

MINUTES OF APRIL 10, 1972
ADJOURNED MEETING
12th BOARD OF REPRESENTATIVES
STAMFORD, CONNECTICUT

An adjourned Meeting, being adjourned from the regular Monthly Meeting of the Board of Representatives of the City of Stamford, Connecticut, held on Monday, April 3, 1972, was held on Monday, April 10, 1972 in order to complete the unfinished business still pending from the previous meeting.

The meeting was called to order by the President, George V. Connors, at 8.15 P.M. after an earlier Caucus by the respective parties, and also an earlier meeting held in connection with the proposed recodification of the Charter and Ordinances now being done by the Municipal Code Corporation.

ROLL CALL was taken by the Clerk. There were 31 present and 9 absent at the calling of the roll. However, four members arrived shortly after the roll call, resulting in a final roll call of 35 present and 5 absent.

The absent members were:

Robert Exnicios (R) 1st District
 Handy Dixon (D) 2nd District
 Philip Gambino (D) 6th District
 William Caporizzo (R) 15th District
 William Rowan (R) 18th District

THE PRESIDENT directed the Chairman of the Legislative & Rules Committee to continue with his Committee Report which was interrupted on Monday, April 3, 1972 by the adjournment of the Meeting because of the lateness of the hour.

LEGISLATIVE & RULES COMMITTEE:

- (9) Request for a WAIVER OF BUILDING PERMIT FEE (Under provisions of Building Code (Article 100, Paragraph 14, Section 6) being Ordinance No. 80.7 adopted 8/27/64 as an amendment to the Building Code) -- FOR AN ADDITION TO THE LONG RIDGE SCHOOL ON ERSKINE ROAD, being a non-profit, independent school, a private school) -- (Held in Committee 3/6/72)

(NOTE: The Stamford Building Code has been supplanted by the STATE BUILDING CODE, which became effective on January 31, 1969, under the provisions of Sec. 19-395 of the General Statutes-1968 Revision)

MR. FOX said the above item is being held in Committee, pending the receipt from the Corporation Counsel an opinion as to whether we can waive a Building Permit Fee.

- (10) Proposed Ordinance - "PROPERTY TAX EXEMPTION FOR ST. JOHN'S LUTHERAN CHURCH FOR PROPERTY LOCATED AT DAGMAR ROAD, UNDER THE PROVISIONS OF SEC. 12-81(b) OF THE CONNECTICUT GENERAL STATUTES" - (To be exempted from date of acquisition - Jan. 13, 1972) - (Requested in letter dated 3/1/72 from Attorney F. Grele of Cummings & Lockwood)

MR. FOX MOVED for approval for publication of the following Proposed Ordinance. Seconded and CARRIED:

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PROPOSED ORDINANCE

PROPERTY TAX EXEMPTION FOR ST. JOHN'S LUTHERAN CHURCH
FOR PROPERTY LOCATED AT DAGMAR ROAD UNDER THE PROVISIONS
OF SECTION 12-81b OF THE CONNECTICUT GENERAL STATUTES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Pursuant to Sec. 12-81b of the Connecticut General Statutes, that the property located at Dagmar Road in the City of Stamford acquired on January 13, 1972, by St. John's Lutheran Church of Stamford, Connecticut, an incorporated church organized and operating under the laws of the State of Connecticut, from Elizabeth Anne Cassidy, which property was acquired for the purpose of and which property being used as a residence for officiating clergy, be exempted from taxation as of and from the said date of acquisition, January 13, 1972.

That the Commissioner of Finance be and is hereby authorized and directed to reimburse St. John's Lutheran Church of Stamford, Connecticut, in the amount of FOUR HUNDRED TWENTY-FOUR AND 61/100 DOLLARS (\$424.61) for real property taxes paid by the prior owner, the said Elizabeth Anne Cassidy, for the period January 13, 1972 through June 30, 1972, and for which said St. John's Lutheran Church of Stamford, Connecticut, reimbursed the said Elizabeth Anne Cassidy on the transfer of title.

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

- (11) Proposed Ordinance - "AUTHORIZATION OF THE COLLECTION OF SEWER CONNECTION CHARGES BY THE CITY OF STAMFORD PRIOR TO INSTALLATION OF SEWER CONNECTION"- (See letter 3/16/72 from Sewer Commission and letter dated 2/25/72 from John Smyth, Assistant Corporation Counsel, sent to John Colasso, Chairman of the Sewer Committee, to his home, enclosing the proposed Ordinance)

The above item was held in Committee and is expected to be reported out next month.

- (12) Concerning RECODIFICATION OF CHARTER & CODE OF GENERAL ORDINANCES for Board of Representatives' approval before submission to the Printer -
(Letter from Mr. B. Meade White, Law Editor, dated 2/10/72 to Frank LiVolsi, saying his work is ready for submission to the Printer, and Mr. LiVolsi's reply, dated 3/10/72, saying this has to be approved by the Board of Representatives)

NOTE: There are NO charters left and this firm has been working on the recodification and printing of Charters, which, when completed, with all revisions, will be up-to-date.

MR. FOX said there is no motion, resolution or Ordinance pending in his Committee. However, he said, there was a meeting held this evening, prior to the Board meeting with regard to this matter. He said they have authorized the Municipal Code Corporation to go ahead with printing of the galleys of the Charter and Code of General Ordinances and the Galleys will be submitted to us in approximately 30 to 60 days - sometime around the end of May.

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- (13) CONCERNING APPOINTMENT OF A 10th CHARTER REVISION COMMISSION - (Two Resolutions) -- (1) Initiation of Action by Board of Representatives for appointment of a 10th Charter Revision Commission, and (2) Appointment of a 10th Charter Revision Commission in the City of Stamford under provisions of Chapter 99 of the General Statutes of the State of Connecticut

MR. FOX said there are two resolutions in his Committee and the first one calls for the initiation of action by the Board for the appointment of a 10th Charter Revision Commission and the second one basically names the members of the Commission. He said his Committee, by a vote of 6 to 1 voted to approve the first resolution for submission to this meeting of the Board. HE MOVED for approval of the following Resolution.

MR. SHERER MOVED to recommit the Resolution and that it be brought out at the next regular Board Meeting.

MR. MURPHY suggested that the President first appoint a Committee of this Board - a Charter Revision Committee which can take care of the naming of a 10th Charter Revision COMMISSION.

THE PRESIDENT said he feels that because of the absence of Mr. Truglia, the Majority Leader, perhaps we should hold off on this. However, he said Mr. Morris is here and we already have the names of the members of the Board of Representatives. He said if Mr. Fox and his Committee feel that they would like to bring the second resolution up, the one which deals with the appointment of the 10th Charter Revision Commission, he may do so. He said as long as we are postponing this until next month, the Board can just appoint the Committee (of this Board) now.

MR. FOX asked the President if he wishes to appoint the Charter Revision COMMITTEE of this Board now.

THE PRESIDENT said he cannot do this, but Mr. Morris has the names of the Republican members of the proposed COMMISSION.

MR. MORRIS said he thinks everyone is getting confused. He said the Committee is just picked from the Members of this Board and act as liaison between the COMMISSION and the Board of Representatives. He said the names that he turned in to Mr. Truglia were the Republican Members of the proposed 10th Charter Revision COMMISSION and they were: Thomas Mayers, Helen Bromley, James Bingham, Robert Bundock and Norton Rhoades.

MR. FOX asked if there are any names for the Committee of this Board.

MRS. FORMAN said for information, that it is not necessary to appoint a Committee now - the last time it was done, the Committee was not appointed until later and this is not a priority now.

MR. FOX said he understands that, but last month we directed the leadership to appoint a Committee, although he knows it is not a necessary item.

MR. KNAPP called attention to the motion on the floor, which has never been seconded.

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MR. SHERER withdrew his motion to recommit.

MR. KNAPP said he does not see why this should be recommitted - that he was the only one on the Committee to vote against the proposal, as the 6 to 1 vote so notes and he does not see why it should be recommitted just because people are absent this evening. He said if those who are here were able to make it to this meeting, the others should be able to be here also. He said he would like to have a vote taken now.

THE PRESIDENT said the only thing the matter is that Mr. Truglia happens to have the names that came out of the Democratic Caucus and he is not here and he (the President) does not happen to have the names.

MR. KNAPP said perhaps this is so, but whether or not the names are given this evening is not of consequence this minute, as we can go ahead and vote on the first resolution.

MRS. PONT BRIANT said she concurs in this and does not feel that the names are necessary at this time, and feels we can go ahead and vote tonight on whether or not we are going to have a 10th Charter Revision Commission. She said she wants to see it voted on now and when it comes time to take the vote, will request a roll call vote.

MR. FOX explained that there are TWO resolutions and that the first one calls for the initiation of a Charter Revision Commission and the second one names who are going to be appointed to that Commission. He said the second resolution is being held in Committee, in any event, and the first resolution is the one that is now on the floor. He asked how many votes are required to pass this resolution.

THE PRESIDENT said the vote required is a TWO-THIRDS VOTE ---- 27

MRS. LAITMAN suggested that we vote on the first resolution.

MR. FOX said perhaps he had better read the resolution, which he presented:

BE IT RESOLVED by the Board of Representatives of Stamford, Connecticut, pursuant to Sec. 7-188 of the Connecticut General Statutes, do hereby institute action for the appointment of a 10th Charter Revision Commission for the City of Stamford, which Commission shall study, draft, and propose amendments to the present Charter, if it is deemed necessary, and

BE IT FURTHER RESOLVED, that the Board of Representatives shall take the necessary action to adopt such Charter Revision Commission within thirty (30) days from the date hereinabove.

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MR. FOX explained that if this Resolution is adopted tonight, it will then give the Board thirty days to get up the names. He said the names of the proposed Commission will be subject to the approval of the Board and will not come before us tonight.

MR. RUSSBACH MOVED THE QUESTION. Seconded and CARRIED.

A ROLL CALL VOTE was requested by Mrs. Pont Briant, which was approved.

The motion for adoption of a resolution calling for the initiation of action to appoint a 10th Charter Revision Commission was LOST by the following ROLL CALL VOTE, there being 19 voting in favor and 14 opposed, lacking a two-thirds vote necessary for approval:

THOSE VOTING IN FAVOR

BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CONNORS, George (D)
FORMAN, Barbara (R)
FLANAGAN, William (R)
FOX, Gerald (D)
FRIEDMAN, Bertram (R)
IACOVO, James (R)
LAITMAN, Marilyn (D)
LIVINGSTON, Jeremiah (D)
MORRIS, Thomas (R)
MURPHY, William (D)
PONT BRIANT, Lois (R)
ROOS, John (R)
ROSE, Matthew (D)
RUSSELL, George (R)
SCHADE, Richard (R)
SHERMAN, Edith (R)
TRESSER, Michael (R)

THOSE VOTING IN OPPOSITION

COLASSO, John (D)
GUROIAN, Armen (D)
HEINZER, Charles (R)
KELLY, Stephen (D)
KNAPP, Warren (D)
LENZ, Frederick (D)
MORABITO, Joseph (D)
PERILLO, Alfred (D)
RAVALLESE, George (D)
RUSSBACH, Daniel (R)
RYBNICK, Gerald (D)
SHERER, Sidney (R)
VARNEY, Kim (R)
WALSH, Peter (D)

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- (14) Resolution No. 821 - "AUTHORIZING CONDEMNATION OF EASEMENT IN NEW LOCATION, THROUGH AND UNDER PROPERTY OF FRANK MERCEDE, NICHOLAS MERCEDE, JOHN MERCEDE AND FRANK C. MERCEDE, JR., d/b/a HIGH CLEAR ACRES ASSOCIATES IN CONNECTION WITH SANITARY SEWER PROJECT 13-2 - (Mayor's letter 3/2/72)

MR. FOX MOVED for approval of the following resolution. Seconded by Mrs. Sherman and CARRIED with one abstention (Mr. Fox abstaining):

RESOLUTION NO. 821

AUTHORIZING CONDEMNATION OF EASEMENT IN NEW LOCATION THROUGH AND UNDER PROPERTY OF FRANK MERCEDE, NICHOLAS MERCEDE, JOHN MERCEDE AND FRANK C. MERCEDE, JR., d/b/a HIGH CLEAR ACRES ASSOCIATES, IN CONNECTION WITH SANITARY SEWER PROJECT 13-2

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WHEREAS, authorization for the condemnation of an easement for sanitary sewers in connection with Sanitary Sewer Project 13-2 has already been granted; and

WHEREAS, said easement has subsequently been redesigned for the benefit of the City of Stamford;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED AS FOLLOWS:

That authority be granted empowering the City of Stamford on behalf of the Sewer Commission to condemn an easement for sanitary sewers through and under property of FRANK MERCEDE, NICHOLAS MERCEDE, JOHN MERCEDE AND FRANK C. MERCEDE, JR., d/b/a HIGH CLEAR ACRES ASSOCIATES which easement is specifically described in Schedule "A" attached hereto, for the purpose of completing the Sanitary and Storm Sewer System known as "Sanitary Project 13-2".

SCHEDULE "A"

Easement for sanitary sewer through and under the following described premises:

EASEMENT "A". Beginning at a point on the division line between land of the National Dairy Products Corporation and land of the Grantor, said point being located 437.508 feet easterly from the southwest corner of land of the Grantor as measured along said division line, thence in a northerly direction through land of the Grantor N 1° 56' 33" E a distance of 1,554 feet, N 1° 00' 58" W a distance of 146.708 feet and N 24° 01' 35" E a distance of 102.454 feet to other land of the Grantor, thence in an easterly direction along said other land of the Grantor N 87° 37' 15" E a distance of 11.165 feet to a point on the State of Connecticut Water Resources Commission Encroachment Line, thence in a southerly direction through land of the Grantor along said State of Connecticut Water Resources Commission Encroachment Line S 24° 01' 35" W a distance of 105.199 feet to a point, thence in a southerly direction continuing through land of the Grantor S 1° 00' 58" E a distance of 144.754 feet and S 1° 56' 33" W a distance of 1.048 feet to land of the NATIONAL DAIRY PRODUCTS CORPORATION, thence in a westerly direction along said land of the NATIONAL DAIRY PRODUCTS CORPORATION S 87° 37' 15" W a distance of 10.029 feet to the point or place of beginning.

EASEMENT "B". Beginning at a point on the southerly street line of Camp Avenue as it now exists, said point being located 163.027 feet easterly from the northwest corner of land of the Grantor as measured along said southerly street line of Camp Avenue, thence in an easterly direction along said southerly street line of Camp Avenue S 82° 10' 45" E a distance of 10.243 feet to a point on the State of Connecticut Water Resources Commission Encroachment Line, thence in a southerly direction through land of the Grantor along said State of Connecticut Water Resources Commission Encroachment Line S 20° 18' 50" W a distance of 165.047 feet and S 24° 01' 35" W a distance of 94.961 feet to other land of the Grantor, thence in a westerly direction along said other land of the Grantor S 87° 37' 15" W a distance of 11.165 feet to a point, thence in a northerly direction

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through land of the Grantor N 24° 01' 35" E a distance of 99.603 feet and N 20° 18' 50" E a distance of 162.507 feet to the point or place of beginning. Easement "A" and Easement "B" are more particularly shown and delineated on a certain map on file in the City and Town Clerk's Office, Stamford, Connecticut, reference thereto being hereby had and entitled "Map Showing Revised Sanitary Sewer Easement Through Property of Frank Mercede Et. Al., Stamford, Connecticut William D. Sabia City Engineer P.E. No. 6303 Connecticut."

- (15) Proposed Resolution - AUTHORIZING THE FILING OF AN APPLICATION TO THE FEDERAL GOVERNMENT FOR A GRANT TO DEVELOP DYKE PARK UNDER THE OPEN SPACE PROGRAM - (HUD Grant under Open Space Program for 50% reimbursement, being one-half of \$179,000 total cost) - (Mayor's letter of 3/20/72)

The above matter was returned to Committee.

- (16) Concerning MINIMUM HOUSING STANDARDS - Being proposed Ordinance, 42 pages in length, amending CHAPTER 18 of Code of General Ordinances - (Submitted by Dr. Gofstein and referred to the Legislative & Rules Committee by action of the Steering Committee on 3/20/72)

MR. FOX said although this was not ordered on the Agenda, it was referred to the Legislative & Rules Committee and they have discussed it at two meetings and they will hold a meeting sometime within the next 45 days which will be open to Board Members only, in order that they may ask questions and familiarize themselves with what the Ordinance contains. He said later a full public meeting will be held on this Ordinance.

SEWER COMMITTEE:

MR. COLASSO, Chairman, said his Committee has not been doing too much lately but he has been busy inspecting all of these jobs because he felt as Chairman of the Committee he should be well versed on the program. He said he feels that this program leaves a lot to be desired and in the near future he will be presenting an Ordinance to help make this program a better one.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL, Chairman, presented his Committee Report. He said they met on Wednesday, March 29th at 8 P.M. with all Members present. He reported on the following:

- (1) Final adoption of Ordinance No. 237 - "CHANGING THE NAME OF RIVER HILL ROAD TO "RIVER HILL DRIVE" -- (Adopted for publication 3/6/72; published 3/10/72)

MR. RUSSELL MOVED for final approval of the following Ordinance. Seconded and CARRIED unanimously:

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ORDINANCE NO. 237 SUPPLEMENTAL

CHANGING RIVER HILL ROAD TO RIVER HILL DRIVE

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

The following street formerly known as River Hill Road and running easterly from Stillwater Road for approximately 600 feet, shall be changed to River Hill Drive.

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

(2) Authorization for SALE OF PARCELS OF CITY-OWNED LAND BY PUBLIC AUCTION

MR. RUSSELL said this is being held in Committee by request of several Board Members for further information.

He said the other matters referred to his Committee have already been reported out.

PARKS & RECREATION COMMITTEE:

MR. KELLY reported on the following matters:

- (1) Final adoption of Ordinance No. 238 - "CONCERNING CURFEW AT CHESTNUT HILL PARK" - (Approved for publication at 3/6/72 meeting; published 3/10/72)

MR. KELLY MOVED for final approval of the following Ordinance. Seconded and CARRIED unanimously:

ORDINANCE NO. 238 SUPPLEMENTAL

CONCERNING CURFEW AT CHESTNUT HILL PARK

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Section 21-9 of the Code of General Ordinances is amended by adding thereto the following:

Notwithstanding the foregoing it shall be unlawful for any unauthorized person to come on to, to congregate or to use for any purpose whatsoever, any part of the land now owned by the City of Stamford located on Chestnut Hill Road and known as Chestnut Hill Park, between one hour after sunset and 7 A.M. Each violation of this section shall be deemed a separate offense and shall be punishable by not more than thirty (30) days in jail, a fine of One Hundred Dollars (\$100.00) or both.

This Ordinance shall take effect upon its adoption.

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- (2) PETITION - From Youth Group of Congregation Agudath Sholom for PARADE AND RALLY on April 2, 1972 - Parade to start at Congregational Agudath Sholom at 11 A.M. and proceed to Bedford Park, where it will terminate. At Bedford Park there will be a rally with speakers, which will be conducted until 3 P.M.

(Requested in letter of 2/28/72 from Stephen M. Seelig of Wofsey, Rosen & Kuriansky) - (Received too late - will have to be approved retroactively by Board Officers, subject to confirmation of full Board)

MR. KELLY MOVED for confirmation of the above request, retroactively, as permission has already been given by the Board Officers, it having been received too late to go on the previous months' agenda. Seconded and CARRIED.

- (3) PETITION NO. 366 - TAG DAY - Requested by the Stamford Comets Color Guard for "Tag Day" to be held Saturday, April 22, 1972

MR. KELLY MOVED for SUSPENSION OF THE RULES in order to bring the above request on the floor, it having been received too late to be placed on the agenda. Seconded and CARRIED.

MR. KELLY then MOVED for approval of the request. Seconded and CARRIED.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE:

MR. MILLER said he already gave his Committee report and just wishes to say that a meeting was held by his Committee on March 27th with all members present.

SPECIAL COMMITTEES:

"HOUSE" COMMITTEE:

MR. RYBNICK, Chairman, said he is asking for approval of this Board for the purchase of miscellaneous articles that have been requested by Board Members. He said Mr. Truglia has asked for 43 ring binders and numbers for each desk corresponding with the voting machine. He said Mr. Guroian has asked for new equipment and stamps. He said the House Committee wishes to purchase at least seven new microphones, one of these which will be for the Clerk's use.

He read a letter from Mr. Guroian, asking for permission to make use of the Central Services Department, to make copies of letters, place them in envelopes and mail them to Board Members and City Officials. However, he said the postage will be billed to the Board of Representatives.

MR. RYBNICK said the Account No. for this billing is 106.0601. He said Mr. Guroian said perhaps the setting aside of X number of dollars for postage would be feasible.

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MR. RYBNICK read another letter from Theodore Boccuzzi, Chairman of the Appointments Committee, in which he said he has contacted the Corporation Counsel to find out if the Appointments Committee can make use of the services of a stenographer or of a tape recorder in the course of interviewing people and has been told that the Committee can do this. He said this would be to safeguard the Members of this Committee should the occasion arise when they make statements to the Board members who are later questioned as to their veracity, either by the Board Members or the Appointees themselves.

He said recently an appointment was opposed on the floor of the Board on the basis of answers to questions made to the appointees by members of the Committee interviewing them and subsequently the appointee denied having said what was attributed to him. Also, in addition to this, a member of the Committee in question denied having heard this individual's responses to questions asked of him by members of the Committee. He said a denial of this kind can reflect on the integrity of a member of the Committee, so it would be only fair to have a recording of the questions and answers, so that no member of the Board serving on the Appointments Committee can later find himself in the position where he can be held suspect in a libel suit because he is unable to substantiate his statements with recorded evidence. He said the House Committee is requested to either obtain the services of a stenographer or the use of a recording machine.

MR. RYBNICK said he is also asking the Board to approve rules governing the use of the Board's Meeting Room. He said at one time the Board established certain rules as to the use of the meeting room, by whom and when.

MR. RYBNICK said he does not want to make these decisions himself, but is asking for the Board's approval, because the purchase of some of these things are quite expensive.

MR. JOHN BOCCUZZI said he has only one comment, which is regarding postage. He said it is his understanding that Board members will be able to have letters written up and mailed out to the Board and if so, won't they have to get permission first from either the Chairman of the House Committee, because you have to keep a running account of just how much money you have left in that Budget. He said if everybody runs down to Central Services trying to get things mailed out, we'll soon be out the \$3,000 appropriation and then it will be up to the Board of Finance to try and cover deficit spending, which has always been the very thing that this Board has frowned upon in the past.

THE PRESIDENT said it is getting to the point that if individual members think they can go into the Central Services Department and having printing and mailings sent out --- He said he has talked to the head of that Department and has given strict orders that unless these are cleared by Mrs. Farrell and himself, that Department is not to do anything which is exactly what Mr. Boccuzzi is talking about - running up expenses and not having any records kept. He said if individual Board Members start going

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down to the Central Service Department, they will find out that we don't have that kind of money. He pointed out that this Board runs on a very tight budget and just because we just got this \$3,000 "windfall", it's beginning to look awfully big, but it won't last too long at the rate everyone wants to spend it.

MRS. VARNEY asked if the Board is going to vote on each of these requests separately.

THE PRESIDENT said that would be a very good idea.

MRS. PONT BRIANT asked if all these suggestions just made by the House Committee, be referred back to that Committee so that they can look into all of these suggestions and then present it as a Committee Report with their recommendations, either favorably or unfavorably and then the Members can vote on these individual questions at the May Board meeting.

THE PRESIDENT asked the Speaker if she is making this as a motion.

MRS. PONT BRIANT said if it is agreeable to Mr. Rybnick, she will make this as a motion.

MR. RYBNICK accepted the motion and seconded it.

MR. BOCCUZZI asked if it is possible, if the motion is approved, if Mr. Rybnick can come out with a cost estimate of each item, so the Board will know exactly how much we have spent and exactly how much we have left.

MR. RYBNICK said he will do this.

MRS. SHERMAN said she would like to eliminate one of the items mentioned, because we are opening up a "Pandora's Box". She said any Member of this Board who wants to speak to any other member can just pick up the telephone and call him, because it has been done any number of times. She said if any member wants to start a campaign within this Board, all he has to do is to use the Central Services Department and she does not think we should have a right to do that. SHE MOVED to eliminate that particular item from consideration from the House Committee's consideration.

MR. GUROIAN said he would like to take exception with the last speaker and with the President in regard to this Board's access to the Central Services Department. He said the Mayor utilizes Central Services in order to distribute among the Members of this Board, certain literature which he thinks appropriate and in effect, is using the taxpayers' money for his own benefit.

He said this happens to be the Legislative body of the City and we have just as much right, perhaps 40 times more right, to make use of the taxpayers' money within the costs that the Mayor has prescribed for himself. He said he can see no reason why the Members of this Board cannot correspond with the 39 other Members of this Board through the mail with the postage charges being picked up by the City, just as the Mayor has the postage charges picked up by the City. He said he thinks it is very unfair to ask the Board Members to go

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out and Xerox 40 copies of a letter which he thinks is pertinent to a subject matter that is going to appear the following month on the Board's Agenda. He said he thinks it is very unfair for this Board to expect that Member to expend his own money for postage. He asked the Board to reconsider the request which he made. He said it is not going to cost very much and if we don't use this money within the Budget by June, it will only revert back to the City's Surplus Account. He said out of a total of \$3,000 he fails to see what harm is done by setting aside \$15 for each Board Member to be used for postage for use by the Members.

THE PRESIDENT left the Chair to speak on behalf of the Mayor. He said he feels that the Mayor has the right and we owe him the common courtesy to be allowed certain privileges not given to the Board Members. He said as far as the Board Members are concerned, all they have to do is give a letter to Mrs. Velma Farrell and she will send the letter out. He said he does not think that the Central Services Department is here to serve each individual Board Member and have them going in there and saying "I want letters sent here and I want letters sent there". He said when the Mayor sends out letters it comes out of the Account in his Budget for that purpose and when anything goes out from the Board of Representatives, it comes out of their appropriation and the individual department has to account for that spending. He said he does not think it is right to have individual Board Members going into the Central Services Department and giving orders for them to do work for them as individuals.

MR. GUROIAN rose on a point of information. He asked the President if he means we can accomplish the sending out of letters by simply going to Mrs. Farrell and she will then mail it out to the various Board Members. He said if that is so, then he will drop his request, because that is exactly what he is requesting. He said he thinks a means should be accorded individual Board Members to write letters to the other Board Members without racing around town and spending their own money.

MR. HEINZER rose on a point of order. He said there is a motion on the floor to commit this to the Steering Committee to refer this to whatever Committee they feel is appropriate, and that is what we should be discussing and not the merits of the issue.

THE PRESIDENT said it should go to the House Committee.

MR. HEINZER objected, saying that is not the proper Committee - it should be referred to the Steering Committee.

THE PRESIDENT asked Mrs. Pont Briant if she wishes to so amend her motion - that this be referred to the Steering Committee.

MR. RUSSBACH said, as a Member of the House Committee, he is not in favor of referring this back to the Steering Committee. He said he thinks this is beginning to sound like the show "LAUGH IN" and we are beating an item like Central Services to death and he has been on this Board for almost

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five years and can't remember ever even considering using the Central Services Department. He said he thinks it should be up to the House Committee to look into these things and come up with some type of recommendations as to what should be done.

MRS. SHERMAN said she thinks this should go back to the Steering Committee and thinks there is a lot more involved here than just using the Central Services Office, and really thinks we are trying to open a "Pandora's Box" and should give this some serious consideration before we vote.

MR. MORRIS MOVED the question. Seconded and CARRIED.

THE PRESIDENT called for a vote on sending this back to the House Committee. CARRIED.

SPECIAL COMMITTEE TO INVESTIGATE TOWN FAIR TIRE CENTER

(Investigating Committee, under provisions of Sec. 204.2 of Charter, to investigate Zoning Board in relation to application approved in 1970 for the TOWN FAIR CENTER, located in Business District at Town-of-River, under terms of Resolution No. 796 adopted 12/6/71 - see Page 8073 of Minutes) -- (A bi-partisan Committee, composed of all Members of the Planning & Zoning Committee, with one (R) vacancy to be named by the President)

MR. RUSSELL presented his Committee Report at this time as follows:

FINAL REPORT OF SPECIAL COMMITTEE TO
INVESTIGATE CIRCUMSTANCES LEADING UP TO
ZONING APPLICATION APPROVAL RELATING TO
TOWN FAIR TIRE CENTER OF STAMFORD, INC.

Committee was formed by action of the Board of Representatives at its December 1971 meeting and pursuant to Section 204.2 of the Stamford Charter.

Members of the Committee were John Colasso, Armen Guroian, Joseph Morabito, John Roos, Michael Tresser and George Russell, Chairman.

Committee held at least six meetings including those at which both sides to application were heard. Committee members also visited the site and building in question. Considerable volumes of materials, including the original application, plot plan, mailing certificates, Zoning Board minutes and findings; as well as, lists of the opponent accusations and questions were collected for examination and study.

One meeting was held solely for opponents to application. There was much lengthy discussion with many implications and questions presented. Another meeting was held which included the Zoning Board, Building Inspector and Zoning Enforcement Officer James Sotire, Assistant Corporation Counsel

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Theodore Godlin, Attorneys Isadore Mackler and Richard Silver, representing the property owner John Sotire and Lessee, Town Fair Tire Center, Inc.

Most of the opposition complaints were either legal and had been withdrawn by them, in any case too late to now correct; or, were individual interpretations of the Zoning Regulations and Building Code, for which the Committee, in most cases, was able to obtain reasonable answers.

The most repeated contention concerned the propriety of the submitted original application and who signed same. The Committee felt that in its opinion, the original application was improper and was further backed up by an opinion of Assistant Corporation Council Theodore Godlin in his interpretation, "Who is a Stamford property owner." Withdrawal of legal appeal by Mid Ridge Civic Association did not give the Court of Common Pleas an opportunity to give an opinion on this. Committee did suggest and notes that the Zoning Board now requires an affidavit proving property ownership in Stamford with each new application. Zoning Board commented that "Who was the property owner" did not effect their consideration and final decision.

Another strong point of contention concerned the Certified mailing to effected property owners adjoining area in question. Some addressees claimed they did not receive letter informing them of the intended land use. Attorney for the applicant and owner submitted copies which showed that each letter was given a certificate number by Post Office, and thus was proof that all such letters were received the them. From here on, it is the sole responsibility of the Post Office for delivery. Committee felt they could find no fault with this procedure.

Questions presented that concerned the building itself and sufficient parking were checked for possible violations. Members of the Committee visited the site and checked building and parking against plans accepted by Zoning Board. No serious differences or violations were found.

There were seventeen (17) conditions and restrictions, including sound-proofing, placed on this building and its use. Further it was noted that Building Inspector James Sotire, during the construction of the building, had made the contractor remove and repour cement footings because of structural infraction, also he had a section of brick wall, about fifteen (15) feet high, knocked down and rebuilt due to another building fault he found.

Aesthetically, the building and grounds look well and give a better impression than many of the existing structures in this area. At this point, the Committee cannot help but comment on what they feel has been general lackadaisical zoning in this area. It appears that no plan for the area existed that was followed by one Zoning Board after another. Surely, from aesthetic and desirable minimum parking, one would expect more in a so-called "Designed Business" Zone.

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It was noteworthy during the investigation that not one individual property owner, close to or nearby the area in question, appeared or corresponded with committee.

The Committee feels it should be noted that there had been an appeal to the Zoning Board's action of approval in March 1971, and that this appeal was rejected by the Board of Representatives for insufficient signatures. Another fact that should be noted was the Board's resolution of November 1971 requesting a withholding of the Certificate of Occupancy for thirty (30) days, and which the building inspector upon advice of the Corporation Council, could not hold as long as building met all requirements.

Committee was unanimous in giving credit to the so-called "Watch-dog" efforts of various individuals and organizations, without whom certain controls and, at least, part of the "17" conditions and restrictions might not have been.

An outcome of talking to residents indicated that there is a serious need for a printed form available to the public that explains in detail and layman's language the steps necessary to appeal a decision of either the Planning Board or the Zoning Board to the Board of Representatives. Planning and Zoning Committee with the Legislative & Rules Committee should take on this necessary assignment.

In conclusion, the Committee, after consideration of all legal, verbal and written matters relating to this subject, voted unanimously that, other than certain questionable procedural steps, which are too late for correction, found nothing improper that might suggest action by this Board.

The Committee has concluded its investigation and so asks to be dismissed.

CHRONOLOGICAL LIST OF MATTERS RELATING TO ZONING BOARD
APPLICATIONS 70-026 and 70-027 - TOWN FAIR TIRE CENTER OF
STAMFORD, INC.

- (*) 10-29-70 Original Application to Zoning Board with Questionable Legal Signature.
- 11-12-70 Zoning Board's Correspondence to Various Department Heads and State of Connecticut.
- 11-19-70 Planning Board's Minutes Referring to Referral from Zoning Board.
- 11-25-70 Legal Notice Calling for Zoning Board Public Hearing for 12-7-70
- 12-7-70 Transcript of Zoning Board's Public Hearing.
- 12-11-70 Attorney R. Silver's Letter Clarifying Questions of "Discount Stor
- 1-7-71 Zoning Board's Minutes Referring to Planning Board's Procedure for Hearing their Referral.

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- 1-14-71 Zoning Board's Minutes Referring to A. Dormant's Request to Meet with them.
- 1-28-71 Planning Board's Minutes Referring to Meeting with Mid-Ridge Civic Assn.
- 2-4-71 Correspondence of Planning & Zoning Director, W. Wachter, to Planning Board Referring to Appeal of A. Dormant and Mid-Ridge Civic Assn., and Explaining the Growth History of this Business Area.
- 2-4-71 Planning Board's Minutes on Reconsideration Request of A. Dormant.
- 2-9-71 Zoning Board's Minutes Approving Application with Seventeen (17) Conditions and Restrictions.
- (*) 2-9-71/2-22-71 Zoning Board's Certification and Legal Notice of their Approval.
- 3-71 Residents Appealed Zoning Board's Decision to Board of Representatives and which was Rejected because of Lack of Sufficient Signatures, also appealed to Court of Common Pleas and which was later withdrawn.
- 12-1-71 Assistant Corporation Counsel T. Godlin's reply to Mayor Julius Wilensky on his Questions as to Residents Legal Actions taken in March 1971
- 12-22-71 Asst. Corporation Counsel T. Godlin's reply to Mayor Julius Wilensky's Questions as to Legal Definition of "Who is a Stamford Property Owner".
- (*) Copies supplied with report.

APPLICATION FOR APPROVAL OF SITE PLANS AND/OR REQUESTED USES

(Make out in duplicate & forward to Clerk of Board - \$5. filing fee)

*Applicants Must Pay Advertising Costs

1. LIST NAME(S) AND ADDRESS(S) OF APPLICANTS(S):

Town Fair Tire Center of Stamford, Inc., c/o Richard A. Silver
 47 Oak St.
 Stamford, Conn.

2. PRESENT ZONE DISTRICT:

B-D Designed Business District

3. TITLE OF SITE PLAN & ARCHITECTURAL PLAN:

Town Fair Tire Center, High Ridge Road, Stamford, Conn.

4. REQUESTED USE:

Automotive Equipment and Service Stores

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5. LOCATION: (Give boundaries of land affected, distance from nearest intersecting streets and lot depths)

Northerly: 151.97 ft. + by land of Connecticut Motor Club, Inc:

Easterly: 140.62 ft. + High Ridge Road

Southerly: 115.77 ft. + by land of Lutz-Sotire Partnership; and

Westerly: 124.33 ft. + by land now or formerly of John Bojarski, Domicella Lenszycki, and Edward B. Finch, each in part. 351 ft. south of Olga Drive.

6. NAME & ADDRESS OF ALL PROPERTY OWNERS OF LAND INVOLVED IN REQUEST:

<u>Name & Address</u>	<u>Location</u>
Town Fair Tire Center of Stamford, Inc. 47 Oak St. Stamford, Conn.	c/o Richard A. Silver

7. DOES ANY PORTION OF THE PREMISES EFFECTED BY THIS APPLICATION LIE WITHIN 500 ft. OF THE BORDER LINE OF GREENWICH, DARIEN OR NEW CANAAN? (If yes, application can't be scheduled for public hearing until 30 days has elapsed from the date of referral by the Zoning Board to the South Western Regional Planning Agency)

No.

DATED AT STAMFORD, CONN., THIS 29th DAY OF October, 1970

(Legality questioned-signer
not a Stamford property
owner)

SIGNED: ANN J. NORDHAM
Neil Mellon, President,
Town Fair Tire Center of Stamford, Inc.

APPL.70-027 Received in the office of the Zoning Board on

Nov. 7, 1970 Joanne Rodrigues

LEGAL NOTICE
CITY OF STAMFORD

APPL.70-027 - Notice is hereby given that the Zoning Board of the City of Stamford, Connecticut, at its meeting held Tuesday, February 9, 1971, APPROVED AS MODIFIED the application of TOWN FAIR TIRE CENTER OF STAMFORD, II subject to the conditions set forth below; said application having been given due notice and public hearing held on Dec. 7, 1970.

Approved site plans entitled, "Plot Plan - Town Fair Tire Center, High Ridge Road, Stamford, Conn.", Clements & Coventry, Contractors, Milford, Conn.; approved architectural plans entitled, "Elevations - Town Fair Tire Center, High Ridge Road, Stamford, Conn.", showing front, rear and side elevations;

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and approved the following use permitted in the B-D Designed Business District under Section 9, Subsection B, 2, (a) of the Zoning Regulations: "automotive equipment and service stores, restricted to the retail sale and service of new automotive tires", to be made applicable to property located on the west side of High Ridge Road, being in the B-D Designed Business District. Said property is further described as follows:

"Bounded Northerly: 151.97 feet + by land of Connecticut Motor Club, Inc.; easterly; 140.62 feet + by High Ridge Road; Southerly: 115.77 feet + by land of Lutz-Sotire Partnership; and Westerly: 124.33 feet + by land now or formerly of John Bojarski, Domicella Lenszycki, and Edward B. Finch, each in paet. 351 south of Olga Drive."

Said approval is subject to the following standards, conditions and requirements:

1. A building permit shall be obtained before any construction work is started.
2. No exposed storage of refuse and discarded material shall be allowed.
3. Garbage pick-up shall only be done during store hours.
4. No part of the premises shall be allowed at any time to lapse into a deteriorated condition.
5. There shall be no blowers used to clean the parking lot; cleaning of the parking lot shall be done by vacuum sweepers, and shall not be done on Sunday.
6. There shall be no incinerators on the premises.
7. There shall be no more than one foot of candle power on the perimeter of the property; there shall be no flood lights on the interior part of the property; there shall be no unshaded light sources, and lights shall be so located that their beams are not directed into residential areas or into the public highway; nor shall there be any flashing lights, loudspeakers or other noise-making devices.
8. There shall be no deliveries before 7.00 A.M. or after 9.00 P.M.
9. Use of advertising signs inside or outside window glass shall be prohibited.
10. Planting plan approved by the Zoning Board, subject to the following condition;
 - (a) Shrubs located in the islands must not exceed three feet (3') in height at any time. Their height is to be measured from the pavement of the ingress and/or egress drives to the top of the shrubbery.
11. The entrance and exit drives as shown on the approved plans shall be interchanged as well as posted as such. Additional arrows on the pavement of the drive area shall also be provided.

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12. Store hours shall be 9 a.m. to 9 p.m. Monday through Friday, and 9 a.m. to 6 p.m. on Saturday.
13. A matching stockade type fence, no less than 6 feet, 6 inches (6'6") high shall be constructed and properly maintained along the entire rear lot boundary lines. Said fence shall be reinforced and supported as follows: (a) vertical structural members must consist of a 2½" galvanized pipe embedded in a concrete footing with a minimum diameter of 10" for 3' below grade; (b) vertical posts must not be spaced more than 10' apart; (c) there must be a top and bottom 1-5/8" galvanized horizontal rail; (d) required fence must be properly fastened to the above mentioned structure.
14. The building shall meet a sound-proof rating of a S.T.C.50.
15. No more than one pole sign shall be permitted on the premises, which shall be subject to the existing maximum dimension restrictions and shall be further subject to approval by the Zoning Board as to design.
16. All planning and construction, except as may otherwise be designated above shall be subject to the lawful requirements of the following agencies: City Engineering Department with respect to drainage; the Traffic Division of Stamford's Police Department with respect to traffic control measures; and the Stamford Health Department with respect to septic disposal systems.
17. Location and width of ingress and egress shall comply with applicable requirements of the City of Stamford.

No Certificate of Occupancy shall be issued until all the above additional requirements are complied with and all applicable requirements under Section 9 of the Stamford Zoning Regulations entitled, "Designed Districts" are met.

Effective date of this approval, Feb. 22, 1971

ATTEST: SAMUEL M. GOLD
SECRETARY, ZONING BOARD
CITY OF STAMFORD, CONN.

Dated at the City of Stamford, Conn.
this 11th day of February 1971.

MR. RUSSELL commented on his Committee report. He mentioned two items - one the application with the questionable signature and also the suitable requirements set up by the Zoning Board of Appeals, which he said they felt was important. He said the Committee felt very strongly that the application was submitted improperly. Also, submitted to the Committee, were Court decisions which said that matters like this can be appealed within a certain length of

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time. However, if they are delinquent and do not appeal, then it is too late to do anything about it. He said he would also like to point out that there were 17 restrictions put on this building, including the fact that it had to be soundproofed. He said as far as the building goes, it was put up the way the Zoning Board approved. As far as what should be put in the B-D area, he said we would have to agree it is the responsibility of the Zoning Board unless it is appealed to the Board of Representatives. He said we should also note that a year or so ago this matter was appealed to this Board but unfortunately due to a lack of signatures, it was rejected.

He said members of his Committee went through the building and found that aesthetically the building and grounds looked very well and gives a better impression than many of the existing structures in the same area. At this point, he said the Committee must comment on what they feel is a general lackadaisical zoning in this area, as it appears that no plan for this area existed that was ever followed by one Zoning Board after another. He said one should expect more in what is supposed to be a Designed Business Zone. He said it is too late to decide what can be done up there now. He said the Committee wants to make it clear and they were unanimous in this, to give credit to the so-called "watch-dog" efforts of various organizations, without whom certain controls and at least part of the 17 conditions and restrictions would not have been.

In conclusion, he said, the Committee, after consideration of all legal, verbal and written matters relating to this subject, voted unanimously that other than certain questionable procedural steps, which are now too late for correction, found nothing improper that might suggest action by this Board.

He said his Committee has concluded its investigation and asks to be dismissed. He thanked all the Members of his Committee for their diligence in attending all of the meetings, some of which were very lengthy.

He said the Committee has incurred some expenditures which will have to be paid under Sec. 206 of the Charter and MOVED for approval of their payment. Seconded and CARRIED.

SPECIAL COMMITTEE TO INVESTIGATE METHOD OF RE-APPRAISAL OF PROPERTY IN CITY OF STAMFORD - (Being a 10 year appraisal under provisions of State Statutes)-
(A six member bi-partisan Committee, chaired by George Ravallese, authorized at Board Meeting held 2/7/72 by motion of Mr. Ravallese

Request for approval of expenses of above Committee under provisions of Sec. 206 of Charter - (Requires a two-thirds vote of entire membership of Board for approval.)

MR. RAVALLESE MOVED for approval of expenses for the Investigating Committee under Section 206 of the Charter. Seconded and CARRIED.

MR. RAVALLESE said he is not ready to submit his report yet, but has incurred some bills and wants to pay them as they go along.

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RESOLUTIONS:

Resolution No. 822 - To recycle materials such as paper, glass and aluminum cans - (Proposed by Anthony B. Truglia, 5th District Representative)

MR. TRUGLIA presented the following Resolution and MOVED for its adoption. Seconded and CARRIED:

RESOLUTION NO. 822

TO RECYCLE MATERIALS SUCH AS PAPER, GLASS AND ALUMINUM CANS

BE IT RESOLVED that the City of Stamford, in cooperation with the Public Works Department, explore the feasibility of selecting a minimum of four (4) central areas within the City limits as gathering points for recycling materials such as: paper, glass and aluminum cans.

Public notices, maintenance, supervision, necessary receptacles and cartage to be the responsibility of the Public Works Department.

OLD BUSINESS:

NEW BUSINESS:

Concerning formation of a two man Committee to act as liaison between the Board of Representatives and SACIA (One Democrat and One Republican)

MR. TRUGLIA proposed that the President appoint a two man Committee, composed of one Republican and one Democrat, to act as liaison between this Board and SACIA to meet once a month.

THE PRESIDENT said he would appoint the Majority Leader and the Minority Leader to get together and pick this Committee. He asked if this is agreeable to the Members and called for a vote of approval. CARRIED.

MR. GUROIAN said he wanted to speak before the vote was taken. He objected to this sort of liaison with one one group in the City, saying there are many other groups in the City that would like to have the same type of liaison. He asked if this now means that the Board will delegate other members to meet with some of these other groups. He said a few minutes ago somebody talked about opening up a "Pandora's Box" and if this isn't a "Pandora's Box" then what is?

MR. MURPHY MOVED to reconsider the question just voted on, having voted on the affirmative side. Seconded. VOTE taken to reconsider the appointment

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of two members to act as a liaison committee with SACIA. Machine vote taken and CARRIED by a vote of 18 in favor and 17 opposed.

Proposed Resolution, calling for the Legislative & Rules Committee to draft a suitable resolution calling for the restriction and curtailment of emergency appropriation by this or any Administration in the future, and that this Administration be required to govern within the Budget submitted and approved by the Boards of this City

MR. SHERER MOVED that the Legislative & Rules Committee draft the above Resolution. REFERRED TO THE STEERING COMMITTEE for proper referral to Committee.

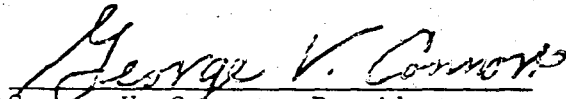
ADJOURNMENT:

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



Velma Farrell
Administrative Assistant
(Recording Secretary)

APPROVED:



George V. Connors, President
12th Board of Representatives

NOTE: The above meeting was NOT
Broadcast over the Radio

VF