

MAYOR
JULIUS M. WILENSKY



257
BOARD OF REPRESENTATIVE
TERM: 1969-1971
TELEPHONE: 348-8841
EXT. 243

CITY OF STAMFORD, CONNECTICUT 06901
MUNICIPAL OFFICE BUILDING
429 ATLANTIC STREET

December 16, 1969

TO: ALL MEMBERS OF 11TH BOARD OF REPRESENTATIVES
FROM: President Charles J. Heinzer, III, President
SUBJECT: "Call" of Special Meeting of Board of Representatives (Revised)

I, CHARLES J. HEINZER, III, President of 11th Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives, for

MONDAY, DECEMBER 22, 1969

At the Municipal Office Building, 2nd floor

429 Atlantic Street, Stamford, Connecticut,

At 8:00 P.M.

for the following purpose:

- (1) To act on an appropriation of \$11,000.00 for the employment of a DIRECTOR OF CAPITAL BUILDING PROJECTS;
- (2) To act on an appropriation of \$13,403.50 for the FAIR RENT COMMISSION, covering the following: (Mayor's letter of 12/4/69)
(Approved by Board of Finance 12/11/69 in REDUCED amount)

Code 198.0101 Salaries-----	\$8,028.50
Code 198.0103 Overtime-----	900.00
Code 198.0301 Stationery & Postage-----	500.00
Code 198.0401 Advertising & Printing-----	750.00
Code 198.0501 Telephone & Telegraph-----	300.00
Code 198.0801 Transportation-----	360.00
Code 198.2201 New Equipment-----	2,465.00
Code 198.2101 Conventions, Dues & Conferences-----	100.00
	<u>\$13,403.50</u>

- (3) To act on Peck's Point acquisition.

Charles J. Heinzer, III,
President,
11th Board of Representatives

CJH:vf

District List #2

(As of Dec. 8, 1969)

1969 - 1971

Term Expiring Nov. 30, 1971

21 Republicans

19 Democrats

<u>DISTRICT</u>		<u>NAME OF REPRESENTATIVE</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
1	(D)	DONAHUE, Alphonsus J., III	35 Downes Avenue 06902	327-6769
1	(R)	EXNICIOS, Robert B.	113 Ralsey Road 06902	323-0913
2	(D)	*BOCCUZZI, John J.	72 Noble Street 06902	324-9894
2	(D)	*DIXON, Handy	245 Fairfield Avenue 06902	324-9628
3	(D)	*DOMBROSKI, Edward P.	19 Rugby Street 06902	323-2204
3	(D)	*MILLER, Frederick E.	17 Henry Street 06902	323-4925
4	(D)	*KELLY, Stephen E.	85 Dean Street 06902	324-0269
4	(D)	*RYBNICK, Gerald J.	907 Cove Road 06902	323-9149
5	(D)	*DURSO, Robert M.	93 Virgil Street 06902	348-6966
5	(D)	*TRUGLIA, Anthony D.	176 Fairfield Avenue 06902	324-6369
6	(D)	*COSTELLO, Robert H.	93 Main Street 06901	323-4615
6	(D)	*MURPHY, William D.	141 Lockwood Avenue 06902	348-9576
7	(D)	*GUROIAN, Armen	48 Tremont Avenue (Glbk.) 06902	348-2130
7	(D)	LIVOLSI, Frank W., Jr.	71 Oakdale Road 06906	327-6379
		(Send mail to)-----	589 Bedford Street (Office) 06902	325-2279
8	(D)	*CONNORS, George V.	56 Houston Terrace 06902	324-2221
8	(D)	RAVALLESE, George	61 Lincoln Avenue 06902	348-2206
9	(D)	*BOCCUZZI, Theodore J.	41 Wright Street 06902	323-2520
9	(D)	*PENSIERO, Joseph T., Sr.	38 Catoona Lane 06902	323-4911
10	(R)	ROOS, John H.	41 Rachelle Avenue 06905	323-5097
10	(R)	*SCOFIELD, Edward K.	111 Bridge Street 06905	348-2064
11	(D)	*BIEDER, Richard A.	1435 Bedford Street 06905	325-3686
11	(R)	SHERMAN, Edith (Mrs.)	1435 Bedford Street 06905	324-4963
12	(R)	*CHIRIMBES, Peter P.	40 Scofield Avenue 06906	323-0956
12	(D)	MALLOY, William F., Jr.	81 Plymouth Road 06906	327-2458
13	(R)	ELLSWORTH, Stephen R.	279 Thunder Hill Drive 06902	322-4951
13	(R)	*HEINZER, Charles J., III	174 Barncroft Road 06902	322-4373
14	(R)	**BITETTO, Joseph S.	30 Windsor Road 06905	323-9751
14	(R)	LUPINACCI, Charles A.	345 High Ridge Road 06905	322-5269
15	(R)	*CAPORIZZO, William P.	339 Strawberry Hill Ave. 06902	323-6188
15	(R)	*MORRIS, Thomas A.	82 Belltown Road 06905	323-1390
16	(R)	SHERER, Sidney M.	130 Dannell Drive 06905	322-9675
16	(R)	VARNEY, Kim (Mrs. Rodney L.)	Elaine Drive 06905	324-5562
17	(R)	*RUSSBACH, Daniel R.	1289 Hope Street 06907 (Spgdl)	322-0622
		(Send mail to)----	P.O. Drawer 1437, Greenwich 06830	661-7676
17	(R)	*RUSSELL, George E. (Spgdl) --	18 Sleepy Hollow Lane 06907	348-0427
18	(R)	PUETTE, William H. (Spgdl)	72 Nottingham Drive 06907	322-3812
18	(R)	**KETCHAM, Alan H.	163 Cascade Road 06903	322-5989
19	(R)	*HEMINGWAY, Booth	353 Old Long Ridge Road 06903	322-8377
19	(R)	*HORNER, Watson M.	1093 Rockrimmon Road 06903	322-4048
		(Send mail to)-----	1 Atlantic Street 06901	324-7536
20	(R)	*BROMLEY, J. Robert	73 Hoyclo Road 06903	322-1013
		(Send mail to)-----	P.O. Box 1221, Darien, 348-1335 and	655-9713
20	(R)	*PONT-BRIANT, Lois (Mrs. Robt.)	112 Northwind Drive 06903	322-8785

*Those who were members of previous 10th Board - **Member of previous Boards.

PRESIDENT: Charles J. Heinzer, III (R) CLERK: Lois Pont-Briant (R)

MAJORITY LEADER: Thomas A. Morris (R) ADMINISTRATIVE ASSISTANT:

ASSISTANT MAJORITY LEADER: J. Robert Bromley (R) Mrs. Velma Farrell

MINORITY LEADER: Anthony D. Truglia (D) 429 Atlantic Street (Office)

ASSISTANT MINORITY LEADER: Frederick E. Miller (D) Phone: 348-5841 Ext. 243-244

CAUCUS ROOM TELEPHONE: 348-5841 Ext. 209

SPECIAL MEETING OF 11th BOARD OF REPRESENTATIVES
Stamford, Connecticut
Minutes of December 22nd, 1969

A Special Meeting of the 11th Board of Representatives was held on December 22nd, 1969 in response to a "Call" issued by the President pursuant to Section 202 of the Stamford Charter.

The meeting was called to order by the President at 9 P.M.

ROLL CALL was taken by the Clerk. All 40 Board Members were present.

The President read the following "Call" of the meeting:

TO: ALL MEMBERS OF 11th BOARD OF REPRESENTATIVES

FROM: President Charles J. Heinzer, III

SUBJECT: "CALL" of Special Meeting of Board of Representatives

I, CHARLES J. HEINZER, III, President of 11th Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives, for

MONDAY, DECEMBER 22, 1969

At the Municipal Office Building, 2nd floor

429 Atlantic Street, Stamford, Connecticut

at 8:00 P.M.

for the following purpose:

- (1) To act on an appropriation of \$11,000.00 for the employment of a DIRECTOR OF CAPITAL BUILDING PROJECTS
- (2) To act on an appropriation of \$13,403.50 for the FAIR RENT COMMISSION, covering the following: (Mayor's letter of 12/4/69- Approved by Board of Finance 12/11/69 in REDUCED amount)
- (3) To act on Peck's Point acquisition.

CHARLES J. HEINZER, III,
President,
11th Board of Representatives

CHJ:vf

STEERING COMMITTEE REPORT - Special Meeting held Monday, December 15, 1969:

The following report of a special meeting of the Steering Committee is hereby entered in the Minutes:

STEERING COMMITTEE REPORTSpecial Meeting held Monday, December 15, 1969

A Special Meeting of the Steering Committee was held on Monday, December 15, 1969 in order to refer to Committee three items on the agenda for a Special Meeting of the 11th Board "Called" for Monday, December 22, 1969.

In the absence of the President, Mr. Thomas Morris, Majority Leader, called the meeting to order at 8.00 P.M. All members were present, with the exception of the President (absent because of a death in the family), Mr. Hemingway and Mr. Scofield.

The following matters were acted upon:

- (1) To act upon appointments to various Boards and Commissions:

The above matter was REMOVED from the agenda for the December 22nd Special Meeting for the reason that it is in conflict with Section 503 of the Charter, which states: ".....The Board of Representatives shall defer final action on all nominations until its next REGULAR meeting....."

- (2) To act upon an appropriation of \$11,000.00 for the employment of a DIRECTOR OF CAPITAL BUILDING PROJECTS. (Approved by Board of Finance 11/13/69) - (Mayor's letter of 7/3/69; 12/4/69 and 12/8/69)

The above matter was REFERRED TO THE FISCAL COMMITTEE, PERSONNEL COMMITTEE and PUBLIC WORKS COMMITTEE and placed on the Agenda for the December 22, 1969 special meeting.

- (3) To act on an appropriation of \$13,403.50 for the FAIR RENT COMMISSION - (REDUCED by Board of Finance 12/11/69 from amount requested of \$13,603.50 by reducing request for \$300 for Code 198.2101, Conventions, Dues & Conferences, to \$100) - (Mayor's letter of 12/7/69)

The above matter was REFERRED TO THE FISCAL COMMITTEE and PERSONNEL COMMITTEE and placed on the Agenda for the 12/22/69 special meeting.

- (4) To act on acquisition of Peck's Point by the adoption of a resolution amending the 1969-1970 Capital Projects Budget by adding thereto a project in the amount of \$1,367,000.00 to be known as "PARK LAND - ACQUISITION OF PECK'S POINT" which project is to be financed as follows: (Mayor's letter of 12/16/69)

- (a) The appropriation of \$671,000.00 and
- (b) The TRANSFER of the sum of \$696,000.00 from the special fund known as "RESERVE FUND FOR NON-RECURRING CAPITAL EXPENDITURES", which was earmarked for the purpose of land

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acquisition by the Board of Finance at its adjourned Meeting held February 20, 1968.

MR. TRUGLIA asked why the urgency for placing this item on the Agenda before action is taken by the Planning Board and the Board of Finance.

It was explained that it is imperative to act on the acquisition of this land as soon as possible because of its impending sale and subdivision into building lots. He was informed that the Planning Board is meeting tonight on this matter and that a special meeting of the Board of Finance has also been called for Thursday, December 18, 1969 in order to act on this.

There being no further debate, the above matter was REFERRED TO THE FISCAL COMMITTEE and the PARKS & RECREATION COMMITTEE and ordered placed on the agenda for the December 22, 1969 Special Meeting.

There being no further business to be brought before the Committee, it was noted by the Chairman that the regular monthly meeting of the Steering Committee will be held on Monday, December 22, 1969 directly after adjournment of the Special Board meeting called for that night, and he then declared the meeting adjourned at 9.15 P.M.

THOMAS A. MORRIS,
Chairman Pro Tempore
Steering Committee

vf

MR. TRUGLIA asked and was given permission to address the Board at this time. He said some members of the Board are quite upset because this meeting was called at this time of year (Christmas). However, in spite of this, the Democratic members of the Board are all present in the interest of good government. He said they hope that in the future these special meetings will not be held, or at least, kept to a minimum.

THE PRESIDENT said they will only be held in the interests of good government. He called for the report of the Fiscal Committee.

FISCAL COMMITTEE:

- (1) To act upon an appropriation of \$11,000.00 for the employment of a DIRECTOR OF CAPITAL BUILDING PROJECTS - (Approved by Board of Finance on 11/13/69) (Mayor's letter of 7/3/69; 12/4/69 and 12/8/69)

MR. HEMINGWAY, Chairman, said this matter is being held in Committee for one more month, pending clarification of job description terms.

- (2) \$13,403.50 - FAIR RENT COMMISSION Budget for balance of fiscal year - (REDUCED by Board of Finance 12/11/69 from \$13,603.50)

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reducing request for \$300 for Code 198.2101, Conventions,
Dues and Conferences, to \$100) - Mayor's letter of
12/7/69)

MR. HEMINGWAY said the Fiscal Committee approved the following in
the total amount of \$10,902.50

Code 198.0101 Salaries -----	\$7,627.50*
Code 198.0103 Overtime -----	500.00
Code 198.0301 Stationery & Postage -----	500.00
Code 198.0401 Advertising & Printing -----	550.00
Code 198.0501 Telephone & Telegraph -----	300.00
Code 198.0801 Transportation -----	360.00
Code 198.2201 New Equipment -----	965.00**
Code 198.2101 Conventions, Dues & Conferences -----	100.00
	<u>\$10,902.50</u>

- * 1 Investigator approved
- 1 Secretary (not Administrative)

- **1 Desk @ \$150.00
- 1 Secretary Desk @ \$175.00
- 2 Desk Chairs @ \$100.00
- 1 Interview and Processing Table @ \$125.00
- 4 Chairs @ \$120.00
- 1 Manual typewriter @ \$220.00
- 1 Legal size file cabinet @ \$75.00

MR. HEMINGWAY explained that the Committee made certain reductions as
outlined above, making a reduced total of \$10,902.50. HE MOVED for
approval. Seconded and CARRIED unanimously.

RECESS:

THE PRESIDENT announced that the Fiscal Committee is requesting a five
minute recess, which was approved at this time (9 P.M.)

The recess being over at 9.15 P.M., the Members resumed their seats.

ANNOUNCEMENT OF MEETING OF STEERING COMMITTEE:

THE PRESIDENT announced that there will be a meeting of the Steering
Committee immediately after adjournment of this meeting.

MR. MORRIS rose on a point of order. He suggested that because this is
a special meeting, it is considered to be a meeting of the Whole, and
the President was wrong in allowing the Fiscal Committee to give a report.

THE PRESIDENT informed Mr. Morris that a meeting of the Steering Com-
mittee had been held for the purpose of referring these matters to the
Fiscal Committee.

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MR. MORRIS said he just wants to make sure that action taken tonight is done legally and requested the President to check on this.

THE PRESIDENT said we can have the Fiscal Committee present these matters to the Board for their decision and action.

MR. BROMLEY said because the "Call" of the meeting was very specific on the items that this Board is to consider tonight, that the action taken by the Steering Committee in putting this in the hands of a Committee is asking for recommendations from the Committee. However, he said he does not believe the recommendation of the Fiscal Committee is binding on the full Board in terms of action to be taken on the various matters listed in the "Call" of the meeting. He said as to Item #1, the report of the Fiscal Committee can only be considered as a recommendation to the Board and it can still be acted upon by the full Board.

THE PRESIDENT said he agrees with this, but at the time it was under consideration, there were no objections raised. He said since he agrees with Mr. Bromley, he will rule that Item #1 can be brought up for discussion.

- (1) To act upon an appropriation of \$11,000.00 for the employment of a DIRECTOR OF CAPITAL BUILDING PROJECTS + (Approved by Board of Finance on 11/13/69)

MR. BIEDER MOVED TO TABLE the above item. Seconded and CARRIED unanimously.

- (3) To act on Peck's Point Acquisition

THE PRESIDENT asked the Chairman of the Fiscal Committee for his report. He said he hopes it will be understood that this matter cannot be held in Committee and if it is, that it is still before the Board for discussion.

MR. HEMINGWAY said the Fiscal Committee brings out an unfavorable report.

MR. BROMLEY MOVED for approval of Item #3.

THE PRESIDENT said as this appears on the "Call" of the meeting actually refers to the acquisition of Peck's Point, but it is in two parts - the first being a resolution amending the Capital Projects Budget in the amount of \$1,367,000.00 and a second resolution which will be taken up after, will be a resolution giving the Mayor the power to proceed with condemnation proceedings.

MR. THEODORE BOCCUZZI asked if it is necessary for the Board to vote on

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the action taken by the Fiscal Committee before action can be taken on the motion.

THE PRESIDENT said no, because there was no motion made by the Fiscal Committee. He explained that the motion before the Board is Mr. Bromley's motion to approve the amendment to the Capital Projects Budget in the amount of \$1,367,000.00

MR. BIEDER asked if it is not necessary that this be presented in the form of a resolution -- in fact, two resolutions. He asked if it is not a Charter requirement that these resolutions either be read or presented to each Board Member, so that each member will have an opportunity to read.

THE PRESIDENT said the first resolution that will have to be approved is what was received today, being action taken by the Board of Finance at their Adjourned Meeting held Sunday, December 21, 1969. He said this is not actually in the form of a resolution. He asked Mr. Bromley to present this in the form of a resolution.

MR. BROMLEY MOVED that the Board of Representatives approve the sum of \$1,367,000.00 being an appropriation for the acquisition of the Peck's Point property in accordance with the provisions of Sec. 611.5 of the Stamford Charter. He said this is amending the 1969-1970 Capital Projects Budget by adding item to be known as the park land acquisition of Peck's Point. Seconded by Mrs. Pont-Briant.

MR. BOCCUZZI spoke against the appropriation resolution. He said the residents of his District are very much against buying this property for several reasons. He said one reason is that they think the Mayor's statement that this can be purchased for \$22,000. an acre is in error, because back in July 10, 1967 this property was appraised by C.L. Sherwood at \$42,000 an acre. He said the Mayor claims he has an appraisal from the Benedict Appraisal Company. He said also, at a meeting of the Zoning Board, Mr. George Aretakis stated, at the time of the down-zoning for an Industrial Park that at five o'clock cars were backed up 675 feet in front of his place of business, which was the Hilti Company, and that the rule would have to be changed and a lot of work done on the road just to take care of this flow of traffic. He said TOPICS also agrees with this statement on Page 98, which refers to this traffic problem on Fairfield Avenue, which has two small bridges which are unable to take the traffic that is now going over them. He said if this Industrial Park is approved by the State Supreme Court, there is no way of knowing how much more traffic will be going over it.

He said another point is that the area residents are not in favor of having a beach or an Industrial Park in their backyards. He said they feel this would be a hardship on them and have, by a petition, filed with the Board of Finance, gone on record as opposing it. He said also Mr. Bundock at a meeting of the Park Commission, stated that we have a multi-million dollar park system going into the ground because we do not have sufficient money to maintain what we now have.

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He said Mr. Connell stated that there is available beach front property at Scofield and Star of the Sea which is within 500 feet, with clean water and all of the facilities and if they want to condemn property, they should look at that for available beach front property.

He said they are also in receipt of a brochure from the Conservationists which states that former Mayor Bruno Giordano in 7/18/68 offered the Donahue people \$42,000 an acre and Mr. Donahue said at that time this offer did not seem to be in line and was turned down.

He said he also had a long talk with the Harbormaster who states at the present time there is over a million and a half tons of shipping going into the Stamford Harbor and this increases every year. Also, he said the Stamford Marina which is now being built is also putting into the Harbor another 1000 boats. He said the water which pollutes Southfield Point and the beach there is the same water that goes over to Peck's Point. He reminded the members that Southfield Beach was open only about ten times last year because of water pollution.

MR. MORRIS spoke about the pollution and said it is not from the boats, but is from the City's sewage disposal plant. He said we are now building a treatment plant to clear up all the water and if this is not done, the water will not be any good at any beach, so it is something that we have to do. He said these plans are already underway to clear this up. He said aside from all the arguments pro and con, he thinks the most important thing to decide is, does Stamford need another beach, and if it does, this is their last chance to acquire this amount of land. He said he spoke to Mr. Donahue who said he was never offered \$42,000 an acre from Mayor Giordano. He said another point he wished to bring out is that they took both the industrial land and the R-7½ land and placed it all together, which would have brought the price up. He said the Mayor was quite specific in saying what the difference would be in what he is offering for the R-7½ land and what would be offered for the industrial site.

MR. HEMINGWAY read a prepared statement at this time, in favor of the need for acquiring this land. Inasmuch as it was quite lengthy, he promised to give Mrs. Farrell a copy for the files. (applause)

THE PRESIDENT asked the audience to refrain from any demonstrations, or he would have the room cleared.

MR. GUROLIAN spoke in opposition to the resolution.

MR. PUETTE spoke in favor of the acquisition of Peck's Point. He said it is predicted that we will reach 300,000,000 population by the end of this century on a national level and this growth is also occurring on a state and local level, so it is imperative that we acquire land for future generations.

MR. RUSSBACH deplored the way this land became a factory site in the center of a prime 120 acres of shore front property with only a narrow

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two lane road leading to it, surrounded by several fine residential areas. He said the great tragedy occurred when the Planning Board made this a factory zone when it was on their books as a public park land. He said the conservationists refused to help the residents of this area save the property for park land and even worked hard to get this property down-zoned by circulating a petition to the Zoning Board. He said these people are now responsible to the recent pressure to purchase part of that property "at any cost" with absolutely no regard to the residents in the area, who were never consulted by this pressure group. He said this group has now convinced a lot of good people in the need for this purchase without giving them all the facts and distorting other facts. He said they suggested the purchase be financed by municipal bonds, which is not so easy as the purchasers of municipal bonds are no longer easy to find. He pointed out the bad traffic situation in the Peck's Point area.

He said you don't have to be a financier to know that this property can't be purchased for \$22,000 an acre when the Donahue syndicate paid \$21,000 an acre for it three years ago and has now proved that it can get \$50,000 an acre from Giles Montgomery. He said this Board is being told the \$1,367,000 will be enough to purchase this property, which is based on a free appraisal given to the City by the conservationist group and can hardly be classified as an impartial appraisal. He said the City had an appraisal made by Clarence Sherwood on July 10, 1967, appraising the property at \$42,000 per acre. He said it has been reported that Mayor Giordano offered them that amount and was turned down. He said if we go to condemnation, the taxpayers will be stuck with a bill over two and one-half million dollars which could be better used to buy a lot of sewerage in Springdale. He said sewerage costs \$80 per foot and that money could pay for over 3,000 feet of sewerage which we really need badly. He asked where are we going to get the extra money to make the beach suitable for swimming, and for the new highway to the property, for condemnation of homes along the route. He said we can't even open Sterling Farms on week-ends because of lack of funds to carry on supervised programs. He said back in 1966 we had the opportunity to save that property for park land, and so did the conservationists and the Peck's Point Committee and we let the residents fight that battle and they lost. He said now we want to make them suffer more with a factory site, a public beach, enormous traffic and also some of them will even lose their homes for a highway which will be used three months a year by the City.

MR. DIXON said he heartily endorses previous statements made by his colleagues opposing the purchase of this property. He said he cannot say that the land in question would not be ideal and perhaps meet the needs of some of our many citizens. He said he feels we have a large responsibility to the minority groups all over Stamford, and he therefore must object to this large expenditure on the grounds that more pressing needs are prevalent and should take precedence over the purchase of park land, such as housing for the moderate and low income families, which are more needed at this time.

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MR. MILLER spoke in opposition to the purchase of Peck's Point because he has received so many communications from residents of the Second District opposed to this project. He said he believes there is something like 400 home owners in the area in question and thinks this represents a large segment of our population and should be heard. He said many people are worried about losing their homes. He said he would like to point out that there has been for many years in that area a public park and a public beach and the residents have found that having this facility in their neighborhood is not an unmixed blessing, first because of pollution which has made it nearly impossible to have any swimming there and there has also been a problem of security because of the park. He said this is very near the proposed Peck's Point Park and beach.

MR. BIEDER requested that Mrs. Farrell read the proposed resolution.

MRS. FARRELL read the following proposed resolution:

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, to amend the 1969-1970 Capital Projects Budget, in accordance with the provisions of Section 611.5 of the Stamford Charter, by adding thereto a project in the amount of \$1,367,000.00 to be known as "PARK LAND" - ACQUISITION OF PECK'S POINT" which project is to be financed as follows:

- (a) The appropriation of \$671,000.00
- (b) Transfer from the special fund known as "Reserve Fund for non-recurring Capital Expenditures" which was earmarked for the purpose of land acquisition by the Board of Finance at its adjourned meeting held on February 20, 1968 ----- \$696,000.00

TOTAL ----- 1,367,000.00

MR. BIEDER MOVED TO AMEND the resolution to strike out the words: "PARK LAND". He said the reason for his motion is because there seems to be at least three main objections to the acquisition of Peck's Point - the first objection being the open-end cost problem, which is not part of the issue before the Board tonight, but is a part of the second resolution - that if the Mayor is given the authority to condemn the property, it thereupon becomes an open-end cost to the City because when a Court decides the condemnation price, it becomes the price the City must pay. He said the second objection is that the water front is polluted, and we have heard statements that this situation will be corrected. He said the third objection is that a piece of property zoned solely as a park, becomes at this time in the City of Stamford, a folly as stated by Mr. Dixon, which comes at a time when the needs for schools and housing are very acute, and as great, if not greater, than the need for a park. He said

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the purpose of his amendment to the motion is to eliminate the words "Park land". He said he would also like to propose another amendment to the second resolution, which ties in with this one.

He said basically it is that the City not be obligated to use that particular piece of property solely as a park, but is free to use it for public uses, thereby allowing the Mayor in his discretion, to use it for the building of a school if this becomes necessary. The motion was seconded.

THE PRESIDENT informed the speaker that his proposed amendment is quite unusual and has never been done before and the Charter is not very clear as to whether this Board can amend a resolution which comes to us from the Board of Finance. He said he does not want to rule on this question himself, but would prefer to get a ruling from the Corporation Counsel.

He said the Charter does say that the Board of Finance may amend the Capital Projects Budget and the amendment submitted to the Board of Representatives, and if the Board of Representatives adopts it, the Capital Projects Budget shall be deemed amended accordingly, but there is nothing in the Charter that says this Board can amend the resolution as adopted by the Board of Finance. He cautioned the Board that we may be in trouble if we vote the amendment and then vote the appropriation. He said we have a Corporation Counsel's ruling which is contrary.

MR. BIEDER said he believes it is always within the province of the Board of Representatives as the legislative body of the City of Stamford, and as a part of the triumverate of Executive, Legislative and Judicial, to amend any resolution presented to it by whatever source it may have been presented to the Board. He said any resolution before the Board of Representatives, an independent legislative body, and THE legislative body of the City of Stamford, may be amended by the Board itself.

MR. KETCHAM said a Charter amendment approved by the electorate last November, covering PARKS, affords a certain protection wherein it states that no park land may be disposed of by the City without a referendum. He said Mr. Bieder's amendment would remove that protection from this area.

MR. RUSSELL said he agrees with Mr. Bieder, because we have the right to change the wording within a resolution as long as it does not affect the appropriation by making it more than what was approved by the Board of Finance.

MR. GUROIAN spoke in opposition to the proposed amendment, because he thinks that Mr. Bieder has missed the entire point of our opposition, which is the cost factor and on that basis alone, he would oppose the amendment.

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MR. TRUGLIA said he believes this Board does have the right to amend, but what he is concerned about is the intent and he thinks the amendment destroys the original intent and when you do that, then you cannot amend. He said the item which appears on the "Call" of the meeting is for a specific purpose - the money is not in question as much as what we are contemplating using it for - which is a PARK. He said he believes the intent would be destroyed if we are to accept the proposed amendment.

MR. RUSSBACH said he agrees with Mr. Truglia and cannot think of any circumstance when a resolution has been amended which would change the entire intent of the resolution. He said he does not think this has been done before and thinks it is out of order and illegal.

MR. BROMLEY said he would caution the Board that if they do adopt this amendment, you would be opening up that piece of land for all kinds of uses and he must agree with the concern expressed by Mr. Truglia. He said the real question before the Board tonight is the acquisition of PARK LAND located at Peck's Point which is what is before us for our consideration and which has been presented to us. He said some of the members might see the use of this land for park purposes, but not see it for other non-recreational uses. He said he would like to caution the Board that we are talking about PARK LAND and should not muddy the water by confusing the issue as to the reason why the meeting was called in the first place - which was for a specific purpose - the acquisition of PARK LAND.

MR. TRUGLIA said he realizes it places the responsibility on the President, but he is asking for a RULING OF THE CHAIR.

THE PRESIDENT said he would rule that it can be amended.

MR. HEMINGWAY said he thinks Mr. Bieder's suggestion may have some merit in it, because there conceivably may be times when the City could use three or four acres as a school site and it might serve as a dual purpose facility and still save the land for the use of the City.

MR. TRUGLIA APPEALED the RULING OF THE CHAIR. Seconded by Mr. Miller.

THE PRESIDENT read from Robert's Rules of Order which stated that an appeal can be taken from the ruling of the Chair but must be taken at the time the ruling is made and if any debate or business has intervened, it is too late to appeal. He said since Mr. Hemingway has spoken, the appeal is out of order.

MR. MORRIS asked a question of the Chair. He asked if it is not necessary to state the reason why property is being condemned and to what use it will be put - is it not necessary to be specific as to why the land is being condemned and the purpose for which it is to be used.

MR. TRUGLIA said we have now destroyed the original intent, because the Mayor never intended this to be done in the particular manner it has now

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been done. Therefore, he said, from his past experience on this Board, we are wrong. He said when he asked for the Chair's ruling he assumed he would take a position and is glad that he did. He said he would like to appeal the RULING OF THE CHAIR.

THE PRESIDENT said this cannot be done - the rules forbid it.

MR. CONNORS said he was under the impression that under Robert's Rules of Order that any member had the right to appeal from the ruling of the Chair and now Mr. Truglia has been ruled out of order. He asked why?

THE PRESIDENT said he has already stated why this can't be done.

MR. CONNORS wanted to know why a member does not have the right to appeal from a ruling of the Chair.

THE PRESIDENT said only at the time the ruling is made and not when any business has intervened.

MR. CONNORS said it is germane to the matter at the present time.

THE PRESIDENT said it makes no difference.

MR. TRUGLIA wanted to know where we have deviated.

THE PRESIDENT asked if there is any discussion on the proposed amendment as offered by Mr. Bieder.

MRS. PONT-BRIANT said she wants to say one thing on the amendment, that she does not know whether it is legal or not, but the Mayor proposed that this be for PARK LAND, the Planning Board proposed that this be for PARK LAND and the Board of Finance proposed that it be for PARK LAND and she does not believe that this Board as a legal body, can turn around and reverse these THREE city boards.

MR. DURSO said he is opposed to the amendment and MOVES THE QUESTION. Seconded by Mr. Russbach.

MR. BIEDER said he had asked specifically for a chance to rebut and now he has lost his chance for the floor.

THE PRESIDENT called for the vote on Mr. Bieder's amendment.

MR. BIEDER ROSE ON A POINT OF PERSONAL PRIVILEGE. He said he thinks it is proper that he be given a chance for discussion.

THE PRESIDENT said he is sorry - this cannot apply to a point of personal privilege, and he must abide by the rules.

THE PRESIDENT called for a vote on moving the question. CARRIED.

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THE PRESIDENT then called for a vote on the amendment as proposed by Mr. Bieder - to delete the words "Park Land" from the proposed resolution. LOST.

THE PRESIDENT said the motion now on the floor is to vote on the proposed resolution, unamended.

MRS. PONT-BRIANT spoke in favor of the park land acquisition. She said she thinks it should be referred to as "shore front property" and not just park land. She said we have been very near sighted in acquiring property and feels this is the best investment Stamford can make. She said some approximate \$700,000 of this money is already in a "land bank" and tonight we would actually be appropriating \$671,000.00 in actual additional funds. She said this would then give our Mayor the right to negotiate for this property and the question in relation to the resolution now before us is not condemnation, but the desire to have this acreage in the name of PARK LAND for the City of Stamford. She said we can hold this land without making any major improvements at this time, and feels that half a loaf is much better than none at all. She said she is sure that the other problems that have been mentioned tonight, with the help of modern science, can be solved.

MR. BROMLEY spoke in favor of the proposed resolution and said our chance is now to vote on this matter and the chances are slight that it might come before the Board again. He said he feels that the purchase of land is different from any other acquisition, because it will always be there once it has been acquired and one never loses on the buying of land and it always seems to increase in value with the passage of time, and available land is fast disappearing. He said if we lose the opportunity to acquire this land now that we have the chance, future generations will blame this Board for not having been very far sighted in thinking of future generations.

MR. KETCHAM spoke against the resolution. He said he feels that if we knew exactly how much this was going to cost, there would not be any doubt in his mind that the purchase should be expedited as quickly as possible, but unfortunately the motion that is now before us is merely a part of a second process which will be taken up after this part is disposed of. He said what we will be doing, if we approve this tonight, is embarking on a far reaching action which will then be irreversible, once under way. He said once we go into condemnation and into Court, the City will then be obligated to pay whatever the Courts decide AT THAT TIME, whenever these condemnation proceedings are completed. He said once this is set in motion we are embarking on a financial adventure, the outcome of which we have no idea. He said he does not see how we can follow this procedure, not knowing how it will end.

MR. CONNORS said when we purchased Cove Island, we purchased an island, we did not have to build any roads, or any sewers, but as we got the money, we purchased the island and as we got the money we went along in

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gradually improving it. He said those members who were on the Board in 1966 will recall that this so-called "beach" was offered to the City of Stamford, plus a buffer zone, and the Burwood Heights Association were going to build roads, improve Southfield Avenue and we were supposed to have a complex there and it was NOT for factories. Pepsi-Cola was dickering to put their main office there and American Can and many other companies. He said there never WAS any intent to put any factories there, but these were to be offices and Mr. Donahue was planning on living there himself on the former Feldman property and he was going to move his IBM plant in from Milford. At that time, he said, we could not see fit to building a complex such as High Ridge Park and Xerox, CBS and other fine companies. He said they don't build ugly factories any more - they put up beautiful buildings, all landscaped. He said the City will never cut down taxes the way the Board of Representatives is trying to spend it, because we are spending it left and right and some day there will come a Day of Reckoning.

MR. LIVOLSI said that Mr. Bromley stated before that the Mayor stated that he would return to the Board should additional funds be required before he went ahead with the acquisition. He said he feels this Board should know that once a price is offered and condemnation proceedings are instituted, that the owner of the property has the right to appeal the purchase price and once that appeal is taken to court and the court establishes a new price, it is then too late to come back to this Board, because then the price must be paid. He said he believes that some members are under the impression that if we find the price is too steep that we can back out, but we cannot.

MR. MORRIS said the Mayor does not have to condemn, but this Board is giving him the power to condemn. He said as far as the use of the road is concerned, people do not use the beaches at the same time people are going to work.

MR. TRUGLIA said because of the unfavorable report from the Fiscal Committee tonight and the opposition to the amendment that have been voiced this evening, with many members voicing their opinion that there are many other dire needs, more imperative than park land. He said he feels this matter needs further study. HE MOVED TO TABLE. Seconded by several members.

MR. MORRIS said he thinks a motion to table is stalling action.

MR. TRUGLIA said if Mr. Morris thinks this is a stalling tactic - this motion to table - it was not his intention. He said he felt that perhaps with a little more time we might be able to clear up some of the problems that have come up. He said he is perfectly willing to withdraw his motion and get directly to the matter at hand which is a vote either for or against.

MR. MORRIS said he thinks this would be the more honest way.

THE PRESIDENT said the motion is still before us.

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MR. BIEDER said regarding condemnation, he agrees with a previous speaker who stated that many times the City is called upon to condemn property without knowing what the ultimate purchase price will be and the one before us tonight is merely one more. He said he can see the Board of Representatives saying in 1985 that back in 1969 we could have bought this particular piece of property for X amount of dollars, whereas now it is one million dollars an acre.

MR. RUSSELL MOVED THE QUESTION. Seconded by Mr. Morris and CARRIED.

THE PRESIDENT said we now have the resolution on the floor for a vote.

MR. MORRIS requested a roll call vote. Enough members (more than 1/5th) being in favor of a roll call vote, it was taken.

MR. TRUGLIA asked the President to clarify the necessary votes needed.

THE PRESIDENT said the main motion before the Board now is the resolution amending the Capital Budget in the amount of \$1,367,000.00 for the acquisition of Peck's Point. He said the vote required under Section 619.2 of the Charter is two-thirds of the entire assembly, or the entire membership of the Board, which would be 27 votes needed to carry.

THE CLERK called the roll. The resolution was LOST by a vote of 19 in favor, 19 opposed and one abstention (Mr. Donahue). The vote taken was as follows: (The President not voting except in case of a tie).

THOSE VOTING IN FAVOR:

BIEDER, Richard (D)
BITETTO, Joseph (R)
BROMLEY, Robert (R)
CHIRIMBES, Peter (R)
ELLSWORTH, Stephen (R)
EXNICIOS, Robert (R)
HEMINGWAY, Booth (R)
HORNER, Watson (R)
LUPINACCI, Charles (R)
MALLOY, William (D)
MORRIS, Thomas (R)
MURPHY, William (D)
PONT-BRIANT, Lois (R)
PUETTE, William (R)
RUSSELL, George (R)
SCOFIELD, Edward (R)
SHERER, Sidney (R)
SHERMAN, Edith (R)
VARNEY, Kim (R)

THOSE VOTING IN OPPOSITION:

BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CAPORIZZO, William (R)
CONNORS, George (D)
COSTELLO, Robert (D)
DIXON, Handy (D)
DOMBROSKI, Edward (D)
DURSO, Robert (D)
GUROIAN, Armen (D)
KELLY, Stephen (D)
KETCHAM, Alan (R)
LIVOLSI, Frank (D)
MILLER, Frederick (D)
PENSIERO, Joseph (D)
RAVALLESE, George (D)
ROOS, John (R)
RUSSBACH, Daniel (R)
RYBNICK, Gerald (D)
TRUGLIA, Anthony (D)

ABSTENTION:

DONAHUE, Alphonsus (D)

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RESOLUTION NO. 649 - CONCERNING ACQUISITION OF PECK'S POINT

MR. BROMLEY presented another resolution at this time, deleting all reference to purchase price, and MOVED for approval of the following resolution. Seconded:

RESOLUTION NO. 649

AUTHORIZATION TO PROCEED WITH THE ACQUISITION OF
PECK'S POINT BY CONDEMNATION, IF NECESSARY

WHEREAS, the City of Stamford, Connecticut, desires to acquire and develop certain land known as "Peck's Point", being that tract of land described in Schedule A annexed hereto, which land is to be held and used for permanent open space land for park, recreational, conservation of natural resources and scenic purposes; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD, CONNECTICUT, that the acquisition of the aforesaid property, to be used for permanent open space land for park, recreational, conservation of natural resources and scenic purposes, is desirable for the welfare and general well being of the citizens of this city; and

IT IS FURTHER RESOLVED that the Mayor of the City of Stamford is hereby authorized to acquire in the name of the City of Stamford, the said premises, and

IT IS FURTHER RESOLVED that the Corporation Counsel of the City of Stamford is herewith authorized, on behalf of the City of Stamford, to institute and file condemnation proceedings, if necessary, to acquire title to said real property, provided, that an updated appraisal is completed before January 23, 1970 in addition to the current appraisal of the Benedict Appraisal Company.

MR. BROMLEY said the sense of this would be to give the Mayor the authority to proceed to negotiate for the purchase of this land. He said he realizes that the vote for the authorization has just been turned down, but he suspects that many who voted against that authorization was because either the amount of the price or for a lot of other reasons. He said he believes these two ideas can be separated and we can vote to have the Mayor proceed to negotiate for the purchase of this land. He said he would have to then come back to this Board for authorization of the money to make the purchase. He said he SO MOVED. Seconded.

MR. MALLOY MOVED to AMEND by leaving out the words: "condemnation, if

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necessary" and to change the title of the resolution to "Authorization to Proceed with Acquisition by Negotiation of Peck's Point" and leaving out the words: "by condemnation, if necessary".

THE PRESIDENT said he talked with the Corporation Counsel today. He said the Mayor is free to negotiate without having a resolution of this Board, but may not go into condemnation unless he has that amount (the appraised value) which was the one of \$367,000.00. He said he is not sure that anything can be gained by adopting this resolution under those conditions which he just outlined.

MR. BROMLEY said he disagrees and thinks a great deal would be gained by it, because it would put this Board on record that they were interested in purchasing this park land. He said many people voted against the appropriation for many reasons. He said he believes that if this Board is in favor and so states by giving the Mayor the power of condemnation, this would be a very valuable weapon that the Mayor could use in negotiating with the owner.

THE PRESIDENT asked Mr. Malloy if he still wishes to amend the resolution.

MR. MALLOY said he does not wish to adopt the resolution as it presently stands, and if it were amended, he would be in favor of it. He said he would like to further AMEND the resolution by changing the last paragraph by deleting the words: "to institute and file condemnation proceedings, if necessary, to acquire title to said real property", and inserting in its place: "to negotiate with the present owner for the purchase of said property". Seconded by Mr. Murphy.

MR. BROMLEY said the President is right in saying that the Mayor does have the power within the City Charter to negotiate. He said what is asked for here is the negation of the resolution to which he is opposed. He said for this reason he does not think the proposed amendment is in order.

MR. TRUGLIA asked the President if he did not already rule that this is not necessary.

THE PRESIDENT said he hasn't so ruled - but he has advised.

MR. TRUGLIA said the President said he does not need this in order to negotiate.

THE PRESIDENT said it does appear as the order of business tonight.

MR. TRUGLIA said only if "a" went with "b".

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THE PRESIDENT said the "Call" did not say that "a" went with "b". He said what he believes is the sense of Mr. Bromley's motion is a resolution as to the feeling of this Board.

MR. MORRIS requested a FIVE MINUTE RECESS at 10.40 P.M.

RECESS over at 11.05 P.M.

THE PRESIDENT said the Board now has before it Mr. Bromley's motion to adopt the resolution (No. 649) and we also have a motion on the floor to amend that resolution made by Mr. Malloy.

MR. MALLOY withdrew his amendment at this time for the reason that his amendment would not affect the Mayor's powers one way or the other. The seconders to his amendment agreed to this.

MR. HORNER offered an amendment by adding to the end of the last paragraph the words: "provided that an updated appraisal is completed before January 23, 1970 in addition to the current appraisal of the Benedict Appraisal Company", and SO MOVED. Seconded by Mr. Scofield.

THE PRESIDENT (referring to the original resolution presented by the Mayor) said Mr. Bromley has moved for the adoption of the resolution, deleting the second "WHEREAS" (which mentions the amount of the appropriation) and further along where it again mentions the appropriation.

MR. TRUGLIA asked if the word "condemnation" still stands.

THE PRESIDENT replied it remains.

MR. BIEDER asked, assuming the Board adopts this resolution, does the Mayor have the authority to condemn when he has no funds with which to condemn the property, since this Board has just turned down the funds with which to do so. He said if he has no funds, he believes that anything before the Board to condemn is probably out of order.

MR. RUSSELL said he does have funds - \$696,000.00 - whether or not the figure is realistic.

MR. BIEDER asked if it is not the opinion of the Corporation Counsel that without appropriated funds for the purpose of condemnation, the Mayor is without authority to condemn, so that by allowing the word "condemnation" to remain in this resolution is without any force and effect, unless it is anticipated that they come back at a later date and vote on the funds to accomplish the condemnation. In other words, he said, we are passing a resolution which really has no force or effect.

MR. MORRIS said Mr. Horner's amendment to the resolution will accomplish just what they are asking for - another appraisal.

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MR. JOHN BOCCUZZI said by leaving the word "condemnation" in the resolution, if the Mayor decides that he doesn't want to go along with it and doesn't want to abide by what this Board just voted on, by leaving the word "condemnation" to remain in the resolution, he can go to Court and he can offer Mr. Donahue \$1,000 and what's the difference, as long as he gets it in Court and then it is condemned and the Judge says "No, not \$1,000, it's \$3,000,000" and then the City of Stamford is obligated to pay it. He said he is very much opposed to doing it this way, since we have just finished turning down the purchase of Peck's Point.

MR. HEMINGWAY said he does not believe the Mayor could do anything in the way of condemnation without at least having the minimum funds as mentioned in the appraisal we now have.

MR. RUSSBACH pointed out that the resolution now before us only needs a majority vote to carry as it does not mention an appropriation, and even if this is adopted, the Mayor still cannot condemn because of the fact that a two-thirds vote is needed for any appropriation at all.

MR. LIVOLSI said his question again is, did not the Corporation Counsel state that in order to condemn, the Mayor must have -, or tonight we must have voted on an appropriation with which he could condemn, so by adopting this resolution, the Mayor is still without authority. He asked if the Corporation Counsel made this fact clear to the President.

THE PRESIDENT said he has no written ruling from the Corporation Counsel and would hesitate to answer that question.

MR. BROMLEY said if what Mr. Livolsi says is true, then he does not have anything to worry about, because the Mayor won't be able to condemn this property. He said all he wants to do by adopting this resolution is to put the Board on record as to whether or not they want Peck's Point land acquisition or not and if it does not want this land, let's know it now and forget about it and any further negotiations.

MR. SHERER MOVED THE QUESTION. Seconded and LOST.

MR. BIEDER called for a division. LOST - 14 in favor and 26 opposed.

MR. TRUGLIA said now we are being told it's either this or else. He said he asked for a TABLING motion some time back in order to allow further study on this.

MR. MORRIS said Mr. Horner has offered an amendment so that we can have another appraisal and he said the question appears to be at this point, do we or don't we want to acquire Peck's Point?

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MR. BOCCUZZI (John) MOVED to strike out the word "condemnation".

THE PRESIDENT said the amendment is out of order as we are now discussing the amendment offered by Mr. Horner.

MR. BOCCUZZI said he wants to amend the amendment by striking out the words "condemnation". Seconded.

THE PRESIDENT said the speaker is offering a new amendment and is not actually amending the amendment, because Mr. Horner's amendment does not contain the word "condemnation".

VOTE taken on Mr. Horner's amendment. CARRIED.

VOTE taken on Mr. John Boccuzzi's amendment to strike out the word "condemnation". LOST by a standing vote of 17 in favor, 21 opposed and two abstentions.

MR. MURPHY MOVED THE QUESTION. CARRIED.

THE PRESIDENT called for a vote on the main question - the adoption of Resolution No. 649. He explained that a vote of 21 in favor is needed to carry.

MR. MORRIS called for a ROLL CALL VOTE. A sufficient number having requested this (1/5th) the following roll call vote was taken.

THOSE VOTING IN FAVOR:

BIEDER, Richard (D)
BITETTO, Joseph (R)
BROMLEY, Robert (R)
CAPORIZZO, William (R)
CHIRIMBES, Peter (R)
ELLSWORTH, Stephen (R)
EXNICIOS, Robert (R)
HEINZER, Charles (R)
HEMINGWAY, Booth (R)
HORNOR, Watson (R)
LUPINACCI, Charles (R)
MORRIS, Thomas (R)
PONT-BRIANT, Lois (R)
PUETTE, William (R)
ROOS, John (R)
RUSSBACH, Daniel (R)
RUSSELL, George (R)
SCOFIELD, Edward (R)
SHERER, Sidney (R)
SHERMAN, Edith (R)
VARNEY, Kim (R)

THOSE VOTING IN OPPOSITION:

BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CONNORS, George (D)
COSTELLO, Robert (D)
DIXON, Handy (D)
DOMBROSKI, Edward (D)
DURSO, Robert (D)
GUROIAN, Armen (D)
KELLY, Stephen (D)
KETCHAM, Alan (R)
LIVOLSI, Frank (D)
MALLOY, William (D)
MILLER, Frederick (D)
MURPHY, William (D)
PENSIERO, Joseph (D)
RAVALLESE, George (D)
RYBNICK, Gerald (D)
TRUGLIA, Anthony (D)

ABSTAINED:

DONAHUE, Alphonsus (D)

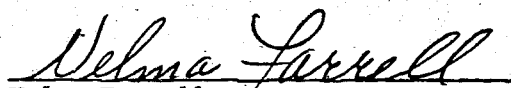
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THE PRESIDENT declared Resolution No. 649 approved by the above roll call vote of 21 in favor, 18 opposed and one abstention (Mr. Donahue).

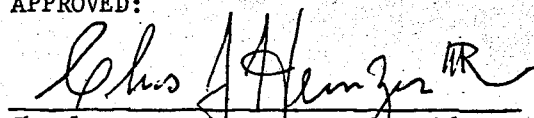
ADJOURNMENT:

There being no further business to come before the Board, upon motion, duly seconded and CARRIED, the meeting was adjourned at 11.45 P.M.

The President reminded the members that a meeting of the Steering Committee will now be held.


Velma Farrell
Administrative Assistant
(Recording Secretary)

APPROVED:


Charles J. Heinzer, III, President
11th Board of Representatives

NOTE: The above meeting was broadcast over Radio Station WSTC until 11 P.M.

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