of) southerly to and including a temporary turnaround. Length, approximately 330 ft., width 27 ft. Map Nos. 7572, 7573 in Town Clerk's office.
- HAVILAND DRIVE _____ Extending from Haviland Road northerly to and including a permanent turnaround. Length, approximately 508 ft., width 27 ft. Map No. 7632 in Town Clerk's office.
- HIGH ROCK ROAD _____ Extending from Wildwood Road southerly to and including a permanent turnaround. Length, approximately 550 ft., width 27 ft. Map No. 7595 in Town Clerk's office.
- PRUDENCE DRIVE _____ Extending from the already accepted portion,
(Extension of) northerly to and including a temporary turnaround. Length, approximately 685 ft., width 30 ft. Map No. 7417 in Town Clerk's office.
- QUARRY ROAD _____ Extending from the already accepted portion,
(Extension of) easterly to and including a temporary turnaround. Length, approximately 890 ft., width 27 ft. Map No. 7584 in Town Clerk's office.

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RIVERBANK DRIVE Extending from Riverbank Road easterly and northerly to and including a temporary turnaround. Length, approximately 2,357 ft., width 27 ft. Map No. 7593 in Town Clerk's office.

WEST HILL CIRCLE Extending from West Hill Road easterly and southerly to and including a temporary turnaround. Length, approximately 2,248 ft., width 30 ft. Map No. 7379 in Town Clerk's office, 7516

WINSAP ROAD Extending from Russett Road westerly and southerly to and including a temporary turnaround. Length, approximately 2,293 ft., width 27 ft. Map Nos. 7544, 7582 in Town Clerk's office.

(Note: All of above roads certified for acceptance
by City Engineer.)

MR. RUSSELL said he has estimated during the past year of this committee, that they have accepted approximately fifty roads and inspected approximately forty-five roads of about one and two years old when their Maintenance Bonds were approved for release. He said this is something that should be taken over by the Public Works Department to insure the purpose of the Maintenance Bond.

SPECIAL COMMITTEE TO INVESTIGATE ENFORCEMENT OF ORDINANCE NO. 65

MR. SOMMA, Chairman, said he would like to give a report, but does not have one to give at this time for the reason that the committee did not have a meeting at the inception when the committee was formed, which was only ten days before the election, and he said it was difficult to call all the members together. He said he was sure the next Board will see fit to carry out the functions of the Committee,

PICNIC COMMITTEE:

MR. RUSSELL, Chairman, thanked the members of the Picnic Committee for all the help extended on the occasion of the Board's annual picnic.

Chairmen of the various Committees of the Board took this opportunity to thank the members of their respective committees for the fine cooperation given during their tenure of office.

The Board officers also took this opportunity to thank the members for their service on this Board and for a job well done, and for the impartiality of their work as members of the 7th Board.

ADJOURNMENT:

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

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APPROVED:

Paul D. Shapero

Paul D. Shapero, President
Board of Representatives

Velma Farrell

Velma Farrell
Administrative Assistant

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

VF

(Last meeting of 7th Board
of Representatives)