

MEETING OF THE 10th BOARD OF REPRESENTATIVES
Minutes of August 5, 1968
Stamford, Connecticut

5520

A regular monthly meeting of the 10th Board of Representatives was held on Monday, August 5, 1968 in the Board's meeting rooms, Municipal Building, 429 Atlantic Street, Stamford, Connecticut.

After a Caucus by the two respective parties, the President called the meeting to order at 8.50 P.M.

INVOCATION was given by Reverend William I. Kerr, Union Memorial Church, Glenbrook.

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

ROLL CALL:

ROLL CALL was taken by the Clerk. There were 38 present and 2 absent at the calling of the roll. However, another member arrived shortly afterward, changing the roll call to 39 present and one absent. The absent member was:

Edward Dombroski (D) 3rd District

ACCEPTANCE OF MINUTES - Meeting of July 1, 1968

The Minutes of the above meeting were accepted, it being noted that Mr. Lockhart had spoken on behalf of the appointment of Mr. John Brown as Executive Secretary of the Human Rights Commission.

COMMITTEE REPORTS:

The reading of the Steering Committee Report was waived and entered in the Minutes and appear below:

STEERING COMMITTEE REPORT
Meeting held Monday, July 15, 1968

A meeting of the Steering Committee was held on Monday, July 15, 1968 in the Board of Representatives' meeting rooms, Municipal Office Building 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by the Chairman and President of the Board at 8.25 P.M.

All Members were present with the exception of Messrs. Kaplan, Durso, Theodore Boccuzzi, Heinzer, Wechsler, Alswanger, Rich and Hemingway.

The following matters were discussed and acted upon:

(1) Mayor's Appointments:

This was ordered left open for the names will be submitted before the

August 5th meeting.

(2) Concerning Additional Appropriations:

The Board of Finance did not have a meeting, but anything that comes in on time will be referred to the FISCAL COMMITTEE.

(3) Old Business: Matters held in LEGISLATIVE & RULES COMMITTEE and not yet acted upon

ORDERED PLACED ON AGENDA

(4) Proposed Resolution for State Assistance - Requesting \$63,450.00

(Letter from Mr. James B. Hibbon, Director of URC dated 7/15/68)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

(5) Proposed Resolution Approving Application of the Provisions of Section 23 of the U.S. Housing Act of 1937, as amended to locality.

(Letter dated 4/22/68 from Anthony J. Marrucco, Chairman, Housing Authority, City of Stamford)

REFERRED TO LEGISLATIVE & RULES COMMITTEE and PUBLIC HOUSING & GENERAL RELOCATION COMMITTEE - ORDERED ON AGENDA UNDER LEGISLATIVE & RULES COMMITTEE

(6) Proposed Ordinance Concerning Registration of FIREARMS - (See letter to President from Corporation Counsel, dated 7/15/68)

REFERRED TO LEGISLATIVE & RULES COMMITTEE and HEALTH & PROTECTION COMMITTEE - ORDERED ON AGENDA UNDER LEGISLATIVE & RULES COMMITTEE

(7) Request for Special Meeting of Board of Representatives to discuss TOPICS TRAFFIC REPORT - Letter dated 7/12/68 from Edward K. Scofield, 10th District.

ORDERED ON AGENDA under PLANNING & ZONING COMMITTEE

(8) PETITION requesting permission for 14th ANNUAL VETERAN'S DAY PARADE, to be held 11/11/68 - (Requested in letter of 6/18/68 from Joseph LiVolsi, Chairman, Patriotic & Special Events Commission)

ORDERED ON AGENDA under PARKS & RECREATION COMMITTEE (Also under "Petitions")

(9) Request from City & Town Clerk for SIX ADDITIONAL VOTER MAKING SESSIONS - (See letter from Mr. Louis A. Clapes, dated 6/28/68)

ORDERED ON AGENDA under EDUCATION, WELFARE & GOVERNMENT COMMITTEE

- (10) Investigation Requested by Thomas A. Morris, 15th District Representative re: \$10,000 spent on Public Relations Personnel at URC

REFERRED TO URBAN RENEWAL COMMITTEE

- (11) Request in petition from Taxpayers and Boat Owners for improvements to Southfield Park and Marina - (Submitted by John Boccuzzi, 2nd District Representative, on 7/1/68)

REFERRED TO PARKS & RECREATION COMMITTEE and HEALTH & PROTECTION COMMITTEE - Not on Agenda.

- (12) Proposed Resolution Requesting Review of Master Plan - (Submitted by George Russell, Chairman of Planning & Zoning Committee 7/15/68)

ORDERED ON AGENDA under PLANNING & ZONING COMMITTEE

- (13) Request for Investigation of Stamford City Report, mailed out with Tax Statements - From Daniel Russbach, 17th District Representative.

NOTED AND FILED.

- (14) Letter from Paul J. Kuczo, Jr., 8th District Democratic City Committee, requesting investigation of the Urban Redevelopment Commission

ABOVE NOTED AND FILED.

- (15) Letters from Robert F. Gaipa and Henry Sienkiewicz, concerning PROPOSED FIREARMS ORDINANCE

REFERRED TO LEGISLATIVE & RULES COMMITTEE and HEALTH & PROTECTION COMMITTEE

- (16) Proposed Ordinance (for final adoption) concerning METHOD OF PROTECTION AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP ON BUILDING CONSTRUCTION PROJECTS IN CITY OF STAMFORD - (Presented 5/20/68 by Thomas Morris and William Caporizzo, 15th District Representatives)

REFERRED TO LEGISLATIVE & RULES COMMITTEE.

There being no further business to come before the Committee, on motion, duly seconded and CARRIED, the meeting was adjourned at 9.40 P.M.

JOHN C. FUSARO, Chairman
STEERING COMMITTEE

APPOINTMENTS COMMITTEE:

MR. THEODORE BOCCUZZI, Chairman, said a meeting of his Committee was held this evening in the Board Rooms, and present were the following: George Georgoulis, John Boccuzzi, John T. D. Rich and Lynn Farnen. He said because of a prior commitment he was unable to attend and Chair the meeting, but Mr. Georgoulis acted as Chairman. He presented the following appointment, being the only one appearing on the Agenda.

The Tellers distributed the ballots and the results of the vote appear below:

HOUSING SITE DEVELOPMENT AGENCY:
(Under terms of Ordinance No. 148
Supplemental)

Term Ending:

JOHN F. STOCKLA, JR. (D) (3 yr. term after June 30, 1970
84 Courtland Avenue initial appointment)

VOTE: 32 yes
7 no

It was MOVED, seconded and CARRIED to suspend the rules in order to consider the vacancy on the Board of Education created by the resignation of Donald J. Cardelle (Republican), who resigned.

The PRESIDENT called for nominations to fill the vacancy of Donald Cardelle on the Board of Education.

NOMINATION OF HAROLD E. HOFFMAN (R) to fill out unexpired term of Donald J. Cardelle (R) on Board of Education, who resigned 7/16/68

MR. BROMLEY offered the name of HAROLD E. HOFFMAN (R) in nomination to fill the vacancy on the Board of Education.

NOMINATION OF ANNA B. CUNNINGHAM (R) to fill out unexpired term of Donald J. Cardelle

MR. SCOFIELD offered the name of ANNA B. CUNNINGHAM (R) in nomination for the Board of Education.

It was MOVED, seconded and CARRIED that the nominations be closed.

The Tellers distributed the ballots and the results of the vote appear below:

BOARD OF EDUCATION:

TERM EXPIRING:

HAROLD E. HOFFMAN (R)
Brookdale Road

VOTE: 20

* December 1, 1969

ANNA B. CUNNINGHAM (R)
56 Hubbard Avenue

VOTE: 19

* Note: See Corporation Counsel's ruling, under terms of Public Act No. 675 - 1967 Session of General Assembly.

REPLACEMENT ON 9th CHARTER REVISION COMMISSION. replacing Edward Rivlin (D) who resigned - (Under terms of Resolution No. 556 and Resolution No. 557, adopted April 1, 1968 by Board of Representatives)

It was MOVED, seconded and CARRIED to suspend the rules in order to consider the vacancy above outlined.

The Tellers distributed the ballots and the result of the vote appear below:

9th CHARTER REVISION COMMISSION:

MRS. ANN BLATTNER (D)
(Mrs. Lionel R.)
1616 Long Ridge Road

VOTE: 27 yes
11 no
1 disqualified

FISCAL COMMITTEE - No report, as the Board of Finance did not meet this month.

LEGISLATIVE & RULES COMMITTEE:

MR. BROMLEY, Chairman, reported that his Committee met twice - once on July 30th and the second time on July 31st in the meeting rooms of the Board of Representatives. He said the following were present: Messrs. Bromley, Horner, Plotnick, Murphy and Wechsler, at both meetings.

He announced that the next meeting of his Committee will be held on Tuesday, August 27th.

- (1) Proposed Resolution (No. 568) for STATE ASSISTANCE - (Request for \$63,450.00 in letter from Mr. James B. Hibben, Director of Urban Renewal, dated 7/15/68)

MR. BROMLEY said his Committee voted to report this out favorably. The reading of the resolution was waived. HE MOVED for approval of the following resolution; seconded by Mr. Heinzer and CARRIED:

RESOLUTION NO. 568

AUTHORIZATION FOR FILING OF APPLICATION FOR STATE GRANT IN AMOUNT NOT EXCEEDING \$63,450.00 TO UNDERTAKE A PROGRAM OF RELOCATION ASSISTANCE TO INDIVIDUALS, FAMILIES AND BUSINESSES LOCATED IN EXTENDED AREAS OF URBAN RENEWAL OUTSIDE SOUTHEAST QUADRANT NOT REIMBURSED BY FEDERAL GOVERNMENT

WHEREAS, pursuant to Public Acts 522, 760 and 768, 1967 Regular

Session, the Commissioner of Community Affairs is authorized to extend financial assistance to local housing authorities, municipalities, human resource development agencies and non-profit corporations; and

WHEREAS, Sec. 4-114a of the General Statutes, as amended, provides that any party contracting with the State of Connecticut shall agree not to discriminate nor permit discrimination, in the performance of such contract, against any person or group of persons on the grounds of race, color, religion or national origin in any manner prohibited by the laws of the State of Connecticut, or of the United States, and that such party shall agree to provide the Commission of Human Rights and Opportunities with such information requested by the Commission concerning the employment practices and procedures of such party as relate to said section; and

WHEREAS, it is desirable and in the public interest that the City of Stamford make application to the State for \$63,450.00 in order to undertake a program of relocation and, if the State, acting by the Commissioner of Community Affairs, by letter, offers to the City of Stamford an agreement for financial assistance for said program, the City of Stamford will accept such offer.

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

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Public Acts 522, 760 and 768, 1967 Regular Session, especially the requirement of a Community Development Action Plan in Section 9(b) of Public Act 522.
2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the City of Stamford in an amount not to exceed \$63,450.00 is hereby approved, and that the Mayor of the City of Stamford is hereby authorized and directed to execute and file such application with the Commissioner of Community Affairs, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State Financial assistance, if such an agreement is offered, and to act as the authorized representative of the City of Stamford.

Items Nos. 2, 3, 4, and 5 CONCERNING REQUESTS FOR TAX ABATEMENT (See Agenda for more exact reference)

MR. BROMLEY said the above matters are still being held in Committee, as we have not, as yet, received the contracts from the Tax Abatement Committee. He said he has been informed by Mr. Shapero, Corporation Counsel that the Tax Abatement Committee will be meeting in the very near future to consider these contracts for tax abatement.

- (6) APPEAL from Decision of Planning Board in the Matter of JOSEPH PASQUINO'S PROPOSAL FOR A CHANGE IN THE MASTER PLAN - (To change to "Residential Multi-Family Low Density" land formerly in "Residential Single Family Plots Less Than One Acre" (Approved by Planning Board 5/23/68; filed with Board of Representatives 6/13/68 - (Old St. Cecelia Church Property on Weed Hill Avenue, more completely described in galley proof attached to letter dated 6/13/68 to Board of Representatives from Planning Board)

MR. BROMLEY reported that his Committee has voted this appeal is not properly before the Board of Representatives. He explained that the appellants will have another chance to appeal to the Board of Representatives, as it is his understanding that there is an application before the Zoning Board now for a change in zoning, and that could be appealed to this Board.

THE PRESIDENT asked the Chairman of the Planning & Zoning Committee, to whom this matter was also referred, if he wished to report on the above matter at this time rather than waiting until his Committee report comes up on the Agenda.

MR. RUSSELL, Chairman of the Planning & Zoning Committee, reported that both Committees met in joint session at two meetings. He said his Committee also felt the appeal had not been properly processed and that several necessary steps were omitted, one being the need for a map indicating the 500 foot enclosed area, as well as indication of what names on the petition were within this designated area. For these reasons, he said his Committee agreed with the findings of the Legislative & Rules Committee that the appeal is not properly before the Board.

- (7) Concerning final adoption of PROPOSED AMENDMENT TO SEWER CODE, WHEN AVAILABLE SEWER FACILITIES MAY BE OVERTAXED - (Proposed by Mr. Morris, 15th District Representative in letter of 1/21/68; on 3/4/68 Agenda, approved for publication; published 3/8/68, held in Committee on 4/1/68; re-publication approved 5/6/68, re-published 5/10/68; amended form approved for publication 6/3/68, published 6/6/68)

MR. BROMLEY said his Committee approved this for final adoption and he SO MOVED. Seconded by Mr. Heinzer.

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MR. GEORGOULIS MOVED to recommit this proposed Ordinance to Committee for certain changes he felt should be made. He said he feels that the Commissioner of Public Works should be substituted in lieu of the City Engineer. He said he thinks this should go back to Committee so that it can be re-written and again submitted with the corrected wording.

MR. BROMLEY said he would not oppose this.

MR. CONNORS seconded Mr. Georgoulis' motion to recommit.

MR. MORRIS asked why the Public Works Commissioner has to be specifically mentioned. He said this particular Ordinance has been before the Board in its various forms for four years now and he believes it is a pressing problem and something should be done about it now. He said many of the small homeowners are being unfairly taxed because of the large builders and speculators who buy up land and overtax the sewer lines, which have now become inadequate. He said for the reason that the Public Works Commissioner is the head of the Public Works Department he sees no reason why he has to be named specifically. He said one of the reasons why he did not name him specifically is for the reason that it could happen sometime in the future that the job is an appointive job - a political job and who knows but that sometime in the future what could happen if he is put directly in charge of this and for this reason they felt it would be better to have Civil Service employees have the responsibility. He said it could happen sometime in the future that an appointed man would be susceptible to graft. He urged that this be adopted tonight without further delay - that four years of delay is enough. He said he feels the taxpayer should be protected, because taxes are levied on the footage of land he has, whether it is a small family or an 80 family complex and these big buildings are the ones that are overtaxing the sewer lines, so that the City must enlarge these sewer lines to accommodate the overloading.

MR. GEORGOULIS said he feels the Ordinance should include the Public Works Commissioner and the Sewer Commission. He said all government contracts specify that they must be approved by the Quality Control Department - in other words, the proper terminology should be used, and since the City Engineer reports directly to the Public Works Commissioner, that he should also be named as the Department Head. He said he has no objection to including them all.

MR. MORRIS said in the past four years, the previous Ordinances that were submitted, did name the Sewer Commission, as well as the Commissioner of Public Works and they were all sent back on a technicality and the fact is that the Corporation Counsel declared one not to be quite legal, so they wrote another one, which is almost exactly what the Corporation Counsel suggested.

MR. BROMLEY said he has no objection to amending this Ordinance on the floor of the Board, but it is difficult to do it properly this way and leaves it open to the wrong wording. For this reason he said he is in favor of Mr. Georgoulis' suggestion to refer it back to Committee.

MR. HEMINGWAY said he strongly supports the Ordinance as it now is.

MR. HEINZER reminded the members that this Ordinance has been in and out of Committee so many times that everyone has lost count. He said we have had the wording that Mr. Georgoulis suggests and have had it changed and taken out - it has been discussed many times on the floor of this Board and the wording that was finally arrived at which is acceptable to the Corporation Counsel and everyone else involved, is the wording that we now have. He said he thinks the Ordinance should be adopted tonight.

MR. RUSSBACH urged that the Ordinance be adopted now, and that it has dragged along too long.

MR. RICH said the words that Mr. Georgoulis wants put into the Ordinance were contained in one of the early drafts of it. He said he thinks the time for action has arrived.

After considerable further discussion, a VOTE was taken on Mr. Georgoulis' motion to refer this back to the Legislative & Rules Committee.

MR. MORRIS requested a ROLL CALL VOTE, which was approved by one-fifth or more of those present.

The motion was LOST by the following ROLL CALL VOTE of 12 in favor and 25 opposed, the President not voting except in case of a tie:

THOSE VOTING IN FAVOR:

BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CALDER, Otto (D)
CONNORS, George (D)
COPERINE, Frank (D)
DURSO, Robert (D)
GEORGOULIS, George (D)
KELLY, Stephen (D)
LOCKHART, Ralph (D)
LOGLISCI, Joseph (D)
LONGO, Carmine (D)
RYBNICK, Gerald (D)

THOSE VOTING IN OPPOSITION:

ALSWANGER, Herman (D)
BROMLEY, Robert (R)
CAPORIZZO, William (R)
CHIRIMBES, Peter (R)
DEUTSCH, Chester (D)
FARMEN, Lynn (R)
GRISAR, Richard (D)
GUROIAN, Armen (D)
HEINZER, Charles (R)
HEMINGWAY, Booth (R)
HORNER, Watson (R)
JOSS, James (D)
KUCZO, Paul (D)
MILLER, Frederick (D)
MORRIS, Thomas (R)

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THOSE VOTING IN OPPOSITION: (CONTD.)

MURPHY, William (D)
PALMER, Jack (R)
PLOTNICK, Paul (D)
PONT-BRIANT, Lois (R)
RICH, John (R)
RUSSBACH, Daniel (R)
RUSSELL, George (R)
SCOFIELD, Edward (R)
TRUGLIA, Anthony (D)
WECHSLER, Robert (D)

For clarification and the record, the following opinion from the Corporation Counsel is being inserted herein as follows:

May 15, 1968

Mr. John C. Fusaro
President, Board of Representatives
Municipal Office Building
Stamford, Connecticut

Dear Mr. Fusaro:

With reference to a letter from J. Robert Bromley, dated May 9, 1968 concerning the proposed amendment to the Building Code and sewage facilities, we wish to advise you as follows:

The language of the most recent proposal is still susceptible to the same challenges contained in our previous opinion dated April 29, 1968.

There is also a further objection which we feel would render the proposal in its present form, invalid. The proposed ordinance applies to a limited group of applicants for building permits, i.e., only those who variously may seek either a master plan change, zone change, a variance, or a special exception. By so limiting the group, the proposed ordinance becomes discriminatory, that is to say, it becomes class legislation and hence, would be unconstitutional.

If it is the intention of the Board of Representatives to adopt the provisions of Section 7-153, as amended by the 1963 Legislature, the Ordinance should so state such intention, and should specify the enumerated structures allowable within the purview of the Statute.

To meet both the improper usurping of the delegated powers of the various City Boards, and the constitutional objections, we feel, without passing upon the merits of same, that the opening clause should be eliminated in its entirety.

Furthermore, it should also be noted that it is our opinion that the proposed Ordinance imposes an illegal limitation on both the mandatory and discretionary responsibilities of the Building Inspector as set forth in Section 416 of the Stamford Charter. (The Building Inspector advises that, as a matter of course, he consults with the City Engineer before issuing permits, with respect to the adequacy of existing sanitary sewers, storm sewers, or proposed septic systems.) In this regard, it should be noted that Section 7-153 requires approval by the "authorized officials" of the City. In Stamford's case we take this to mean the City Engineer and not the Sewer Commission.

Accordingly (1) a codification by Ordinance, pursuant to Section 7-153, of the existing procedures eliminating reference to the various City Boards, (2) reference of the application for a permit to the City Engineer, rather than Sewer Commission, and (3) specification of the standards and duties of the City Engineer, would best meet the requisites of Section 7-153 and meet our legal objections.

Finally, the sixty day time limit imposes an unreasonable delay. We feel this should be changed to fourteen days.

We have taken the liberty of re-drafting the proposal for your consideration, without passing on the advisability of same whatsoever, this being a matter of legislative judgment.

Very truly yours,
Paul D. Shapero,
Corporation Counsel

By: (Signed) Ronald M. Schwartz,
Assistant Corporation Counsel

RMS:lk
cc: J. Robert Bromley,
Legislative & Rules Committee

MR. COPERINE MOVED TO AMEND the Ordinance to add the words: the Public Works Commissioner ONLY in place of the City Engineer.

THE PRESIDENT asked him if he means to delete the words "City Engineer" and in their place put the words "Commissioner of Public Works".

MR. COPERINE said this is correct.

THE PRESIDENT asked if there is a seconder to the motion. Seconded.

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MR. MORRIS objected, saying that the members just finished rejecting such a motion, when Mr. Georgoulis moved to recommit to Committee in order that they consider doing the very same thing that Mr. Coperine is trying to accomplish by his motion to amend.

THE PRESIDENT reminded the members that there is a motion to amend on the floor, which has properly been seconded and is now open for discussion. There was considerable discussion at this point, after which another amendment was offered.

MR. CALDER MOVED TO AMEND further by including the Sewer Commission, the City Engineer and the Commissioner of Public Works. Seconded by Mr. Georgoulis.

MR. HEINZER pointed out that this is just the way the Ordinance read in its original state.

MR. COPERINE said he would accept the amendment. Mr. Georgoulis also accepted the amendment.

THE PRESIDENT explained the motion now before the Board - that it is to include along with the City Engineer, also the Sewer Commission and the Commissioner of Public Works.

MR. HEINZER again objected, saying this is precisely the way it read in its original form, and the Corporation Counsel said it was illegal, and what is trying to be done now is to put it back the way it was, from which we changed it because of the objections of the Corporation Counsel. He said for the reason that the Board operates on a Committee system, and expect the Committees to do this research and to come out with an Ordinance for adoption. He said this has been done and the Legislative and Rules Committee has spent years on this one Ordinance and then this Board has spent many months working on it.

MR. BROMLEY said Mr. Calder's suggestion has certain attractions to it, but it also presents difficulties - for instance, what kind of a vote would each one have when an application is presented - would the Sewer Commission be permitted only one vote among the three, or do the City Engineer and the Commissioner of Public Works have one vote against maybe 5 votes on the Sewer Commission. He said he believes some of these matters should be thought out a little more before they are tacked on to it. He said he feels we should go along with the Corporation Counsel's recommendations.

MR. RUSSBACH MOVED THE QUESTION. Seconded and CARRIED.

VOTE taken on Mr. Coperine's motion, as amended. LOST by a vote of 13 in favor and 24 opposed.

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MR. HEINZER MOVED THE QUESTION on the main motion - to approve the Ordinance as previously published. Seconded and CARRIED. The Ordinance appears below:

ORDINANCE NO. 80.13 SUPPLEMENTAL

AMENDING SECTION 6 OF THE BUILDING CODE OF THE CITY OF STAMFORD ENTITLED: "PERMITS AND FEES" BY ADDING NEW SUB-PARAGRAPH 6 (b-1) AS FOLLOWS:

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

In conformity with Section 7-153, as amended, of the General Statutes of the State of Connecticut, the Board of Representatives of the City of Stamford, by these presents, hereby ordains as follows:

No building permit for the construction of dwellings, apartments, boarding houses, hotels, commercial buildings or commercial camps and commercial camping facilities therein shall be issued by the Building Inspector in any case where the City Engineer shall consider that available sewage facilities may be overtaxed by the building for which the permit is sought or that adequate sewerage for such building is not available. The Building Inspector shall refer all such building permit applications to the City Engineer for review. The City Engineer shall render his opinion thereon to the Building Inspector within fourteen (14) days from the date of the receipt by him of such referral.

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

- (8) Concerning CREATION OF A DESIGN REVIEW BOARD - (Mayor's letter of 3/11/68 requesting adoption of an Ordinance creating this Board to review architectural drawings, etc. --- Held in Committee 6/3/68 and 7/1/68)

MR. BROMLEY said the Committee voted to hold this in Committee in order to prepare a final version of the Ordinance.

- (9) PROPOSED AMENDMENT TO BUILDING CODE - (Requested in letter dated 4/5/68 from James Sotire, Building Inspector, for the repeal of Paragraph 3 of Building Code, entitled: "Inspector", being Sec. 300 of the Heating & Air Conditioning portion of Code in order to place the Heating & Air Conditioning Inspector in the same category as the Electrical and

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and Plumbing Inspectors in the Building Department.] (Adopted for publication 5/6/68; published 5/10/68 -- Held in Committee 6/3/68 and 7/1/68)

MR. BROMLEY MOVED for final adoption of the following Ordinance amending the Building Code, as follows. Seconded by several and CARRIED unanimously.

ORDINANCE NO. 80.14 SUPPLEMENTAL

AMENDING THE BUILDING CODE OF THE CITY OF STAMFORD,
BEING SECTION 300, PARAGRAPH 3 OF HEATING & AIR
CONDITIONING PART OF CODE, ENTITLED "INSPECTOR"

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Paragraph 3, Section 300 of the Heating and Air Conditioning portion of the Building Code, entitled "Inspector" is hereby repealed and the following is substituted in its place and stead:

3. INSPECTOR

Whenever the term "Heating Inspector" is used in this Code, it shall be understood to mean the Building Inspector of the City of Stamford or his authorized representative who shall be a qualified man in the Heating and Air Conditioning field and/or a local or State Fire Marshal. Nothing herein contained shall be construed to limit the duties of the Fire Marshal as authorized by State Statutes.

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

- (10) For final adoption - PROPOSED ORDINANCE CONCERNING METHOD OF PROTECTION AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP ON BUILDING CONSTRUCTION PROJECTS IN CITY OF STAMFORD - (Presented 5/20/68 by Thomas Morris and William Caporizzo, 15th District Representatives) (Published 7/11/68)

MR. BROMLEY MOVED for final adoption of the following Ordinance. Seconded and CARRIED unanimously:

ORDINANCE NO. 151 SUPPLEMENTAL

CONCERNING METHOD OF PROTECTION AGAINST DEFECTS IN
MATERIALS AND WORKMANSHIP ON BUILDING CONSTRUCTION
PROJECTS IN CITY OF STAMFORD .

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BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

No contract by or on behalf of the City of Stamford concerning the construction or repair of any city structure or other public facility, shall be entered into, unless such contract shall contain a clause to the effect that all architects, engineers, general contractors and/or sub-contractors, inspect said construction or repair work within thirty (30) days before the guarantee or bond covering such construction or repair work shall expire.

Immediately following the inspection, said architects, engineers, general contractors and/or sub-contractors, shall submit to the contracting officer of the City of Stamford a notarized affidavit, setting forth either an acceptance of said construction and repair work, or an itemized list of work to be corrected, repaired or replaced, and no bond or guarantee shall be released until this Ordinance shall have been complied with.

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

(11) Proposed Resolutions re: PILOT RESOLUTIONS CONCERNING "PAYMENT IN LIEU OF TAXES" - (See letter dated 6/17/68 from Mayor)

MR. BROMLEY summarized the resolutions. He said one resolution deals with application to the State for assistance for payment from the State, being a grant in aid in lieu of taxes on several housing projects in the City of Stamford, located at the following places: The Oak Park, William C. Ward Homes, Vidal Court and Lawnhill Terrace. He said this resolution will empower the City to file an application in an amount not to exceed \$276,544.40. He said by approving this resolution we would be instructing the Mayor to execute and file this application, which would mean that the State would pay the City that sum of money, if it was approved by the State and would be in lieu of taxes - that is if the property was on the Grand List and taxed, this payment would be in lieu of that.

Regarding the other resolution, presently he said, the City is receiving \$102,276.55 from the Housing Authority which is a payment made by the Housing Authority to the City for these housing projects. He said by getting \$276,544.40 back from the State under this Grant, the City would be some \$174,267.85 ahead, which would go into the General Fund. But, he said, the only way the State will entertain this application is if the City by the second resolution, waives the payment from the Housing Authority of the \$102,276.55 to the City. He explained that this money will be used by the

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Housing Authority to, in effect, reduce rents on these projects.

Mr. Bromley pointed out certain changes in Resolution No. 570 made by the Committee. HE MOVED for approval of the following resolutions, seconded and CARRIED:

RESOLUTION NO. 569

CONCERNING AUTHORIZATION FOR FILING OF APPLICATION
FOR STATE ASSISTANCE IN AMOUNT NOT TO EXCEED \$276,544.40
TO ENABLE WAIVER OF PAYMENT IN LIEU OF TAXES, MAKING
RENT REDUCTIONS POSSIBLE IN MODERATE RENTAL PROJECTS

(Under Public Acts Nos. 522, 760 and 768, 1967 regular session of General Assembly - See Mayor's letter of 6/17/68)

WHEREAS, pursuant to Public Acts 522, 760 and 768, 1967 Regular Session, the Commissioner of Community Affairs is authorized to extend financial assistance to local housing authorities, municipalities, human resource development agencies and non-profit corporations; and

WHEREAS, Sec. 4-114a of the General Statutes, as amended, provides that any party contracting with the State of Connecticut shall agree not to discriminate nor permit discrimination, in the performance of such contract, against any person or group of persons on the grounds of race, color, religion or national origin in any manner prohibited by the laws of the State of Connecticut, or of the United States, and that such party shall agree to provide the Commission on Human Rights and Opportunities with such information requested by the Commission concerning the employment practices and procedures of such party as relate to said section; and

WHEREAS, it is desirable and in the public interest that the CITY OF STAMFORD make application to the State for \$276,544.40 in order to undertake a program of payment in lieu of taxes, and, if the State, acting by the Commissioner of Community Affairs, by letter offers to the CITY OF STAMFORD an agreement for financial assistance for said program, the CITY OF STAMFORD will accept said offer.

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

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Public Acts 522, 760 and 768, 1967 Regular Session, especially the requirement of a Community Development Plan in Section 9(b) of Public Act 522.

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2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the CITY OF STAMFORD in an amount not to exceed \$276,544.40 is hereby approved, and that the Mayor of the City of Stamford is hereby authorized and directed to execute and file such application with the Commissioner of Community Affairs, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, and to act as the authorized representative of the CITY OF STAMFORD.

RESOLUTION NO. 570

CONCERNING WAIVER OF PAYMENTS IN LIEU OF TAXES BY THE STATE TO THE MUNICIPALITY FOR OAK PARK MR-6; WILLIAM C. WARD HOMES MR-33; VIDAL COURT MR-55, AND LAWNHILL TERRACE MR-68 UNDER PROVISIONS OF SECTION 8-71 OF CONNECTICUT GENERAL STATUTES, AND APPLICATION FOR STATE ASSISTANCE UNDER PROVISIONS OF PUBLIC ACT 522 (1967) 19(b) and 19(c) - (See Mayor's letter of 6/17/68)

WHEREAS, the Board of Representatives of the City of Stamford, Connecticut, recognizes the conditions and prerequisites for assistance imposed by Public Act 522 (1967) Section 19(b) and 19(c); and

NOW, THEREFORE BE IT RESOLVED THAT:

1. In consideration of such grant-in-aid to be made by the State of Connecticut through the Commissioner of Community Affairs, the City of Stamford shall waive for the period during which the State shall extend financial assistance to the City of Stamford, any payments in lieu of taxes by the Stamford Housing Authority to the Municipality under provision of Section 8-71 of the Connecticut General Statutes, or under the provisions of cooperation agreements between the Municipality and such Housing Authority or State.

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2. That the Board of Representatives of the City of Stamford, Connecticut hereby approves the filing of an application for assistance imposed by Public Act 522 (1967) Section 19(b) and 19(c) by the City of Stamford, Connecticut for State Moderate Rental Projects as follows:

- a. Oak Park MR-6
- b. William C. Ward Homes MR-33
- c. Vidal Court MR-55
- d. Lawnhill Terrace MR-68

in the amount of \$276,544.40.

3. That the Mayor is hereby authorized and directed to execute and file such application with the Commissioner of Community Affairs, to provide such additional information and to execute such other documents as may be required by the Commissioner, and to act as the authorized representative of the City of Stamford, Connecticut.

- (12) Proposed Resolution Approving Application of the Provisions of Section 23 of the U.S. Housing Act of 1937, as amended, to locality - (Letter dated 4/22/68 from Anthony J. Marrucco, Chairman, Housing Authority of City of Stamford) (Also referred to the Public Housing and General Relocation Committee)

MR. BROMLEY said the above matter is held in Committee, pending further information.

- (13) Proposed Ordinance - Concerning REGISTRATION OF FIREARMS - (See letter dated 7/15/68 from Corporation Counsel, and letter dated 7/23/68 from Mayor)

MR. BROMLEY said the first meeting of his Committee was a more or less open meeting and many people came to the meeting, and as a matter of fact, he has never seen the meeting room quite so crowded as it was that night. He said the overwhelming response by the public to the above proposed Ordinance was in opposition to the Ordinance. He said many people presented arguments, either against the Ordinance or why certain wording should be clarified. Therefore, he said this is being held in Committee for further study.

HEALTH & PROTECTION COMMITTEE:

MR. WECHSLER said a meeting of his Committee was called for the night of Wednesday, July 31st and the only item which appears on the agenda

was the proposed Gun Registration Ordinance, being held in Committee by the Legislative & Rules Committee and on which his Committee has taken no action either.

Letter from James Joss, 7th District Representative (dated 7/23/68) in regard to certain Health Hazards (Pollution of Noroton River)

MR. WECHSLER reported that the above letter has been referred to the Health Department on which he understands they will be getting some word on this shortly. He said this is a Health Department matter and Mr. Joss' letter went directly to the Health Department and the Committee requested that this be cleared up.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL, Chairman, reported that his Committee held its regular meeting in the meeting room of the Board on Wednesday, July 31st at 8 P.M. The members present were: A. Guroian, D. Russbach, E. Scofield, G. Russell. Also present were: Mr. Michael R. Hough and Mr. Anthony J. Solury of the Federal Bureau of Public Roads, Mr. Joel Levin of the Connecticut State Highway Department, Mr. Samuel Cappiello, Chairman of the Planning Board, Mr. Walter A. Wachter, Planning & Zoning Director and Mr. P. Chirimbis of the Board of Representatives. He said the absent members of the Committee were, R. Durso and J. Loglisci.

The Chairman said his Committee met again this evening with the Legislative & Rules Committee, with all members present.

TOPICS TRAFFIC REPORT (Being undertaken by the Federal Bureau of Public Roads)

MR. RUSSELL reported a lengthy discussion was held on the above matter, including the presentations of air view, color slides of many major congested intersections of Stamford with proposed recommendations for alleviating most of the serious traffic flow problems were presented by Mr. Joel Levin of the Connecticut State Highway Department, who undertook this program with the Federal Bureau of Public Roads.

He said many questions were asked, including need of Washington Avenue extension, in view of recommendations for major one-way street traffic. He said Mr. Levin said the TOPICS report was behind schedule, but would be available September 15th or sooner, for this Board and all other interested City Officials, Boards and organizations.

He said the Committee feels that because of the importance and interest of this report, they will recommend a meeting of the entire Board to hear and ask questions on the report, after it becomes available. He said the Committee felt it to be most unfortunate that the Board of Representatives and the Planning Board were not kept aware of the progress of this important survey.

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APPEAL from Decision of Planning Board in the Matter of JOSEPH PASQUINO'S Proposal for a Change in the Master Plan

MR. RUSSELL said this matter has already been reported out under the report of the Legislative & Rules Committee.

ACCEPTANCE OF ROADS AS CITY STREETS:

MR. RUSSELL presented the following roads for acceptance as City streets, and MOVED for approval. He said they have been certified for acceptance by the City Engineer in his letter dated August 5, 1968. Mr. Russell's motion was seconded and CARRIED;

RIDGECREST ROAD - Extending from Rocky Rapids Road southerly to a temporary turnaround. Length, approximately 1200 ft., as shown on Map No. 8350 on file in Town and City Clerk's Office.

EAST HILL ROAD - Extending from Ridgecrest Road easterly to a permanent turnaround. Length, approximately 500 ft., as shown on Map No. 8350 on file in the Town and City Clerk's Office.

Concerning Proposed Resolution to Review MASTER PLAN

MR. RUSSELL presented the following resolution and MOVED for its approval. Seconded and CARRIED:

RESOLUTION NO. 571DIRECTING PLANNING BOARD TO UNDERTAKE THE UP-DATING OF STAMFORD MASTER PLAN

WHEREAS, the original Master Plan prepared by the Planning Board was adopted in 1953, and

WHEREAS, repeated zoning changes, many home development subdivisions have been granted, as well as thousands of new homes have since been built; all of which has obsoleted much of the original intent of that time, also the possibilities of many proposed land uses of that time;

BE IT RESOLVED that the Planning Board immediately undertake a thorough and complete amendment of the Master Plan so that same reflects the present and foreseeable future needs and desires of the City of Stamford and also create a more orderly direction for zoning change requests.

PARKS AND RECREATION COMMITTEE:

MR. ALSWANGER, Chairman, reported that his Committee met this evening in the Municipal Office Building and present were the following: Mr. Kelly, Mr. Joss, Mrs. Pont-Briant and Mr. Russbach. He reported on the following matters:

PETITION NO. 332 - ANNUAL VETERANS' DAY PARADE - Monday,
November 11, 1968 (Requested by
Mr. Joseph LiVolsi, Chairman, Patriotic
and Special Events Commission)

MR. ALSWANGER said the above petition was unanimously approved by the Committee subject to the approval of the Police and Fire Departments and that proper insurance coverage is obtained. He explained the line of march. HE MOVED for approval of the petition. Seconded and CARRIED unanimously.

CONCERNING APPROVAL OF RULES AND REGULATIONS FOR PARKS AND
RECREATION AREAS FOR 1968 SEASON - (Under provisions of
Ordinance No. 64)

MR. ALSWANGER MOVED for suspension of the rules in order to take up the above matter. Seconded and CARRIED.

MR. KELLY explained that the Rules and Regulations for both the Park Department and the Board of Recreation are the same as adopted originally by this Board under the provisions of Ordinance No. 64 and Resolutions Nos. 273, 274 and 275, adopted by the Board of Representatives May 5, 1958. He said they do not wish to make a change now, but they intend to get together and make changes for the coming year (1969).

The reading of the rules and regulations were WAIVED.

MR. KELLY MOVED the Board pass the rules and regulations for the public recreation areas and the park and beach areas. Seconded and CARRIED.

It was directed that these rules and regulations be published as outlined in the Ordinance.

PERSONNEL COMMITTEE:

MR. HEMINGWAY, Chairman, said his Committee did not meet. However, he said he believes we all should be aware that the City is approaching the crises in its wage negotiations of its many employees and are coming to a conclusion with an appropriation that will be startling to most of the Board Members. He said the policemen are pretty well agreed on their contract, and the firemen still have to vote on it; the Teamsters Union (representing the Public Works) and the School Custodians has gone to

fact-finding, and a man in Hartford has been selected to go thru that process which is not binding on either side after it has been done; the School Nurses and Dental Hygienists are coming along in their negotiations. However, he said, none of these contracts have been signed. He said the Board of Education, in tonight's paper, have announced that they have reached an agreement with their many teachers, and as will probably have been noted, the figure if it is approved by the Board of Finance and the Board of Representatives, is \$980,000 not included in this year's budget.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE:

Request for Six ADDITIONAL VOTER MAKING SESSIONS - (Requested in letter dated 6/28/68 from City & Town Clerk, Louis A. Clapes)

MR. RICH said he has one item to bring up for approval. HE MOVED for approval of the above request, for voter making session to be held in the following areas:

South End
West Side
Railroad Station
Springdale Area
Long Ridge Fire House
Roxbury Area

MR. BROMLEY asked if it is necessary for the Board of Representatives to approve these voter-making sessions. He said he believes that the Legislature has adopted legislation that makes this unnecessary.

THE PRESIDENT said it is his understanding that this Board does not have to approve these matters, but since Mr. Clapes has had the courtesy to forward this, he thinks we should act on it.

Mr. Rich's motion was seconded and CARRIED.

URBAN RENEWAL COMMITTEE:

MR. CALDER said his Committee met a week ago tonight and present were: Messrs. Farnen, Heinzer, Murphy, Plotnick and himself. He said Mr. Longo was unable to attend because of illness. He said also present were: Mr. Hibben of the URC and Mr. Sherwood, one of the architectural consultants for the URC. He said the Committee heard a presentation by Mr. Sherwood, describing the proposed LIGHTING PLAN for the RENEWAL AREA. He said four different colored lighting schemes will be utilized for easy identification of the four different types of areas within the renewal project, one being the main thoroughfare which extends around the periphery of the Quadrant; the second type of area will be the shopping streets; the

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third - the park, fountain and mall areas and, fourth, the parking areas and pedestrian walkway. He said both the color and intensity of lighting will vary according to the needs of the area being serviced. He said a recently introduced form of lighting will be used which eliminates a so-called "spill light" thus reducing irritation to residential neighbors in competition with other lighted elements on the scene. He said merchandising areas and illuminated signs will therefore become more prominent and pleasing to the eye. He said the Committee feels that the entire lighting plan is very functional as well as attractive and should greatly enhance the appearance of the entire downtown area when it is completed.

He said the Committee also discussed the design of portable bus shelters which are under consideration for use in the renewal area.

He said Mr. Hibben informed the Committee that a feasibility study is being done on the use of the Old Town Hall by a consulting firm. He said there has been some mention made of its use as a Museum, or other historic landmark in the heart of downtown Stamford.

He said the URC also reported that they will soon be inviting proposals from displaced merchants for location in and the redevelopment of re-use parcel #21, located on River Street across from the Roger Smith Hotel.

He said the acquisitions by the URC are now about 71% complete and relocation of families and single householders about 60% complete; business relocations are about 70% complete and demolition only about 30% complete.

PUBLIC HOUSING & GENERAL RELOCATION COMMITTEE:

MR. JOHN BOCCUZZI, Chairman, reported that his Committee met with Mr. Silver, Mr. Mercede, Mr. Demms and presented were drawings of various types of housing, low-cost and moderate. Also presented were blueprints with the amount of land that would be needed to put up a building of these types. He said these plans will be forwarded to his Committee. He said another meeting is scheduled for the near future in order to discuss the views of the Committee on these presentations.

OLD BUSINESS:Concerning TOPICS REPORT

MR. SCOFIELD commented on a letter he wrote suggesting a Special Meeting of this Board in order to discuss the above matter. He said he thinks all members of this Board, as well as members of the Planning Board should

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be enlightened as to the contents of this report. He said it was not realized until a meeting held last Wednesday that a Traffic Commission is to be created prior to the report. He said they also did not realize that some of the proposed members of this Commission will violate certain provisions of the Stamford Charter. He said they also learned that a fully qualified Traffic Engineering Administrator will have to be retained prior to this program by the State and Federal Government.

He said they also did not know that the City must convey certain city streets over to the State in order to implement the major aspect of the program. He said it should also be noted that the cost of maintaining traffic lights would have to be borne by the City. He said they also learned that the Washington Avenue extension is assumed by the TOPICS officials to be an accomplished fact.

Mr. Scofield said he will reiterate his request for a Special Meeting of this Board to be held in September upon receipt of the report, so that the members can ask direct questions and receive direct answers concerning this report.

MR. HEINZER said he would like to mention the fact that it was at the request of our Public Works Department that the maintenance of the City streets that would become State roads, would be under the jurisdiction of the City, with the State granting us enough money to take care of this work. He explained they held a meeting with the State Highway Department on this sometime ago, with the Public Works Department. He said we wanted something like from \$5,000 to \$7,000 a mile to maintain these streets and the State was willing to go about \$2,000 a mile. He said he believes that the Public Works Department is about to abandon any idea they may have had to have the City maintain the streets. He said the original reason was that they felt the City could do a better job than the State.

MR. SCOFIELD said maintaining the streets is one thing, but maintaining the lights is another, because it is a very expensive operation.

MR. CHIRIMBES spoke about letters he wrote to the Board back in April, complaining about rain, flooding, in the area of the High School property. He asked what happened to the Committee Report on this.

MR. HEINZER said this has been referred to the Public Works Committee, and, inasmuch as it is school Board property, Mr. Loglisci, Commissioner of Public Works, has taken the matter up with them and that is where it is now.

NEW BUSINESS:Concerning Printing of Annual Report

MR. RUSSBACH said he wished to bring the above matter up again for the

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reason that it received a tie vote in the Steering Committee. He said there is no wording in Sec. 304.7 of the Charter gives the Mayor the authority to put thousands of copies in the hands of taxpayers by mailing them and using overtime to do the work. He said the STAMFORD ADVOCATE quoted on 7/15/68 that the Mayor plans to issue three or four of these reports in addition to the one mailed this month. He said he believes that the Annual Report means it is to be issued once a year and not three or four times. He objected to this as being a Charter violation. He said he wants to know the cost of the printing and the overtime involved in doing this work and what provision of the Charter authorized this action. HE MOVED for an investigation. Seconded by Mr. Scofield and Mr. Bromley.

MR. GEORGOULIS said he is getting sick and tired of all this harassment. He said this mailing Mr. Russbach refers to did not cost the taxpayer one penny, because it was placed in the same envelope as were the tax bills, so the information was "for free". He said if the constituents of the Representative who is bringing this matter up did not receive this information as to what is going on in this City, he would be the first one to squawk. He said he thinks it is a very good idea for the Mayor to keep his constituents informed and what progress is being made. He said he thinks it is wrong to be so picky in regards to the Charter. He suggested that the Representative take time to find out where in the Charter it does NOT state that the Mayor is allowed to do this. He suggested that there be less criticism and it be a little more constructive.

MR. COPERINE MOVED to TABLE this matter. Seconded and CARRIED, there being 17 in favor and 15 opposed.


ADJOURNMENT:

There being no further business to come before the meeting, on motion, duly seconded and CARRIED, the meeting was adjourned at 11:00 P.M.


 VELMA FARRELL
 Administrative Assistant
 (Recording Secretary)

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APPROVED:


 John C. Fusaro, President
 10th Board of Representatives

NOTE: The above meeting was broadcast over Radio Station WSTC until 11.00 P.M.

VF