

MEETING OF THE 9TH BOARD OF REPRESENTATIVES

Minutes of June 6, 1966

Stamford, Connecticut

The regular monthly meeting of the 9th Board of Representatives of the City of Stamford, was held on Monday, June 6, 1966 in the Board's meeting room, Municipal Office Building, Stamford, Connecticut.

The meeting was called to order by the President, George E. Russell, at 8:30 P.M.

INVOCATION - Given by Rev. Raymond Shoup, First Congregational Church.

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

ROLL CALL:

The roll call was taken by the Clerk. There were 38 present and two absent at the calling of the roll. However Vincent Caporizzo arrived at 9:25 P.M., changing the roll call to 39 present and one absent.

The absent member was Leon Zebroski (R), 13th District.

ACCEPTANCE OF MINUTES - Meeting of May 2, 1966

The Minutes of the above meeting were accepted, with one correction on page 4671, next to last paragraph was changed to read:

"MR RICH MOVED the Board approve the finding of the Legislative and Rules Committee that the appeal of the Washington Avenue Neighborhood Association is not properly before this Board."

COMMITTEE REPORTS:

The Steering Committee report was read and entered in the Minutes, as follows:

STEERING COMMITTEE REPORT

Meeting held Monday, May 23, 1966

A meeting of the Steering Committee was held on Monday, May 23, 1966 in the Board of Representatives' meeting rooms, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

MR. MORRIS, Majority Leader, Chaired the meeting. The meeting was called to order at 8:15 P.M. All members were present, with the exception of Booth Hemingway, Robert Durso and William Murphy.

The following matters were discussed and acted upon:

- (1) Mayor's letter of 5/20/66 appointing Mr. Eugene Gordon to the Urban Redevelopment Commission, term ending August 7, 1969, replacing Mr. Lewis Upham, who is moving out of the City.

REFERRED TO APPOINTMENTS COMMITTEE and ORDERED ON AGENDA

- (2) Additional Appropriations (9) approved by Board of Finance on 5/12/66 and one pending before them, if approved, were ORDERED PLACED ON THE AGENDA UNDER FISCAL COMMITTEE, with items in excess of \$2,000.00 except pensions, referred to a secondary Committee, in accordance with Rule #10 on page 5 of the Rules of the Board.
- (3) Proposed Ordinance Against Loitering - Adopted for publication 5/2/66 -  
ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE
- (4) PROPOSED AMENDMENT TO BUILDING CODE, REQUIRING THE SILL OF A WINDOW IN PRIVATE DWELLINGS TO BE A MAXIMUM OF 36 INCHES ABOVE THE FINISHED FLOOR AND TO HAVE A FINISHED UNOBSTRUCTED OPENING OF NOT LESS THAN 2 FT. X 2 FT.

The above matter, deferred for further study at the 5/2/66 Board meeting, was ORDERED ON THE AGENDA under LEGISLATIVE & RULES COMMITTEE. (See page 4671, Minutes of 5/2/66)

- (5) Final adoption of proposed amendments to Article 11 of SEWER CODE, by adding Section 57 thereto - CONCERNING ISSUANCE OF BUILDING PERMITS IN CASES WHERE IT WILL OVERTAX AVAILABLE SEWER FACILITIES - (See Minutes of 5/2/66, pages 4672-4673)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE and the PLANNING & ZONING COMMITTEE

- (6) APPEAL (filed 4/29/66) from Zoning Board's approval of application of NORMAN A. FIEBER and ALVAN G. LAMPKE (from action taken at their April 5, 1966 meeting)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE and PLANNING & ZONING COMMITTEE

- (7) Letter from Rev. Donald Campbell, First Presbyterian Church, (dated 5/26/66) requesting WAIVER OF BUILDING PERMIT FEE, under terms of Article 100., Sec. 6. paragraph 14 of Building Code (Ordinance No. 80.7)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (8) Concerning Proposed LEASE with NEW YORK AIRWAYS for HELIPORT, to be located on City-owned property on west side of Shippan Avenue - (Mayor's letter of 5/10/66)

REFERRED TO LEGISLATIVE & RULES COMMITTEE - To go on Agenda if approved by Board of Finance at special meeting on 5/24/66

- (9) Request in letter of 5/13/66 from Saul Kwartin, Attorney representing MUNICIPAL EMPLOYEES ASSOCIATION, for AMENDMENTS TO CLASSIFIED EMPLOYEES PENSION PLAN - (See Chapter 73A of Charter - May be amended by resolution of Board of Representatives, being Special Act 463 adopted by 1951 General Assembly)

The above matter was REFERRED TO THE LEGISLATIVE & RULES COMMITTEE, FISCAL COMMITTEE and PERSONNEL COMMITTEE. After some discussion, it was not ordered placed on the Agenda, pending more information from Mr. Kwartin.

- (10) Letter (dated 5/19/66) from Mayor, concerning the setting up of a RENT RECEIVORSHIP under terms of Public Act No. 554 "AN ACT CONCERNING THE ABATEMENT OF NUISANCES IN TENEMENT AND LODGING HOUSES" enclosing a proposed Ordinance - (Seizing rents to pay for repairs needed, when landlord refuses to comply)

REFERRED TO LEGISLATIVE & RULES COMMITTEE and ORDERED ON AGENDA

- (11) Concerning old CLOONAN JR. HIGH SCHOOL (Disposition of and vandalism) (See Minutes of 5/2/66, pages 4673-74-75)

ORDERED ON AGENDA under PUBLIC WORKS COMMITTEE for final report

- (12) Concerning FIRE TRUCK (65 foot Maxim aerial replacement) damaged, and finally replaced by a new one, but not with the same specifications as original truck - (See Minutes of 5/2/66, pages 4662, 4676-77-78- Deferred for one month)

ORDERED ON AGENDA under HEALTH & PROTECTION COMMITTEE

- (13) Petitions for acceptance of roads as City Streets

REFERRED TO PLANNING & ZONING COMMITTEE

- (14) PETITION from St. Theodore Society (dated 5/19/66) for permission to hold usual procession with music on August 25, 26, 27 and 28th and illumination of grounds and part of West Avenue in COMMEMORATION OF FEAST OF ST. THEODORE

REFERRED TO PARKS & RECREATION COMMITTEE - ORDERED ON AGENDA

- (15) Mayor's letter of 5/23/66 - REQUEST FOR RESOLUTION OF INTENT TO GRANT PARTIAL TAX ABATEMENT FOR MODERATE INCOME HOUSING DEVELOPMENT IN SOUTHEAST QUADRANT, URBAN RENEWAL AREA - (Concerns 352 units of moderate income housing to be erected under sponsorship of a non-profit corporation, being organized by St. John's Catholic Church and Roman Catholic Diocese of Bridgeport - Municipal tax relief necessary under 221(d) (3) program of FHA mortgage insurance)

REFERRED TO LEGISLATIVE & RULES COMMITTEE - ORDERED ON AGENDA  
ALSO REFERRED TO URBAN RENEWAL COMMITTEE

- (16) Concerning PEMBROKE DRIVE - Processing under Chapter 64 and Section 641 of Charter - (Initiated by Board of Representatives in conformity with petition from residents, received Sept. 20, 1961, by adoption of Resolution No. 374 at Oct. 2, 1961 Board meeting)

REFERRED TO PLANNING & ZONING COMMITTEE - Not on Agenda

- (17) Letter (dated 5/23/66) from Thomas Morris and William Caporizzo, 15th District Representatives, concerning HEALTH HAZARD IN REAR OF NEWFIELD SHOPPING CENTER

REFERRED TO PUBLIC WORKS COMMITTEE and HEALTH & PROTECTION COMMITTEE  
Not ordered on Agenda

- (18) Letter (dated 5/23/66) from Thomas Morris and William Gaporizzo, 15th District Representatives, concerning proposed WIDENING OF STRAWBERRY HILL AVENUE opposite COLONIAL ROAD

REFERRED TO PUBLIC WORKS COMMITTEE and HEALTH & PROTECTION COMMITTEE  
Not ordered on Agenda

- (19) Concerning criticism of Board re cutting of Budgetary items in 1966-1967 Budget at May 9, 1966 Board meeting

MR. LINDSTROM MOVED that the President, Majority Leader and Minority Leader compose a letter of reply regarding action taken by the Board at the Special Board meeting on May 9, 1966. Seconded and CARRIED by a vote of 6 in favor and 4 opposed.

MR. FUSARO said it is his opinion that these allegations should not be dignified by an answer, but if we are going to answer it, then it should be done with the understanding that the public has been misled and that the Board operates under the Committee system and the Fiscal Committee came in with their recommendations; that the Board then acted upon the Budget as recommended by the Committee. He said it should be understood that all 40 members of this Board cannot be experts and that is why we operate under a Committee system and allow a Committee to report back to the Board with its recommendations, after which the Board then takes action, based upon the Committee's findings.

- (20) Request for STOP SIGN AT CORNER OF ALVORD & CATOONA LANE (Dated 5/9/66)  
(Letter from Theodore Boccuzzi, 9th District Representative)

REFERRED TO HEALTH & PROTECTION COMMITTEE - Not on Agenda

- (21) Concerning CLEAN UP NEEDED IN WEST MAIN STREET AREA (Letter dated 5/2/66 from Ralph Lockhart, 2nd District Representative)

REFERRED TO PUBLIC WORKS COMMITTEE - Not on Agenda

- (22) Complaint from RESIDENTS OF WARSHAW PLACE, asking that immediate attention be given to providing storm drains, sidewalks, partial sanitary sewer system and traffic hazard at corner of WARSHAW PLACE AND WEST AVENUE, caused by widening of West Avenue in conjunction with Connecticut Turnpike

REFERRED TO PUBLIC WORKS COMMITTEE - Not on Agenda

- (23) Letter (dated 5/19/66) from James Bingham, Chairman of Planning Board, re WASHINGTON BOULEVARD STUDY AREA, map and press release - Copies mailed to ALL Board members.

- (24) Letter from a Raymond Cohen, 243 Intervale Road East (dated 5/12/66) concerning a violation of Ordinance No. 65 (Copy of Ordinance sent to him)

Noted and filed

- (25) Letter (dated 5/18/66) from Stamford Dental Society objecting to cut in the 1966-1967 Budget for salary of Health Director

Noted and filed, with copies sent to Board officers and all members of Fiscal Committee



- (26) Letter (dated 4/24/66) from 8th District Representatives, George Connors and Paul Kuczo, with copies to Mayor, Public Works Commissioner and Board of Representatives, concerning NEGLECT FOR PROJECTS ON EAST SIDE, calling particular attention to deterioration of WALL SURROUNDING COVE POND AND SOUTHERN HALF OF LAWN AVENUE, which needs repaving

Noted and filed, with copies sent to PUBLIC WORKS COMMITTEE

- (27) Miscellaneous letters from various individuals, objecting to location of proposed HELIPORT in Shippan area - Noted and filed, with copies to Board officers and Legislative & Rules Committee, to whom the lease was referred (must first be approved by Board of Finance, who deferred action and finally denied request on 5/24/66)

- (28) Miscellaneous letters from various individuals, urging that the OLD CLOONAN JR. HIGH SCHOOL be used as a Community Center, rather than being sold  
(Copies sent to all Board Officers and Public Works Committee, who is presently considering this matter)

There being no further business to come before the Committee, on motion, duly seconded and CARRIED, the meeting adjourned at 10:00 P.M.

vf  
(Submitted by Thomas Morris,  
Chairman, Pro Tempore)

George Russell, Chairman,  
Steering Committee

#### APPOINTMENTS COMMITTEE:

MR. NATHANSON, Chairman, presented his Committee report. He said a meeting was held in the Municipal Office Building on May 31st at 7:30 P.M. He said his Committee interviewed Mr. Gordon and approved his appointment.

The Tellers distributed the ballots. The vote is listed below:

#### URBAN REDEVELOPMENT COMMISSION

#### Term Ending:

EUGENE GORDON (R)  
1124 Long Ridge Road  
(Replacing Lewis Upham, resigned 6/15/66)

Aug. 7, 1969

VOTE: 22 No  
15 Yes  
1 Disqualified

#### FISCAL COMMITTEE:

MR. HEMINGWAY, Chairman, presented his Committee report. He said the Committee met on May 26th in the Board's Caucus Room, with the following members present: Mrs. Lilliendahl, Messrs. LeBeau, Karl, Durso and Rich.

- (1) \$7,100.00 - CORPORATION COUNSEL, Code 110.0901, Professional Services  
(Mayor's letter of 4/22/66)

MR. HEMINGWAY MOVED for approval of the above request. Mr. Murphy said his Committee - the Education, Welfare & Government Committee, concurred in approval and he seconded the motion. CARRIED.

- (2) \$300.00 - BOARD OF REPRESENTATIVES, Code 106.0301, Office Supplies, Postage  
(Mayor's letter of 5/3/66)

MR. HEMINGWAY MOVED for approval of the above appropriation. Seconded and CARRIED.

- (3) \$2,300.00 - FIRE DEPARTMENT, covering following: (REDUCED from \$2,500.00 by  
(Mayor's letter of 4/22/66) Board of Finance 5/12/66)

Code 540.0501 Telephone & Telegraph-----	\$ 250.00	(REDUCED from
Code 540.0702 Janitor Service -----	300.00	\$450.00)
Code 540.5203 Training-----	100.00	
Code 550.1505 Water-----	1,650.00	
	<u>\$2,300.00</u>	

MR. HEMINGWAY MOVED for approval of the above appropriation. Seconded by Mr. Grant.

MR. KAPLAN said this was also referred to his Committee - Health and Protection, and they concurred in approval. CARRIED.

- (4) \$4,500.00 - DEPARTMENT OF PUBLIC WORKS, Code 633.1801, Town Yard Building Maintenance - (Mayor's letter of 4/22/66)

MR. HEMINGWAY MOVED for approval of the above request. Seconded by Mr. Bitetto, who said the Public Works Committee also approves. CARRIED.

- (5) \$2,628.00 - DEPARTMENT OF PUBLIC WORKS, Code 620.0601, Incinerator-Sewage Treatment Plant, General Materials & Supplies - (Mayor's letter of 5/6/66)

MR. HEMINGWAY MOVED for approval of the above request. Seconded by Mr. Bitetto, who said the Public Works Committee concurred in approval. CARRIED.

- (6) \$4,099.20 - DEPARTMENT OF PUBLIC WORKS, Code 620.1215, Incinerator-Sewage Treatment Plant, Furnace Repairs - (Mayor's letter of 5/6/66)

MR. HEMINGWAY MOVED for approval of the above request. Seconded by Mr. Kelly. Mr. Bitetto said the Public Works Committee also approves this request. CARRIED.

- (7) \$679.66 - DEPARTMENT OF PUBLIC WORKS, Code 602.0401, Administration, Advertising and Printing - (Mayor's letter of 4/11/66)

MR. HEMINGWAY said that while approving this emergency appropriation, the Committee directed the Chairman to state that it is disturbed at the timing of the request for this money. He said the letter from the Public Works Commissioner was dated April 7th and the Spring Clean-Up Program which required the advertising commenced April 18th, which means that by the time the Mayor, the Board of Finance and the Board of Representatives received the request, the money had already been committed. He said the Committee would like to make sure that in the future, the appropriating Boards are given an opportunity to agree or disagree on the spending of money for items of this sort before any commitment is made. HE MOVED for approval of the request, however, which motion was seconded and CARRIED.

(8) \$29,652.74 - DEPARTMENT OF PUBLIC WORKS, Code 606,0609, Snow Removal and Flood Emergency - (Mayor's letter of 6/6/66)

MR. HEMINGWAY MOVED for approval of the above item. Seconded by Mr. Rybnick.

MR. KUCZO said he would like to have a breakdown of how this money was spent.

MR. HEMINGWAY said he has a breakdown, but it will take quite some time to read it and would be glad to let Mr. Kuczo see it.

THE PRESIDENT asked Mr. Kuczo if there is any item in particular that he would like to know about, as we have a very lengthy program tonight and there is a lot of work to be done yet.

MR. FUSARO said he had planned to ask for a recess at this point and suggested that Mr. Kuczo read the report while they have the recess. HE MOVED for a recess.

THE PRESIDENT asked the reason for the request for a recess.

MR. FUSARO replied they would like to discuss the next item on the Agenda (item #9) in caucus, with added information which they would hope to get from Mr. Hemingway and would request that Mr. Hemingway come into Caucus with them.

MR. NATHANSON said he also would like to have a recess at this time. (8:55 P.M.)

VOTE taken on calling a recess. CARRIED.

THE RECESS was over at 9:10 P.M. and the members resumed their seats.

MR. HEMINGWAY reminded the members they were still under item #8 on the agenda.

MR. KUCZO said he read the itemized breakdown and you would probably have to be an accountant to figure it out. He said he can find no indication as to where this \$29,000 came from, but there is ample evidence that we have appropriated in the past something around \$138,000 but nowhere on the report is there any indication of this \$29,000. He said he pointed out on May 2nd that there were some 25 contractors and since that date there have not been any snowstorms and yet we find six new contractors added on to this list, which still does not add up to the \$29,000 plus and he fails to see how this Board can vote on this when they have no breakdown to show where we are expending \$29,000. He asked that the motion be defeated.

MR. HEMINGWAY explained the breakdown. He said where they arrived at the \$29,000 was the difference between the total encumbrances of \$167,852.84 and the appropriations already made of \$138,200.10, which gives the figure of \$29,000 plus. He said as for extra names being added, it is quite possible that this represents those who had not yet submitted their bills.

MR. KUCZO said this still does not explain where the \$29,000 came from. He said he can only account for some \$7,000 to \$8,000. He said he feels we do not have enough information on this request.

After some considerable discussion, MR. NATHANSON MOVED this matter be TABLED, for further information. Seconded by Mr. Kuczo and CARRIED.

- (9) \$250,000.00 - Resolution No. 492 amending 1965-1966 Capital Projects Budget for PURCHASE FOR PARK, RECREATIONAL AND CONSERVATIONAL PURPOSES, 77.292 acre tract of land known as the "OLD MILL LANE-MIANUS TRACT" and appropriation of \$250,000.00 therefor - (Mayor's letter of 4/7/66 (Deferred action at 5/2/66 Board meeting, awaiting final approval of appropriation by Board of Finance; approved by them on 5/12/66)

MR. HEMINGWAY MOVED for approval of the following resolution. Seconded by several members. The resolution follows:

RESOLUTION NO. 492

AMENDING 1965-1966 CAPITAL PROJECTS BUDGET BY ADDING  
ITEM TO BE KNOWN AS "OLD MILL LANE-MIANUS TRACT" AND  
APPROPRIATION OF \$250,000.00 THEREFOR

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, to amend the 1965-1966 Capital Projects Budget to include an item to be known as the "Old Mill Lane-Mianus Tract", in accordance with the provisions of Section 611.5 of the Stamford Charter by adding thereto the additional appropriation of \$250,000.00 for said Project.

\*\*\*\*\*

MR. HEMINGWAY spoke in favor of the resolution and urged its adoption. He said we all know the critical shortage of park and recreational space that the City lacks and believes that we are some 900 acres short of what all authorities say a City of this size should have. He said by acquiring this land we will be taking a small step in the direction of improvement of our facilities. He said it will be governed by the government's Open Space Act which is designed primarily to add to open space area in all parts of the country.

MR. BROMLEY spoke in support of the resolution and urged its adoption because of the great need for more open space areas in the City.

VOTE taken on Resolution No. 492. CARRIED unanimously.

Mr. Vincent Caporizzo arrived at this time (9:25 P.M.) changing the roll call to 39 present and one absent.

MR. FUSARO said the Democratic members are now in 100% attendance.

LEGISLATIVE & RULES COMMITTEE:

MR. RICH, Chairman, presented his Committee report at this time. He said his Committee met in the Board Caucus Room on May 25th, with the following members present: Messrs. Bromley, Farnen, LeBeau, Kaplan and Rich.

- (1) Final adoption of Proposed ORDINANCE AGAINST LOITERING - (Approved for publication at 5/2/66 Board meeting; published 5/5/66) (Brought in by Mr. Lindstrom at 1/24/66 Steering Committee meeting; sent to Corporation Counsel for opinion as to legality on 1/25/66; opinion received 4/26/66)

MR. RICH MOVED for final adoption of the following Ordinance. Seconded by Mr. Lindstrom and Mr. Casale. CARRIED unanimously:

5/5/66



ORDINANCE NO. 127 SUPPLEMENTAL  
LOITERING IN PUBLIC PLACES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

It shall be unlawful for any person or persons, to loiter or congregate upon any public street or sidewalk, or other public place, park, or building in such a manner as to obstruct vehicular or pedestrian traffic, and to refuse to cease such obstruction when ordered to by the police.

This Ordinance shall become effective upon its enactment.

(Date Effective: June 20, 1966)

\*\*\*\*\*

- (2) Request for AMENDMENT TO BUILDING CODE, REQUIRING THE SILL OF A WINDOW IN PRIVATE DWELLINGS TO BE A MAXIMUM OF 36 INCHES ABOVE THE FINISHED FLOOR AND TO HAVE A FINISHED UNOBSTRUCTED OPENING OF NOT LESS THAN 2 FT. X 2-1/2 FT.  
(See letter from Thomas Morris, 15th District Representative, dated 3/14/66 - Deferred 4/1/66; 5/2/66 - See Minutes of 5/2/66, page 4671)

MR. RICH presented the following proposed Ordinance and MOVED for approval for publication, seconded and CARRIED:

PROPOSED AMENDMENT TO ARTICLE 106 (EXIT REQUIREMENTS) STAMFORD BUILDING CODE, TO BE KNOWN AS Sec. 1 (a) "REQUIRING THE SILL OF A WINDOW IN PRIVATE DWELLINGS TO BE MAXIMUM OF 3-1/2 FT. ABOVE FINISHED FLOOR, WITH FINISHED UNOBSTRUCTED OPENING OF NOT LESS THAN 2 FT. X 2-1/2 FT."

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Article 106., EXIT REQUIREMENTS, Section 1 entitled "EXITS" is hereby amended by adding Section 1 (a) thereto, to read as follows:

Every sleeping room in a one-family dwelling, unless it has two (2) doors providing separate ways of escape, or has a door leading directly to the outside of the building, shall have at least one outside window which can be opened from the inside without the use of tools and of such design that it may serve as an emergency exit, if the normal avenues of escape are blocked. The sill of such windows shall not be more than three and one-half feet (3½) above the floor, and when fully open, the aggregate open space at the bottom of said window shall not be less than two feet (2) vertical, by two and one-half feet (2½) horizontal.

\*\*\*\*\*

- (3) Concerning Final adoption of proposed amendments to Article 11 of SEWER CODE, by adding Section 57 thereto - CONCERNING ISSUANCE OF BUILDING PERMITS IN CASES WHERE IT WILL OVERTAX AVAILABLE SEWER FACILITIES - (Reactivated by letter from Thomas Morris, 15th District Representative, dated 3/21/66, Originally brought before 8th Board and adopted for publication; published 1/11/65; open hearing held 1/27/65; deferred 2/1/65; 3/1/65 and 4/5/65) (See Minutes of 5/3/65, pages 4318-19) - (Adopted for publication in revised form 5/2/66; published 5/7/66)

MR. RICH said that when various proposed Ordinances are published, this is done for a reason - to enable those who wish to be heard on this (or any other matter) before the Legislative & Rules Committee, to have the opportunity to do so. Therefore, he said he would ask any member of this Board or any member of the public, who wishes to make his point of view known to the Committee, to let him know, in writing, so if it is appropriate for them to be heard before a Committee meeting, they may be heard.

MR. RICH said that item #3 above was discussed at some length by the Committee, and representatives of the Stamford Bar Association, the Sewer Commission, the Public Works Department and the Stamford Residential Builders Association, who participated in the discussion. He said there is still no firm agreement as to what is desirable and necessary in this matter; so the Committee directed the interested parties who were present at the meeting to report to the Committee a joint recommendation. He said it is hoped that the matter will be in shape for final adoption at the July Board meeting.

- (4) APPEAL (filed 4/29/66) from Planning Board's approval of application of NORMAN A. FIEBER and ALVAN G. LAMPKE (from action taken at their April 5, 1966 meeting)

MR. RICH said the Committee finds this appeal to be in proper form and therefore rules that it may be considered by the Board. He said this will be brought up again under the Planning & Zoning Committee.

- (5) Request for WAIVER OF BUILDING PERMIT FEE for First Presbyterian Church (Letter dated 4/26/66) under terms of Article 100, Sec. 6, paragraph 14 of Building Code (Ordinance No. 80.7)

MR. RICH MOVED for approval of the above request. Seconded by Mr. Grant, Mr. Farnen, Mr. Bennett and Mr. Mosca. CARRIED.

- (6) Letter (dated 5/19/66) from Mayor, concerning the setting up of a RENT RECEIVORSHIP UNDER TERMS OF PUBLIC ACT NO. 554 "AN ACT CONCERNING THE ABATEMENT OF NUISANCES IN TENEMENT AND LODGING HOUSES" enclosing a proposed Ordinance - (Seizing rents to pay for repairs needed when landlord refuses to comply)

MR. RICH said the Committee discussed this at some length and approved the Mayor's request for an Ordinance to amend the Stamford Minimum Housing Standards Code to allow rent receivorship. He said the following proposed Ordinance is therefore submitted for adoption for publication and HE SO MOVED. Seconded. The proposed Ordinance follows:

CONCERNING THE SETTING UP OF A RENT RECEIVORSHIP UNDER TERMS OF PUBLIC ACT NO. 554 "AN ACT CONCERNING THE ABATEMENT OF NUISANCES IN TENEMENT AND LODGING HOUSES" AMENDING CHAPTER 18, "MINIMUM HOUSING STANDARDS" OF THE STAMFORD CITY CODE

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 18 of the Code of General Ordinances of the City of Stamford is hereby amended by the addition thereto, following the end of Sec. 18-36 thereof, of the following:

ARTICLE IV. THE ABATEMENT OF NUISANCES IN TENEMENT HOUSES.

Sec. 18-37. State statute adopted; authority appointed.

The provisions of Public Act No. 351 (1965), hereinafter referred to as the "Act", are hereby adopted, and the following five-member committee is hereby appointed the authority for the enforcement of the Act, in accordance with the provisions of Section 1 thereof: The Director of Health, the Building Inspector, the Chief of the Fire Department, the Executive Secretary of the Commission on Human Rights, and a citizen, appointed by the Mayor.

The Authority shall have all of the powers and responsibilities as set forth in Sec. 2 of the Act.

Sec. 18-38. Tenement House Operating Fund Created; Custody, Records.

A fund, to be known as the "tenement house operating fund", is hereby created and established. Into such fund which shall be maintained in a separate account, shall be deposited such monies as shall be appropriated by the Board of Representatives with the approval of the Board of Finance, or be realized from the sale of bonds issued pursuant to Chapter 109 of the General Statutes of the State of Connecticut as amended, for that purpose. From such fund shall be withdrawn all amounts expended by the receiver to meet any costs of removing or remedying nuisances pursuant to the provisions of the Act which cannot be met from the rents, issues and profits of the property in which a nuisance exists. Such fund shall be in the custody of the Commissioner of Finance of the City of Stamford, and the books and accounts of such fund shall be kept by the Controller of the City of Stamford.

The receiver shall repay the amounts so expended to such fund from the proceeds of any amounts recovered pursuant to the provisions of this Act.

\*\*\*\*\*

MR. KUCZO spoke in favor of the proposed Ordinance. However, he said he would like to have the answer to a few questions, such as who is going to pay for the collectors of this rent money? And, who is going to pay for the professional services that will be rendered? He said he was opposed to publishing this until some of these questions are answered. He said it would also be establishing an additional bureau within the City of Stamford and since we do have Ordinance No. 65, all it requires is that the City back up this Ordinance and see that it is properly enforced and until that is done, he sees no need to create another City department.

MR. MORRIS rose on a point of order. He said the Board should not speak on the merits of the Ordinance, but merely on its publication.

MR. CONNORS said we get into the same thing with every meeting - how can the Board discuss whether to publish an Ordinance or not unless they get some explanation of what it is all about. He said he agrees with Mr. Kuczo that Ordinance No. 65 should be enforced and there would be no need for creating another expensive department. He said we already have people employed who are working to enforce our present Ordinance. He said if some of these slum lords do not obey the present Ordinance, then put them in jail until they do conform. He asked if the City is now going to become a landlord.

MR. CASALE said if we are going to discuss publication of the Ordinance, then let's do it, but if we are going off on a tangent and discuss its merits, then let's set the ground rules up now.

[1.1]

Mr. Casale asked for a RULING FROM THE CHAIR.

MR. RICH said he believes that the very act of publishing the Ordinance is for the purpose of putting it down in print, so that everyone will know and can ask questions and get information from the Legislative and Rules Committee, who will be considering the matter.

MR. LOCKHART spoke in favor of publication. He said he realizes we have Ordinance No. 65, but we need something stronger - something from a State level, so that it will become a law of the State and there is a definite need for this Ordinance in Stamford. He said there are people paying as much as \$35 to \$50 a week for three room, cold water apartments, not including utilities. He spoke at some length.

MR. NATHANSON spoke in favor of publication. He said he feels this is needed not only in lower cost housing, but also in the middle and upper income housing.

MR. FUSARO said publication is for the purpose of bringing the Ordinance before the people, so that they will have the opportunity of making their wishes known.

MR. KAPLAN said he feels this is a very important Ordinance and he would like to say he feels the same way Mr. Nathanson does. He said he wished to second the motion and that reading of the Ordinance be waived.

THE PRESIDENT called for a vote on waiving of the reading of the Ordinance. CARRIED.

MR. FUSARO said he thought he had a motion in there somewhere - that he had MOVED THE QUESTION. Seconded and CARRIED.

MR. FUSARO called for a vote on the question.

THE PRESIDENT said there will now be a vote on Mr. Rich's motion for approval for publication of the Ordinance.

VOTE taken on publication. CARRIED with one no vote.

- (7) REQUEST FOR RESOLUTION OF INTENT TO GRANT PARTIAL TAX ABATEMENT FOR MODERATE INCOME HOUSING DEVELOPMENT IN SOUTHEAST QUADRANT, URBAN RENEWAL AREA - (Mayor's letter of 5/23/66) (Concerns 352 units of moderate income housing to be erected under sponsorship of non-profit corporation, being organized by St. John's Catholic Church and Roman Catholic Diocese of Bridgeport - Municipal tax relief necessary under 221(d) (3) program of FHA mortgage insurance)

(Above also referred to Urban Renewal Committee)

MR. RICH said his Committee approved the above matter as being in proper form for the Board and the Urban Renewal Committee will present the matter for discussion later in the meeting when they give their report.

PUBLIC WORKS COMMITTEE:

- Concerning Old CLOONAN JR. HIGH SCHOOL - (Disposition of and vandalism) (Two requests - (1) From Vincent Caporizzo, 5th District Representative and (2) From Stephen Kelly, 4th District Representative) - (See Minutes of 5/2/66, page 4662)

1-1-3 293



MR. BITETTO said his Committee is ready to give its final report on the above matter, which was deferred at the May meeting. He read Mr. Kelly's request, dated March 7, 1966 which was referred to the Public Works Committee at the March 21, 1966 Steering Committee meeting. He also read a communication from Mr. Vincent Caporizzo, referred to the Public Works Committee at the same time.

He said his Committee requested a meeting with the Mayor which was held April 4, 1966. He read a communication from the Mayor, as follows:

Dear Mr. Bitetto:

As I agreed with you at the meeting held with Mr. Kelly, Mr. Walden and Mr. Ferrara and you on April 4th, I wrote to Dr. Porter concerning the fixtures removed from Cloonan School before its abandonment by the Board of Education.

On April 15th, I received Dr. Porter's reply, giving me the information obtained by him in answer to the questions which I raised. Below is a summary of this information:

- (1) From the Minutes of the Board of Education of June 9, 1964, these are excerpts:

"Mr. Baker indicated that at the close of the present school year, there will be no further school system use for the present Cloonan Jr. High School building, other than to remove from it the equipment which is part of the educational process. On motion of Mr. Baker, seconded by Mrs. Links, it was unanimously voted that this Board turn over the Cloonan School Jr. High to the Public Works Department of the City for disposition, effective July 31, 1964."

- (2) On June 12, 1964, Superintendent of Schools, Joseph Franchina, informed Commissioner of Public Works, Arthur Mitchell of this action taken by the Board of Education taken on June 9, 1964, to be effective July 31, 1964.
- (3) On July 31, 1964, Mr. Guy Clements, Supervisor of Buildings and Grounds for the Board of Education, reported on this closing to Mr. Franchina, (a copy of which was attached to the Mayor's letter).
- (4) On April 7, 1966, Mr. Guy Clements reported to Dr. Porter on the closing of Cloonan Jr. High School and the disposition of the equipment removed before the building was turned over to the City.

I hope that this provides you with the information you requested.

\*\*\*\*\*

MR. BITETTO said upon receiving this information from the Mayor, the Sub-Committee held a meeting and it was decided to write a letter to Dr. Porter, as follows:

April 22, 1966

Supt. of Schools  
Dr. Joseph Porter  
151 Broad Street  
Stamford, Connecticut

4737

Dear Dr. Porter:

In reply to your report given to the Mayor, reference disposition of Cloonan School, these are the questions which we would like to have answered in more specific terms. We would appreciate receiving a reply at your earliest convenience.

1. In general, the historical review of the circumstances surrounding the closing and disposition of material from Cloonan Jr. High School appears to be an accurate account of what transpired. However, in any accounting for material, quantities should be noted: ie - total originally in use, numbers transferred to other "in use" locations. Numbers cannibalized or scrapped and finally, the quantity remaining in storage and where, specifically, they are stored.
2. Under whose direction and supervision was the removal of material performed? Were the workmen, mechanics qualified in their respective trades, or were general "wreckers" called in? Was the work done under contract or by normal building and grounds workmen of the Board of Education? Was due care exercised to prevent senseless destruction of property - ie - walls, ceilings, floors, etc?

Very truly yours,

(signed) Joseph Bitetto, Chairman  
Public Works Committee  
Board of Representatives

cc: Mayor  
President, Board of Education  
E. Baker

Mr. Bitetto said his Committee met after receiving this letter from Dr. Porter, and decided what should be brought out at this time. He said the closing of the Old Cloonan Jr. High School was accompanied by the removal of sundry items, plumbing, electrical and other fixtures, as well as specific educational materials, such as blackboards, desks, chairs, etc. He said this was authorized by the Superintendent of Schools, Mr. Franchina, and carried out by the Supervisor of Buildings and Grounds, Mr. Clements. The accounting reported to this sub-committee, although in a fairly detailed manner, did not tally in all respects. Mr. Clements memo to Dr. Porter, the present Supt. of Schools, dated 5/5/66 indicated:

"At that time of this operation, there was no required inventory of the plumbing fixtures, lights, fixtures and associated materials. The reported items that were detailed were in the main accurately accounted for, but a large number of items were not adequately covered. Total numbers available were not given on some items, and as a result, the quantities reported put into use were inconclusive for total accounting."

He said this sub-committee also desires an answer to the query regarding the sprinkler system that reportedly had been purchased for use in the old Cloonan when rehabilitation was considered. The reply that we received was that there was no such system had been purchased for Old Cloonan usage, but some sprinkler system salvage from the old Williams School have been and are being used where needed. Storage of this equipment is located at Murphy School, Stevens annex and maintenance shop.

Itemized reports received from the Board of Education are attached, to be made a part of this report.

In conclusion, however, it must be stated that the Board of Education was lax in its overall accounting procedure and the removal of these items.

Mr. Bitetto said from this phase of the report, the sub-committee felt that we, at the time should responsibly report to the Board of our findings and what corrective measures should be taken:

(1) This sub-committee feels that under the present Charter requirements, there is no safeguards to prevent a repetition of such destructive removal of equipment and material from any building by any Board or Department who subsequently would be turning over such property to the Public Works Department of the City of Stamford or to any other agency or Department thereof. Further, this sub-committee feels that any Department receiving property from another Board, Department or Agency, should be included in the planning prior to actual disposition or abandonment and actively included during the physical closing.

Removing or stripping of such property as they will become the future responsible custodians of such property.

(2) Therefore, it is incumbent upon the Board of Representatives of the City of Stamford to draft legislation to rectify destruction of any and all public property being transferred from one branch or department of the municipality to another.

(3) To this end, we request the Rules and Legislative Committee to draft such proposed legislation.

MR. BITETTO said, going further with the Committee's report for the future use of Cloonan School, the Mayor who had selected his Committee, Chaired by Gibbs Lyons, made a report and in essence, stated that they felt that the sale of this property should be recommended and that it should be handled by or through brokerage channels.

Mr. Bitetto said at another meeting of their sub-committee, to further facilitate this report, they drew up recommendations as to the future use of Cloonan School, based on information that was handed to them by petitions and letters from the general public. He said on April 22, 1966, they sent out their recommendations to various City Boards, directed to the Director of Urban Renewal, City of Stamford; Chairman of the Park Commission, Chairman of the Board of Recreation and all of their members. Also, copies were sent to the Mayor, the President of the Board of Representatives and the Director of Health, as follows:

Gentlemen:

As Chairman of the Public Works Committee of the City of Stamford, I am authorized to make the following report and recommendations for the use of the old Cloonan School buildings and grounds, with the hope that the above named community departments, along with any other suggested, may see fit, collectively or individually, to proceed with these recommendations.

An early response by your respective department is necessary not later than ten days from the above date.

During our investigation, we found that public funds could be made available upon proper application by the above departments. Therefore, I am asking if your department or Board would be willing to accept full responsibility along with the interested departments named for the rehabilitation of the old Cloonan School as a community renewal recreational center.

Thanking you in advance for your effort and cooperation in this very important matter.

MR. BITETTO said these were the recommendations that they had attached to that letter:

"The following is our recommendations for the use of the old Cloonan School buildings and grounds.

The area of the community where the old Cloonan School property is located is in dire need of recreational facilities. With this, the entire rank and file of Stamford citizens agree. Therefore, it behooves this community to save whatever area it can for this purpose. To duplicate this area would be impossible since land is not available and this is the area with which we are very much concerned. It is an area where juvenile delinquency and adult delinquency run rampant. It is an area where many health problems prevail, including many dangerous communicable diseases, as well as narcotic addiction.

It would be paradoxical for the City to leave the Cloonan-South End area to "the dogs", as one might express it, when in all due conscience it is the responsibility of the community to provide where such a crying need is so evident.

As far as operational costs go for providing a recreational program for this area, it will be the same cost - if not lower - to provide the program in the same facility area, simply because the human renewal and recreational program is without question "needed". It should be noted very strongly that the families in this area cannot afford cars, bus or taxi transportation to get to such facilities. Facilities must be provided within walking distance of those requiring needed services.

"To add to this point that facilities must be provided within "walking distance", the present Stamford Health Department Building is too far removed from the people in this deprived area, so that they cannot take advantage of the marvelous facilities of the North Street Health Building which is for the "other city people" since it is inaccessible to them. They do not even know where it is, since they seldom leave their neighborhood. It is important to repeat here, once again, that this particular area is another where human renewal and social-recreational facilities are vitally required.

"A good teen-age and young adult athletic program is void in this area. A small baseball field is absent, a gymnasium is un-available. An ice skating rink, along with all the above, could be made available if proper and sufficient effort is put behind it.

"It would be worth well over the million dollars that it may cost to build the old Cloonan to bring it to a position where it can be utilized as a full community recreational service Center. None can really question this, if they would consider that less than two years ago, it cost the city in the vicinity of \$100,000 for a single solitary incident in which a Stamford Policeman lost an eye in a teen-age riot, caused by teen-agers just "looking for something to do".

"Therefore, it was resolved to contact the various departments and agencies, which may be the instruments to provide this vital program for the people in the South End area of the City of Stamford."

47407



MR. BITETTO said his committee received responses from the Director of Health, the Board of Recreation, a joint meeting of the Board of Recreation and the Park Department, signed for by their Chairman and Chairwoman. He said, in essence, these Boards were very interested.

Mr. Bitetto said his Committee called a meeting as of Wednesday, May 18th at 8 P.M. and invited to this meeting were: the Mayor, the Public Works Commissioner, the Recreational Commissioner, the Park Commissioner and all members of the Park Commission, Director of Community Renewal, the Director of Health, Housing and Urban Redevelopment, members of the Board of Representatives, Mr. McCulloch, Director.

He said to give a brief summary of that meeting, responses were received regarding the proposed center, showed also that there was available funds under the C.T.E. Program and discussion of pertinent ideas by the invited guests. He said much of the talk was on the determination of sponsorship, as to a new Commission or Board, the existing Boards, or a combination of these Boards jointly and the consensus was to continue the action started by the Committee.

Mr. Bitetto said some of the people that spoke that night were Mr. Robert Bundock Chairman of the Park Commission, Mrs. Dorothy Lorenzen, and their statements were "We have investigated other possible facilities and we are definitely interested."

He said Mr. Bruno Giordano, a member of the Park Commission, read two letters that were addressed to him from Congressman Donald Irwin, stating that under Title 7 of HUD, Act 1965, states that we can qualify for OEO money available, costing the City only ten percent of operating funds. He said Mr. Giordano also said that it would save the City over \$400,000 in previously stated renovations cost, and suggested that a full scale rehabilitation of old Cloonan School - just to use the classrooms and the gyms - and other community centers would need the space, and conceivably could run the program at no cost to the City and there would also be spaces where Health Department clinics could be held, etc.

MR. BITETTO said that Mr. Thorpe of the Health Department said that his office would be happy to assist in any possible way.

He said after that meeting, it was agreed to executive session that they should meet with the Mayor and Mr. McCulloch and such a meeting was called, on May 25th at 11:00 A.M. in the Mayor's conference room. Present were: Mayor Mayers, Representative Buchanan, himself, Commissioner Ferrara, Mr. McCulloch, Mr. Giordano, Mr. Broun, Mrs. Mills and Mr. Thorpe, at which time the Mayor reviewed his report and recommendation of his Committee which consisted originally of the thinking of Mr. Gibbs Lyons, and stated some points - that this is not a large scale population; also had been a declining area, zoned for industrial use. Item #3, the very fact that it was closed for school use, that it was very difficult to operate as a junior high school in such an area as it would be largely a segregated school and only that the rehabilitation cost for school use would have been prohibitive. He said in the Mayor's judgment, use of such a center by others than immediate residents is highly unlikely and that transportation to it is difficult and that individuals would be hesitant to enter such an industrial area as being an unsafe area in which to travel; also he felt that it would take considerable amount of money to rehabilitate Cloonan for such use and he feels there may, however, very well be a need, but stating that operating costs would be high and any AOEO funds available, if approved, may not always be forthcoming and there would be a definite limit or ceiling on the amount of money that would come into Stamford - currently, which is about \$300,000 under the anti-poverty program.

MR. BITETTO said in view of all these factors, the Mayor felt that his committee had come to a valid conclusion - industrial sale.

He went on to say that at an open discussion, Mr. McCulloch and Mr. Giordano, it was discussed that the 1965 HUD Act, although neighborhood character, would need to be available city-wide, which is a Federal requirement and also that it would have to be available for 20 years. He said Mr. Broun said money available primarily to low income points out that if the facility is over-designed, designated that other areas of the city may be cut out. He said Mr. Giordano stated that his prime consideration is the need and that if such need exists, then we are responsible and the Mayor has the responsibility to lead the city to fulfill the need. He said it was felt that there was little communication between the Mayor's committee and the welfare, health and community group. He said the Mayor feels that a need exists for the South End and makes a suitable substitution and he feels that the city is not fulfilling the crying needs of the area and reviewed his thoughts as to how to use Cloonan area --- remove old building, put two ball diamonds, use the newer building for training area for human renewal.

Concerning proposal of CTE and Stamford Community Council, calls for over \$300,000 for operating funds to put into the several pockets of poverty. Also, several agencies must rent out small stores, etc. and could use Cloonan facilities. Likewise, cost would be prohibitive, if attempt was made to buy gyms in each poverty area.

Population in the immediate area and adjoining area combined, could be about 25,000 people who can and would use facilities and would also be useful to the YMCA, the West Main Street Center, the Italian Center, the Spanish-speaking Center, the CTE, etc.

He said Mrs. Mills stated that this would raise the morale of the people in this area.

MR. BITETTO said after the meeting was over, the sub-committee decided to send a letter, requesting a feasibility report to the Mayor and sent this letter on May 25, 1966, as follows:

"Dear Mayor Mayers:

As a result of our meeting today and to confirm our oral request, the sub-committee on the disposition of the Old Cloonan School, Public Works Committee of the Board of Representatives, respectfully urge that you consider appointing a committee to undertake an investigation of the feasibility of utilizing the Old Cloonan Jr. High School property as a neighborhood recreational community service center.

It may be that a Board, Commission, or Authority exists that would be fully qualified to make this inquiry. In any event, we believe a feasibility study is in order to determine both Capital improvement costs as well as operating costs and whether the City would qualify for any Federal funds, or if such funds could reasonably be borne by a City appropriation solely.

(14) 3299

We believe this survey is a necessary step prior to making irrevocable disposition of the property for industrial purposes. We on the Board of Representatives, as well as you, believe that the best interests of the City should be uppermost in seeking a solution to such problems. The feasibility study requested would certainly be appropriate to determine the ultimate disposition of the old Cloonan School property."

Respectfully yours,  
(Signed) William Buchanan,  
Secretary, Sub-committee  
Public Works Committee

MR. BITETTO said they received a reply to the above letter dated June 6, 1966, as follows:

"Dear Mr. Buchanan:

At the meeting with the sub-committee on the disposition of the Old Cloonan School, Public Works Committee of the Board of Representatives, there was considerable discussion of the possibility of a feasibility study concerning the proposal of a neighborhood recreational community service center.

I have given some thought to the possibility of a qualified Board or Committee studying such feasibility, both in respect to Capital and improvement costs and annual operating costs. However, it seems to me that there has been enough committee studies of this kind, and I know of no body which could do this with the kind of definite recommendations that you seek. .

There was a suggestion at that meeting of the possibility of the employment of a Consultant to make such a study. I had thought that such a proposal was in the minds of your committee. If the Board of Representatives feels that such a study is desirable or necessary, I would appreciate having your recommendations."

MR. BITETTO said this reply was received today and he has talked with one of the members of his sub-committee and it is the feeling of this committee that we should request of this Board to recommend to the Mayor that he, as the Administrator of the City of Stamford, entertain such a request for the employment of a Consultant to make such a study for the feasibility of the use of the old Cloonan School property of the City of Stamford.

He said he would like to say at this time.....

THE PRESIDENT asked Mr. Bitetto if he intends to present a resolution. He replied that is his intention. Mr. Russell requested that he keep this separate from his report; that it could not be acted upon until after his report has been accepted.

MR. BITETTO said the Controller of the City of Stamford has sent him a letter, stating as follows and dated today:

"Dear Mr. Bitetto:

As explained in our telephone conversation this afternoon, we are aware that on this evening's agenda there is an item concerning the old Cloonan School building. Since we have just been advised that the result of our insurance appraisal of the subject building, we felt it incumbent upon us to bring this information to your attention. The building (speaking of the old Cloonan School building) has been covered on the basis of \$300,000 pending the aforementioned appraisal, the amount of \$150,000 has been determined as the depreciated value of the building as of today."

MR. BITETTO said in questioning him as to this letter, stating these amounts, he asked him what these totals meant and he said that up until recently, this building was insured for the amount of \$300,000 and speaking only of the building. He said he asked what does this \$150,000 mean? And, the Controller stated that if the building were to be demolished by fire for any reason, we would only collect \$150,000 right now, because that's all it is covered for at the present time, due to the irresponsible action, plus the vandalism that has occurred since this disposition by the Board of Education. He said this concludes the committee's report.

\*\*\*\*\*

MR. GRANT said he wished to compliment Mr. Bitetto on his comprehensive report. He said he would like to call attention to one thing that has been done which is a great disservice to all of us. He said when this building was disposed of by the Board of Education, it was done in such a way that the value of the building has depreciated by \$650,000. He said the Board of Education is charged with the education of our children and this does NOT mean by any stretch of the imagination a blank check to the Board of Education. He said he firmly believes that the education in this City is superior to most of the surrounding area, but still feels that prudence in their spending of money should be of first consideration to all taxpayers.

MR. HYBNICK said he also want to thank Joe Bitetto for doing a wonderful job, and his Committee. He said he wants to know why this building was vandalized and allowed to deteriorate and if this same thing will be allowed to happen again. Even if the building is sold, its valuation now would be so low that the City would get very little return on their investment. He said he asked Mr. Bitetto at the last meeting and he still has not received an answer and that is - why has it been allowed to be vandalized and allowed to get into its present condition?

MR. WALDEN said he also wants to commend Mr. Bitetto for his tremendous study and said the resolution he intends to bring forth merits all of our support.

MR. FUSARO said he would like to ask, through the Chair, a few questions of Mr. Bitetto. He said he referred to a letter dated April 18th to Dr. Porter, which requested specific answers. He said he does not recall getting those answers that were requested. He said it appeared to him that an inventory was requested.

MR. BITETTO said yes, they were given an inventory.

MR. FUSARO asked if he could, off-hand, give him an idea of what it was when he referred to "discrepancies" in figures.

MR. BITETTO said it was the sub-committee's feeling that we were not apprised..... that many of the items were not listed as to what was present in the building; that disposition of items was given in many cases and we have a copy of a communication



from Mr. Guy Clements of his report at the Board of Education as to what happened to those items that were taken out of the school and this is available to any of the Board members who wish to obtain copies of these figures. He said if there is anything to which he especially refers, he would be glad to go over them with him.

MR. FUSARO said all he wants to know is that anyone can have access to the report if they wish to see it.

MR. BITETTO said that is correct.

MR. FUSARO said he has one more question and that is on the Mayor's Committee. He asked if the Committee had determined during their investigation what was the duty of the Mayor's Committee.

MR. BITETTO said he thinks that the Mayor's Committee was certainly full and concise with their report of what their approach toward the matter was and he said he believes that their final analysis was that they recommended the sale of the property for industrial use.

MR. FUSARO said Mr. Bitetto misunderstands him - that his question was "Do you know what the duties of this Committee was?"

MR. BITETTO said they were acting in an advisory capacity to the Mayor to advise him as to what would the cost be - actually they were making a general report back to the Mayor so that he could be apprised of what recommendation he could make for the future of the school property.

MR. FUSARO said "Only in regard to the disposition of the property?"

MR. BITETTO said this is correct.

MR. FUSARO said this, then, did not give the answers to any questions that this Board has presented?

MR. BITETTO said they did not emphasize on that.

MR. FUSARO said then the Mayor made a request that the disposition of the school be studied, or a possible disposition of the school be studied.....by this Committee, meaning the "Blue Ribbon" Committee.

MR. FUSARO asked if the Mayor is now making a second request that a further investigation be made? He said he would like a clarification of this.

MR. BITETTO said "NO."

THE PRESIDENT explained that the so-called "Blue-Ribbon" Committee was for a group to look into the disposition or suggested uses of the old Cloonan School property.

MR. FUSARO asked Mr. Bitetto to again read the Mayor's letter, which he did at this time.

MR. KUCZO said he supports the action taken by the Public Works Committee on the future use for Cloonan School, but is appalled at the sudden depreciation of the school property. He said he remembers only a few years ago when the City expended \$150,000 for property and architectural fees and now he finds out that the City can only get back \$150,000 for the entire thing. He said this is a trevesty and feels

that some civic action should be taken upon those people who have demonstrated this irresponsibility, whether they be on the Board of Education or part of the City administration in any manner, shape or form. He said he feels it is wrong that the taxpayers should suffer such a loss because this is "pure neglect" of City property, for \$650,000 to be passed off as if it was nothing. He spoke at some length.

MR. KELLY read a letter addressed to the Mayor, dated March 3, 1966 on the condition of the Cloonan School. He said there were three letters sent to the Mayor, none of which were ever answered on this same subject, urging that the school be used for recreational purposed.

MR. BITETTO said he would like to make a statement at this time. He said he owes his Committee an apology for not mentioning their names - that in the sub-committee were Stephen Kelly, William Buchanan (Secretary), Dom. Mosca, Lou Casale, Edward Dombroski and Carmine Longo. He said he wants to thank them for their whole hearted support and their efforts in achieving this report.

MR. CONNORS said he would like to have an answer to a question - that the Board of Education went out and purchased property and then turned around and closed the school. He asked if they were aware of the fact that they were going to close the school before they purchased the property, or was it something that they did on the spur of the moment.

MR. RUSSELL said he thinks he can answer that question. He said the Mayor had nothing to do with the basic closing of the school and that when the school had been closed they had not reached the point of the new Jr. High School. He said if the members will recall they had distributed the pupils from Cloonan into other schools - and that's how it was undertaken until the new Cloonan Jr. High School was an actuality. He said he thinks it should be noted that when this was turned over to the Public Works Department, as soon as the Board of Education decided to close it, was in the summer just prior to the re-opening of Cloonan Jr. High and they immediately, by letter, said that they were turning it over to the Public Works Department.

MR. CONNORS said he can't understand why they purchased property if they were thinking of closing the school. He said we sent for the tune of something like \$150,000 and why did we acquire this property?

MR. RUSSELL said the question was that after they had decided --- after they found out the cost of rehabilitation of the property, they found that it was going to run into at least a half million dollars, because of their fire requirements that a sprinkler system be installed, the roof was falling in and something like that. And, they found that under repair work they would not get any monetary returns by State Aid, whereby under construction of a new school, they would get large returns from the State for building a new school and they had it figured out and the figures were roughly, somewhere in the neighborhood of one million dollars for a brand new school. He said it is the old story of juggling figures, but it came out that we would get a new school for one million dollars. He spoke at some length.

MR. CONNORS said he thinks it would have been much cheaper for the City to have hired two Watchmen to prevent the vandalism that occurred at the school, in order to avoid what has happened - and at the present time, the property has depreciated to such a point it is practically worthless - the copper gutters are gone and even the roof itself has caved in - everything has been taken out of there that can be stripped. He said the whole thing doesn't make any sense - did they use what they took out of the school, or are they storing it? He asked if the committee went into that.

MR. BITETTO said it is a matter of record and the Board of Education have given us a fully itemized report and we have a copy of the record of the disposition of the items and where they were placed and where those things remaining are now stored and these records are available to anyone that wishes to see them.

The debate continued for a considerable length of time.

MR. RICH asked the President just what is the proposal before the Board now. He said he would like to know where we stand presently.

THE PRESIDENT said the next thing is to accept Mr. Bitetto's report on this matter, after which he has a resolution to present. He said we have been on this for about an hour and a half and thinks it is about time to move the question.

MR. NATHANSON MOVED THE QUESTION. Seconded by Mr. Morris.

Several members asked what the Board is accepting by voting for the resolution and for the approval of the Committee report, aside from all the information that was gathered.

THE PRESIDENT said all that the Board is accepting at the present time is the gathering of information by Mr. Bitetto's Committee and nothing else but that - just the facts.

MR. BITETTO said he would like to point out that in the early part of his report, he found inequities in our Charter system, where when one Board turns over a piece of property to another, the sub-committee has recommended to this Board, in their report, and as part of it, the findings that they feel there are certainly inequities in the Charter and that they would like safeguards placed there which would prevent a repetition. He said if the Board wishes to segregate this, he will do so, but he feels that it is part of his report.

THE PRESIDENT said the report goes into many phases and there is no summary of the report where we can state, basically, just what it is that we are accepting. He said perhaps he could make a summation.

MR. RYBNICK said he believes that what some of the members are looking for will be in Mr. Bitetto's resolution when he reads it.

MR. FUSARO asked if the Board cannot simply accept Mr. Bitetto's report as the garnering of facts by the Committee and any resolution or recommendation to this Board will be made subsequently to this evening's meeting, either through the Steering Committee. He said he understands that Mr. Bitetto has a resolution which he wishes to present. He asked if it would be possible just to accept the facts and nothing more.

THE PRESIDENT said he thinks this is all right.

MR. RICH said he agrees with Mr. Fusaro and it must be made clear that we are accepting the report simply as a fact-gathering activity and data presented to the Board, but any recommendations that are in the report will not be considered, except the resolution, which will be presented at a later date.

After some further discussion, the President called for a VOTE on the acceptance of Mr. Bitetto's report. CARRIED.

MR. BITETTO thereupon read the following resolution:

BE AND IT IS HEREBY RESOLVED that the Board of Representatives submit to the Mayor, the Planning Board, the Board of Finance and the Board of Representatives, a request to obtain the services of a Consultant to make a full feasibility study for a proposed use of the old Cloonan Jr. High School as a neighborhood recreational community service center.

MR. BITETTO MOVED for approval of the above resolution. Seconded by Mr. Kelly.

MR. RICH said he knows it is like being against motherhood or good weather, but he is not in favor of the resolution, because it prejudices the answer. He said there are other uses to which that building could be put and if we pass this resolution and then direct a Consultant to come up with recommendations aimed at that result, we are ruling out possibly 75% of other possibilities.

MR. RUSSELL said he has to agree with Mr. Rich. That there would be no point in hiring an expert if we are going to limit him.

MR. FUSARO said it appears from the proposed resolution that it is obvious that the Committee has decided this should be used for recreational purposes and now let's put a man to work on it, find out what it will cost, and what funds are available both on a Federal and State level.

THE PRESIDENT said it appears that this Board is trying, by resolution, to create a public project which could possibly run into many millions of dollars, with a severe cost to the taxpayer one way or the other. He said if we are going to do it by this method, he would have to RULE THAT THE METHOD IN WHICH IT IS BEING PRESENTED IS OUT OF ORDER and the method that should be used is according to the Charter, which spells out the way to go about making public improvements. He said we have done this repeatedly on roads that we have asked to have brought up to standards, but it does not have to be a road, but can be a bridge, a school, or some other reason. He told Mr. Bitetto that the way he is presenting his resolution is not according to Charter provisions.

MR. LINDSTROM asked if this Board has the right to make such recommendations - not that he is opposed to having a recreational area. He said it seems to him that this might perhaps have to go first either to the Board of Finance, or perhaps to the Mayor, asking him to initiate it.

After considerable further discussion, Mr. Morris said he feels this should be referred to the Steering Committee, and be decided there, rather than prolong tonight's meeting.

MR. RYBNICK objected. He said he sees no reason to go to the Steering Committee in order to write a letter to the Mayor. He said he believes that is all we are asking for tonight.

MR. RUSSELL said he disagrees - that it looks to him as if this Board is telling the Mayor to hire an expert to look into the cost of a particular usage, which can involve many millions of dollars. He said what he is saying is that he does not feel the Board should do it in this manner.

MR. FUSARO said in order to facilitate matters, we should separate the resolution from the report. He said let Mr. Bitetto again summarize his report.

THE PRESIDENT said he wished to remind the members that they have already voted on the report and we are now considering the resolution.



MR. FUSARO said he realizes that, but he thinks it was the understanding that we would only separate and divorce the resolution and recommendations from the report to facilitate matters, so that Mr. Bitetto's report could be accepted, and that we would then have the resolution and recommendations afterward.

MR. MORRIS ROSE ON A POINT OF ORDER. He said this resolution is separate from the report and MUST, by our rules, go to the Steering Committee and there should be no debate.

MR. FUSARO said he thinks, in effect, we suspended the rules when we divorced the two.

MR. MORRIS said it would then have to be accomplished by a two-thirds vote.

MR. FUSARO said he thinks it was unanimous.

MR. NATHANSON said there was no vote taken.

MR. MORRIS said this is correct - there was no vote taken, and both Mr. Rich and the President and the Minority Leader wanted it separated, Mr. Bitetto agreed and now there can be only one way of doing this - it must be referred to the Steering Committee.

THE PRESIDENT said he agrees with Mr. Morris - that this was the way we intended it to be. He said this resolution, he feels personally, demands serious study, should at least, be given some consideration instead of at this late hour of the night, rashly trying to agree on a resolution that has such an impact as this one has.

MR. MORRIS ROSE ON A POINT OF ORDER. He said he wants an opinion from the Chair, that this was not part of the report and he thinks it has to go to the Steering Committee.

THE PRESIDENT RULED that the resolution must go to the Steering Committee. He said this meeting is lasting too long - we still have an appeal on the agenda and we must not stay on this one item any longer, because we will then start acting hastily on the rest of the matters on the agenda - that it is now after 11 o'clock, and in all fairness to other matters that are still awaiting Board action, this debate must stop.

#### HEALTH & PROTECTION COMMITTEE:

In deference to the people who were waiting for action on the appeal under the Planning & Zoning Committee, it was decided to pass over the report of the Health and Protection Committee and go directly to the Planning and Zoning Committee. Mr. Kaplan agreed to do this.

#### PLANNING & ZONING COMMITTEE:

- (1) Concerning letter to Mr. Morris from John W. Herman (dated 6/6/66) on condition at LINDSTROM ROAD

MR. MORRIS, Chairman, said he was in receipt of the following letter on the above matter, which he read at this time:

June 6, 1966

Mr. Thomas Morris  
Board of Representatives  
City of Stamford, Connecticut

Dear Mr. Morris:

In reference to the condition at LINDSTROM ROAD, I have contacted the majority of property owners on Lindstrom Road, and we are all in favor of the City repairing the road and bringing it up to standards to make it an acceptable road.

I would like to have the Board start necessary procedures to repair the road and bring it up to standards and make it an acceptable road.

Sincerely

SHIPPAN SHORE MARINA

(Signed) John W. Herman

---

MR. MORRIS said the above request is in relation to procedures under Chapter 64 of the Charter. He asked if it is necessary to take a vote on this.

THE PRESIDENT said this wasn't on the agenda, so there is no action to be taken at this time.

(2) Acceptance of roads as City Streets:

MR. MORRIS MOVED for acceptance of the following roads as City Streets. He explained these have all been certified for acceptance by the City Engineer, have been inspected and meet with the Committee's approval. He said all maps referred to are on file in the Office of the Town and City Clerk. Seconded and CARRIED.

AVON LANE - Extending from Hope Street easterly to and including a temporary turnaround. Length, approximately 230 ft. Map No. 8085

BARNSTABLE LANE - Extending from Hope Street easterly to and including a temporary turnaround. Length, approximately 240 ft. Map No. 8085.

CASTLE COURT - Extending from Hope Street easterly to and including a temporary turnaround. Length, approximately 150 ft. Map No. 8085.

STANWICK CIRCLE - Extending from Stanwick Place easterly to and including a permanent turnaround. Length, approximately 125 ft. Map No. 7987.

STANWICK PLACE - Extending from Oaklawn Avenue southerly to a dead end. Length, approximately 600 ft. Map No. 7987.

(3) APPEAL (filed 4/29/66) from Planning Board's approval of application of NORMAN A. FIEBER and ALVAN G. LAMPKE (From action taken at their April 5, 1966 meeting)

Mr. Morris presented the following Committee report on the above appeal:

The Planning and Zoning Committee held an open meeting in the Board of Representatives' meeting room on Thursday, May 26, 1966 at 7 P.M., and a regular meeting in the Board of Representatives' Conference Room on Thursday, June 2, 1966 at 4:30 P.M., concerning:

APPEAL FROM DECISION OF PLANNING BOARD, CHANGE MP-146, OF NORMAN A. FIEBER AND ALVAN G. LAMPKE (Their Action of April 5, 1966)

The Committee held an open Committee hearing on this Appeal on Thursday, May 26, 1966 at approximately 7 P.M. in the Board's main meeting room. Both proponents and opponents of the proposed amendment to the Master Plan were heard. The Main substance of debate were: the present heavy traffic in the morning and evening, narrow and poor road conditions, potential and periodic flooding conditions and the one family character of the surrounding properties. Heavy discussion centered on the effect of apartment dwellings, whether that allowed in R-5 or the new Town Housing of R-2. The meeting adjourned at approximately 9:30 P.M.

The Committee heavily discussed this appeal for several hours at its general meeting of Thursday, June 2, 1966. The Committee was most cognizant of the many problems that heavy concentration of dwellings, particularly, of the apartment type nature, would present in this area. However, the Committee was presented with a most peculiar state of facts to come to their decision; the fact being the R-5 which has been the existing zoning of this area for several years, permits garden type garden type apartments. R-2 which is called Town Housing, is also somewhat similar type housing, but with restrictions which create ten dwelling units of individual private ownership and variety of restrictions as to lot size and individual parking in front of each dwelling. The Committee, in their final discussion, could not arrive at any major difference between R-5 and R-2, which would make R-2 more unfavorable.

The Committee finally voted three to one to REJECT the appeal and thus uphold the unanimous decision of the Planning Board and so recommends to the Board of Representatives.

MR. MATHANSON MOVED that the Committee report be accepted. Seconded.

MR. KAPLAN said he wished to abstain from voting as his law firm represents the applicant in this matter and also wishes to go on record that he is abstaining from the discussion on this appeal.

THE PRESIDENT said this will be noted.

MR. JOSEPH BITETTO presented a statement on this matter to the President and asked that it be read at this time. The President read the following:

QUESTION OF DISQUALIFICATION

1. There seems to be a question raised as to whether I should disqualify myself.
2. Let me say that I have given this matter great consideration and have reached the decision that disqualification would be wrong - it would be an abandonment of my responsibility and duty as a District Board member.
3. I was elected a representative of the 14th District. My constituents elected me to look after their interests and to represent them as a District Representative on this Board.

4. Since this Master Plan change was granted by the Planning Board, the people in my District have requested that I take all steps to protect their interests - to oppose this change - to prevent the down-grading of the Master Plan.
5. The other Representative in this District has disqualified himself, because the law firm with which he is associated, represents the developers. Am I to disqualify myself and thus deny my District its right of representation? Am I to deny them their rights?
6. In a matter of such grave importance to my District, I have a duty to represent it on this matter and to vote to uphold the petition to reverse the Planning Board and to deny the Master Plan change.
7. If I did otherwise, I would fail in my responsibilities as a member of this Board of Representatives to represent the voters of my District in this Board. They are opposed to the change and they have asked me to oppose it.

To disqualify myself under such circumstances, would be an abandonment of my duty and responsibility. This, I will not do.

Joseph Bitetto

\*\*\*\*\*

THE PRESIDENT said, in view of this statement by Mr. Bitetto, it places him in a position of ruling on his qualification to vote and to discuss this particular Appeal. In doing so, and considering the fact that this is not the first time this question has come before this Board, and has happened on at least two previous occasions to his knowledge, it was referred to two different Corporation Counsels, who gave opinions on this very subject and they were very vehement in their decisions (and the older members of the Board will remember this) that no member of this Board MAY APPEAR BEFORE THE PLANNING OR ZONING BOARDS AND STILL COME BEFORE THIS BOARD AND DISCUSS AND VOTE UPON THE SAME MATTER - they must disqualify themselves. He said this has come up on several occasions and this was brought about because of a State Statute - Sec. 8-21, Chapter 126 (1958 Rev.)

"Disqualification of members in matters before planning or zoning boards.

No member of any planning commission and no member of any municipal agency exercising the powers of any planning commission, whether existing under the general statutes or under any special act, shall appear for, or represent any person, firm or corporation, or other entity in any matter pending before the planning or zoning commission or zoning board of appeals or agency exercising the powers of any such commission or board in the same municipality, whether or not he is a member of the commission hearing such matter. No member of any planning commission shall participate in the hearing or decision of the commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the commission and the remaining members of the commission, unless otherwise provided by special act, shall choose an elector to act as a member of such commission in the hearing and determination of the particular matter, or matters, in which the disqualification arose."

\*\*\*\*\*



MR. RUSSELL said the Corporation Counsel, when handing down his decision regarding this State Statute, said that our Board (when an Appeal is brought before it) are acting in the same position (as the Charter spells out) as the Planning and Zoning Board. He said it says (in the Charter) in Sec. 522.5 "when acting upon such matters, the Board of Representatives shall be guided by the same standards as prescribed by the Planning Board". He said the Corporation Counsel was very clear on one point - that because this Board is a legislative body, it is most unusual throughout the whole country for us to have this special privilege of having this appeal power, that the members when they appear before either a Planning or a Zoning Board, are basically putting themselves in the same position as a member of the Planning or Zoning Board, if a matter is appealed to this Board. He said if a matter is not appealed to the Board, you take your chances, but when an appeal does come before this Board, then the members are acting as if they were members of the Planning or Zoning Board, whichever it may be, and the members must then disqualify themselves.

MR. BITETTO said he would like to ask the Clerk to read the members of the Planning and Zoning Committee.

MR. CLARKE read the names of the following: Thomas A. Morris, Chairman (R)  
Leon Zebroski (R)  
Benjamin R. Nathanson (R)  
Robert M. Durso (D)  
Vincent Caporizzo (D)

THE PRESIDENT asked Mr. Bitetto to bring up his point of order.

MR. BITETTO said he wished to ask Mr. Morris, Chairman of the Planning and Zoning Committee, who was present at their Committee meeting and who voted on the matters before that Committee.

MR. MORRIS said he would be glad to explain. He said at the Committee meeting, Mr. Zebroski was out of town and he didn't think it would be fair to the people if we had one member missing, so he called the President, informed him that Mr. Zebroski had not been attending meetings and wanted someone else to hear the case. He said Mr. Chirimbes was at the meeting, having been requested to sit in by the President, and he acted as a member of the Planning & Zoning Committee. He said also, Mr. Durso, Mr. (Vincent) Caporizzo, Mr. Nathanson and himself are members of this Committee.

MR. BITETTO said he would ask him to please read that portion of the Charter that contains mention of the Committees of the Board of Representatives.

THE PRESIDENT informed Mr. Bitetto that there is no part of the Charter which spells out what Mr. Bitetto is referring to and the part in regard to Committees is the Rules of the Board and under "Committees" the President of the Board is the one who does the appointing of Committees. He said Mr. Morris asked him several weeks ago about a replacement for Mr. Zebroski as he was not able to attend Committee meetings, and had only attended one meeting since the formation of this Board, and at that time he asked that another member replace him, because he felt that he should not try to operate with the Committee short one member. For that reason, he said, Mr. Morris mentioned the name of Peter Chirimbes. He said he had intended mentioning this tonight, which is a matter within his province, and wants it noted in the record that the President can change the members of any Committee, at will and he is the one that has this privilege and he only.

MR. BITETTO asked if this should not become a matter of record prior to the time of voting at a Committee meeting? Mr. Bitetto said he was present at the meeting of the Committee and it was announced at that that Mr. Chirimbes was sitting in as an alternate to Mr. Zebroski.

THE PRESIDENT said he prefers that Mr. Chirimbes not be listed as an alternate member. He said the precedent has been set by this Board over many years as to how this is done and we have been changing members, here and there, on the Board, since the time they took office. He said we have been trying to adjust some of these Committees and changes have been announced from time to time and when Mr. Vivona announced he was leaving the Board, Mr. Fusaro named a replacement, which was announced at that meeting. He said if Mr. Bitetto had waited until the end of the meeting, when these announcements are made - some of the older Board members will remember that this is the way it has always been done, is the time when the President mentions any Committee changes, and he does not mention it at the beginning of the meeting. He said his prerogative is to remove any man from any Committee and change Committees around and he is quoting from the Board Rules, which states that "all Committees shall be appointed by the President - Sec. 3 of our own rules" which has nothing whatsoever to do with the Charter.

MR. FUSARO said he wishes to announce, for the record, that there have been no changes in the Democratic members since the organization meeting of this Board. He said the only change was that Theodore Boccuzzi was Acting Teller and tonight he informed the President that he is an Alternate Teller. He said Vincent Caporizzo is a member of the Planning & Zoning Committee and has been since December 1st, and not Theodore Boccuzzi, which was erroneously reported - the two names, being similar, having been confused.

MR. MURPHY said he wants to ask a question. He said the Committee's report is backing up the decision of the Planning Board. He asked if this is true.

THE PRESIDENT replied this is correct.

MR. MURPHY asked how he could propose a motion to change that thing around to move in favor of the Appellants and not the way the Committee report has come out - in favor of backing up the decision of the Planning Board.

THE PRESIDENT explained that this Board is voting on the appeal and not what the Planning Board did and the Charter spells this out - the manner in which the vote may be taken. He said Sec. 529.1 of the Charter says: "Vote required by Board of Representatives. Except as provided in Section 523 hereof, in deciding all matters referred to the Board of Representatives, pursuant to this Chapter, the affirmative vote of a MAJORITY OF THE ENTIRE MEMBERSHIP OF SAID BOARD shall be required."

He explained the matter referred to this Board is an APPEAL from the decision of the Planning Board, so the appeal will need 21 votes - this is the way it has always been done and the proper way to do it. He said this was suggested several times to be in need of changing by Charter revision, because of the confusion.

There was considerable discussion at this time as to the proper manner in which to word a motion.

MR. CONNORS said we are either here to uphold the appeal, or to deny the appeal.

MR. BUCHANAN suggested that the Board ask Mr. Morris to withdraw the way he made his motion and start out again from "scratch".

There was considerable further discussion on how to vote.

MR. BITETTO said he challenges the Committee's report because the Committee was not composed of the proper people.

MR. BUCHANAN said we should just vote to accept the Committee report as a matter of fact only, then offer a motion to act on the appeal.

MR. RUSSELL said he can do it almost that way by not making any recommendations, because he is making a recommendation, but he can say that according to the Chapter where it requires an affirmative vote, he is not moving for a vote to grant the appeal, since the Committee has moved to reject the appeal - and now it is up to someone on the floor who is in favor of the appeal to make a motion to grant the appeal and then you are where you should be.

MR. KUCZO MOVED to reject the Committee report.

THE PRESIDENT said there is a motion on the floor and we have to get rid of Mr. Morris' motion first. He said we must not have so many motions of the floor as everyone will be getting confused they won't know what they are voting on.

MR. LINDSTROM MOVED THE QUESTION.

MR. FUSARO said let's clarify it - we are voting on the recommendation of the Committee - and in effect a "no" vote would favor the appeal and a "yes" vote would deny the appeal. Then, we will subsequently move, if it's carried, to accept or deny the appeal.

MR. RUSSELL said he is wrong - the vote would have to be to accept the appeal. He said we need someone to make a motion to accept the appeal.

MR. BITETTO asked if he could speak on the motion.

THE PRESIDENT asked him what motion he is referring to.

MR. FUSARO said we have had no discussion on the merits.

Someone asked what we are supposed to be voting on.

THE PRESIDENT explained that if you vote "yes" you are voting to accept Mr. Morris' report and if you vote "no" then you will be voting against his report. Then, he said, we will take a second vote, in which someone who is in favor of the appeal will move for acceptance of the appeal and stop right there and then, if that vote becomes 21 votes, then the appeal has been accepted.

THE PRESIDENT said you will now be voting to accept the report only.

MR. FUSARO asked how many votes are needed to accept the report. The President said just a majority - a bare majority.

MR. LINDSTROM said we don't need a count just to accept the report - all that is needed is a voice vote.

THE PRESIDENT said that is what he is going to do.

MR. BUCHANAN said he wants to clarification. He said if the Board accepts the report, then it, in effect, denies the appellants and their appeal. He said wouldn't this be legal grounds to say that's all the vote that is necessary?

MR. RUSSELL said it seems that some of the newer members, unfortunately, still do not know how they are voting and some of the older members know that every time an appeal comes up we go through the same mess and the reason is that it was very poorly written in the Charter.

MR. RUSSELL explained that you cannot vote to accept Mr. Morris' report and then vote to accept the appeal, because you will be setting up a question of law, where the question will arise that the report clearly states you wish to deny the appeal and you'd be reversing your vote.

MR. BUCHANAN said then what this means is for Mr. Morris' report to be accepted, HE must obtain 21 votes.

Several members called out "no" at this time.

THE PRESIDENT explained that when you vote on the report you reverse yourself when you vote on the appeal, if you want to keep your vote consistent. He said if a member votes to accept Mr. Morris' report, it would be improper if, the next time around you vote to support the appeal. "You should vote no on the appeal the second time."

MR. LINDSTROM said he thinks this is a very complex and serious matter and he would like to see the motion changed, because he does not want to jeopardize anything at this point - that he would not like to vote, thinking that he was voting one way only to find, if it should ever go to Court, that he has jeopardized anyone's chances of what they are seeking. He said it would be much easier if we could change this negative report to a positive report.

THE PRESIDENT said he would like to ask for about 60 seconds - not a recess, because everyone will stay in their seats, and he will get together with Mr. Morris, Mr. Fusaro and in all fairness, a couple of attorneys in the room, who he hopes can interpret the words of the Charter.

A RECESS was called at 11:50 P.M. and the Board re-convened at 12 midnight.

MR. MORRIS read the end of his Committee report at this time. "The Committee finally voted, three to one, to reject the appeal. By such act of this Committee, according to Section 529.1 does not present a motion to be acted upon. However, if any member wishes to move on acceptance of the appeal, he may do so at any time."

A motion was made to accept the report. Seconded.

MR. KEGGI MOVED that we approve the appeal from the decision of the Planning Board on the Fieber-Lampke application. Seconded by Mr. Grant and Mr. Arruzza.

THE PRESIDENT said a vote of "yes" is a vote to support the appeal and thus reverse the decision of the Planning Board.

There was considerable debate on the motion at this point.

MR. RYBNICK MOVED THE QUESTION, which was seconded and CARRIED.



Minutes of June 6, 1966

4757  
657

THE PRESIDENT said the vote will now be taken on Mr. Keggi's motion by a voice vote.

It was finally decided to take a ROLL CALL VOTE on the motion. It resulted in 22 votes in favor of the appeal, 12 opposed, with four abstentions, the President not voting as is customary. The roll call vote follows:

THOSE VOTING IN FAVOR OF THE APPEAL

ARRUZZA, Patsy (D)  
BOCCUZZI, John (D)  
BUCHANAN, William (R)  
CAPORIZZO, Vincent (D)  
CASALE, Louis (R)  
CONNORS, George (D)  
DOMBROSKI, Edward (D)  
FUSARO, John (D)  
GRANT, Alan (R)  
HEARING, William (R)  
IACOVO, Edwin (R)  
KARL, Frederick (R)  
KEGGI, Janis (R)  
KELLY, Stephen (D)  
KUCZO, Paul (D)  
LE BEAU, Alton (R)  
LILLIENDAHL, Frances (R)  
LINDSTROM, Edwin (R)  
LONGO, Carmine (D)  
MOSCA, Dominick (R)  
MURPHY, William (D)  
RYBNICK, Gerald (D)

THOSE VOTING IN OPPOSITION

BOCCUZZI, Theodore (D)  
BROMLEY, Robert (R)  
CHIRIMBES, Peter (R)  
CLARKE, Hilda (R)  
DURSO, Robert (D)  
FARMEN, Lynn (R)  
HEMINGWAY, Booth (R)  
LOCKHART, Ralph (D)  
MORRIS, Thomas (R)  
NATHANSON, Benjamin (R)  
RICH, John (R)  
WALDEN, Jerry (D)

ABSTENTIONS:

BENNETT, Jonathan (R)  
BITETTO, Joseph (R)  
CAPORIZZO, William (R)  
KAPLAN, Howard (D)

(President not voting)

THE PRESIDENT announced that the appeal has been withheld and the decision of the Planning Board has been reversed.

THE PRESIDENT requested those Chairman of Committees who can possibly do so, will please hold their reports over to the next meeting.

PARKS & RECREATION COMMITTEE:

MR. LINDSTROM said he has a petition which he would like to present at this time.

PETITION NO. 315 - From ST. THEODORE SOCIETY (dated 5/19/66) for permission to hold usual procession with music on August 25, 26, 27 and 28th and illumination of grounds and part of West Avenue in COMMEMORATION OF FEAST OF ST. THEODORE

MR. LINDSTROM MOVED for approval of the above petition, subject to the usual insurance coverage and usual procedure that governs these petitions. Seconded and CARRIED.

URBAN RENEWAL COMMITTEE:

414

4758  
#658

Minutes of June 6, 1966

REQUEST FOR RESOLUTION OF INTENT TO GRANT PARTIAL TAX ABATEMENT FOR MODERATE INCOME HOUSING DEVELOPMENT IN SOUTHEAST QUADRANT, URBAN RENEWAL AREA - (Mayor's letter of 5/23/66) (Concerns 352 units of moderate income housing to be erected under sponsorship of non-profit corporation, being organized by St. John's Catholic Church and Roman Catholic Diocese of Bridgeport - Municipal tax relief necessary under 221(d) (3) program of FHA mortgage insurance)

MR. KEGGI presented his Committee report at this time. HE MOVED for approval of the following resolution, which was seconded and CARRIED:

RESOLUTION NO. 493

RESOLUTION OF INTENTION BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD, CONNECTICUT, TO PROVIDE FOR MUNICIPAL TAX RELIEF FOR MODERATE INCOME RENTAL HOUSING WHICH WILL BE CONSTRUCTED IN THE SOUTHEAST QUADRANT URBAN RENEWAL PROJECT

WHEREAS, this Board is dedicated to aiding and encouraging the creation of a housing supply in the City of Stamford so that every citizen is assured of decent, safe and sanitary housing; and

WHEREAS, in furtherance of this aim, this Board approved the Southeast Quadrant Urban Renewal Plan on March 4, 1963; and

WHEREAS, the Plan provides for the construction of housing for families of moderate income on Reuse Parcels 46, 47 and 53; and

WHEREAS, in order to meet the growing need throughout the City of Stamford as a whole for housing for families of moderate income, the City of Stamford, Connecticut Urban Redevelopment Commission, on May 25, 1965, modified the Southeast Quadrant Urban Renewal Plan to increase the permitted density on these parcels so that additional families could be accommodated; and

WHEREAS, a non-profit corporation is presently processing plans with the Federal Housing Administration which will provide a Section 221 (d) (3) development of approximately 352 units of rental housing for families of moderate income on these parcels, plus certain office and commercial space in three high-rise towers; and

WHEREAS, in order to make such housing economically feasible under Section 221 (d) (3) of the National Housing Act, municipal real estate tax relief is necessary; and

WHEREAS, this Board is permitted to grant such relief pursuant to authorization contained in Section 12-65 and 12-65a of the Connecticut General Statutes to that portion of the development devoted to rental housing; and

WHEREAS, even with the needed municipal tax relief, the planning housing project will produce considerably more tax income for the City than the current properties constituting the reuse parcels; and

WHEREAS, it is necessary and appropriate that this Board pledge to grant the needed tax relief at this time, so as to facilitate the construction of such housing, even though supplemental Board action will be required at a future date.

Minutes of June 6, 1966

4759  
4659

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

1. The need for municipal tax relief for the proposed 221(d) (3) housing development which will be constructed on Reuse Parcels 46, 47 and 53 is hereby recognized.

2. This Board hereby declares its intention to provide for municipal tax relief for the rental housing portion of this development so that the overall development produces taxes derived as follows:

(a) The total assessments agreed upon for the rental housing portion and the commercial portion of the development shall be in such an amount, as when coupled with the mill rate which is in effect at the time the written agreement between the taxpayer on such real estate and this Board is actually approved by this Board, will produce an initial annual tax to the City of Stamford equal to ten per cent (10%) of the total gross rentals projected for such development by the Federal Housing Administration before any allowance or deduction for vacancy or collection losses. Such assessment, as so derived, shall thereafter be fixed without change for the longest period permitted by Section 12-65 of the General Statutes. Assessments prior to the effective date of such agreement shall be established in accordance with the General Statutes.

(b) Notwithstanding the provisions of sub-paragraph (a) above, the assessments agreed on for the real estate, plus futures improvements, shall not be less than the assessment as of the last regular assessment date of the real estate without future improvements.

3. This Board shall take the necessary supplemental action to implement this pledge at the appropriate time as the sponsor-owner of the housing is in a position to execute a written agreement fixing the assessment as provided by Statute.

---

COMMUNICATIONS FROM MAYOR:

Concerning PEMBROKE DRIVE - Processing under Chapter 64 and Section 641 of Charter - Mayor's letter of 5/12/66, reporting back to Board in conformity with Resolution No. 374 adopted by Board on October 2, 1961, and as initiated by petition from residents received Sept. 20, 1961

THE PRESIDENT said no action is required on the above - that it is being sent to us for our information.

RESOLUTIONS:

MR. KAPLAN said he had a resolution to present concerning the rise in water rate now before the Public Utilities Commission, which he read at this time.

After some discussion, it was decided that this had been thoroughly discussed by the special water committee and the Board should take no action, but to make every effort to attend the public hearing on this matter being held in Stamford on June 14th at the Rippowam High School.

e.4.1.

476  
4660

Minutes of June 6, 1966

MR. NATHANSON recommended that the Board wait until after the public hearing has been held and then bring it up at a later date, when they have more definite information on what is being proposed. (applause)

MR. FUSARO MOVED this be referred to the Steering Committee. Seconded and CARRIED.

MR. KUCZO said he also has a resolution. This was also referred to the Steering Committee.

RESOLUTION CONCERNING CHANGING DATE OF JULY BOARD MEETING:

MR. RICH presented the following resolution and MOVED for its adoption. Seconded and CARRIED:

RESOLUTION NO. 494

CHANGING MEETING DATE OF REGULAR BOARD MEETING FOR JULY

BE IT RESOLVED by the Board of Representatives of the City of Stamford that, in accordance with Section 202.1 of the Charter, the date and time for holding the regular July Board meeting be changed to Monday, July 11th at 8:00 P.M., in the Municipal Office Building.

\*\*\*\*\*

ADJOURNMENT:

There being no further business to come before the Board, on motion, duly seconded and CARRIED, the meeting was adjourned at 1:15 A.M.

vf

APPROVED:

*Velma Farrell*

Velma Farrell  
Administrative Assistant  
(Recording Secretary)

*George E. Russell*

George E. Russell, President  
Board of Representatives