

MINUTES OF DECEMBER 2, 197413TH BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

A regular monthly meeting of the 13th Board of Representatives of the City of Stamford, Connecticut was held on Monday, December 2, 1974 in the Board's meeting room on the second floor of the Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by the President, Frederick E. Miller, Jr., at 9:20 p.m. after both political parties had met in caucus.

INVOCATION: Given by Rev. James Davis, First United Methodist Church.

PLEDGE OF ALLEGIANCE TO THE FLAG: The President led the members in the Pledge of Allegiance to the Flag.

CHECK OF THE VOTING MACHINE: A check of the voting machine was conducted and it appeared to be in good working order.

ROLL CALL: Roll Call was taken by the Clerk, Marilyn Laftman. At that time there were 38 members present and 2 absent. However, one member's resignation was accepted and his replacement sworn in bringing the total to 39 present and 1 absent. The absent member was:

Algird Cibulskas (D), 14th District

COMMITTEE APPOINTMENTS:

THE PRESIDENT announced the appointment of Linda Clark as a member of the Health & Protection Committee and as a member of the Urban Renewal Committee. He also announced the appointment of Gerald Rybnick as a member of the Steering Committee and as Co-Chairman of the Public Works Committee.

PAGES:

Debbie Lupinacci, student at Cloonan Middle School, and Anna Holtz, student at Rippowam High School.

RESIGNATION:

THE PRESIDENT read a letter dated December 2, 1974 from Daniel R. Russbach submitting his resignation from the Board of Representatives as 17th District Representative.

MR. EXNICIOS MOVED to accept Mr. Russbach's resignation with regret. Seconded and CARRIED after Mr. Russbach was praised by Reps. EXNICIOS, HOFFMAN, GUROIAN, JOHN BOCCUZZI, ZIMBLER, LIVINGSTON, COSTELLO, TRESSER, FLANAGAN and MARTINO for his dedication during seven years of active public service as a Representative of the first magnitude who was conscientious, colorful, controversial, knowledgeable, fair-minded, honest, sincere, respected and a legend in his own time.

Minutes of December 2, 1974

REPLACEMENT:

MR. EXNICIOS nominated Everett Pollard to fill the vacancy on the Board as Representative from the 17th District. Seconded.

MR. FLANAGAN nominated Diane O. Handley to fill the vacancy on the Board as Representative from the 17th District. Seconded.

There being no further nominations, THE PRESIDENT declared the nominations closed.

After discussion, MR. JOHN BOCCUZZI, Majority Leader, requested a 3-minute recess, which was agreeable to the Minority Leader. (9:50 p.m.)

Following the recess, THE PRESIDENT called the meeting to order at 10:00 p.m.

The Tellers and Alternate Tellers came forward and distributed paper ballots to all members. Following the voting, the ballots were collected and counted by the Tellers and the results were:

Diane O. Handley	- 23 votes
Everett Pollard	- 14 votes
Abstention	- 1

THE PRESIDENT declared Mrs. Handley to be elected to fill the vacancy on the Board as Representative from the 17th District. He then administered the oath of office to Mrs. Handley and she assumed her seat on the Board.

ACCEPTANCE OF MINUTES:

MR. JOHN BOCCUZZI MOVED for the acceptance of the minutes of the regular meeting of November 6, 1974 and the special meeting of November 18, 1974. Seconded and CARRIED.

COMMITTEE REPORTSSTEERING COMMITTEE

The reading of the minutes of the Steering Committee meeting was waived and appears below:

STEERING COMMITTEE REPORT

Meeting held Monday, November 18, 1974

A meeting of the Steering Committee was held Monday, November 18, 1974 in the Democratic Caucus Room, 2nd floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by the Chairman and President of the Board, Frederick E. Miller, Jr., at 12:10 a.m. following a Special Meeting of the Board. The following members were present:

Frederick E. Miller, Jr.  
John Boccuzzi  
Theodore Boccuzzi  
Marilyn Laitman  
Thom Serrani  
Julius Blois  
Handy Dixon  
Gerald Rybnick

Michael Tresser  
Joseph DeRosa  
William Flanagan  
Alfred Perillo  
Jeremiah Livingston  
Matthew Rose  
Barbara Forman

The following matters on the tentative agenda were discussed and acted upon:

(1) Mayor's Appointments

There were no appointments submitted by the Mayor for consideration at the December meeting.

(2) Appropriation items

The six additional appropriation requests as listed on the tentative agenda were ORDERED ON THE AGENDA under FISCAL COMMITTEE with those over \$2,000.00 also being referred to a secondary committee. In addition, the following items which were held in Committee at the Special Meeting of November 18, 1974 were ORDERED ON THE AGENDA under FISCAL COMMITTEE, with all of them being referred to secondary committees, as indicated:

\$1,000.00 - FIRE DEPARTMENT - Code 540.0501 - Telephone & Telegraph

(Above also referred to HEALTH & PROTECTION COMMITTEE)

\$65,000.00 - HOSPITALIZATION - Code 161.0000

(Above also referred to PERSONNEL COMMITTEE)

\$10,000.00 - PUBLIC WORKS DEPARTMENT - Administration - Code 602.0501 - Telephone & Telegraph

(Above also referred to PUBLIC WORKS COMMITTEE)

\$50,000.00 - BUREAU OF HIGHWAYS & MAINTENANCE - Code 606.0101 - Salaries -

(Above also referred to PUBLIC WORKS COMMITTEE)

\$4,000.00 - BUREAU OF SANITATION - Incinerator & Sewage Treatment - Code 620.1801 - Maintenance of Buildings

(Above also referred to PUBLIC WORKS COMMITTEE)

(3) Legislative Matters

The following items on the tentative agenda were ORDERED ON THE AGENDA under LEGISLATIVE & RULES COMMITTEE:

Proposed Ordinance for Tax Exemption for the Jewish Center Property on Newfield Avenue - Letter from Samuel J. Bernstein, Esq., dated 8-26-74  
Held in Committee 10-7-74 and 11-6-74

Final adoption of Ordinance Establishing Uniform Mill Rate for Taxation of Motor Vehicles - Approved for publication 7-1-74 - Held in Committee 8-5-74 and 11-6-74

Proposed Regulations concerning inland-wetlands and watercourses within the City - Submitted by the Environmental Protection Board

(Above also referred to ENVIRONMENTAL PROTECTION COMMITTEE)

Appearing on the tentative agenda, but not ordered on the agenda was a proposed resolution concerning authorization to proceed with acquisition of sewer easement under the Nestledown property in order to provide sewage facilities for the Board of Recreation buildings on Courtland Avenue.

(4) Public Works matters

The Chairman announced that Gerald Rybnick is the new co-chairman of the Public Works Committee and will be a member of the Steering Committee.

The item appearing on the tentative agenda concerning a proposed resolution requesting the Public Works Department to pick up collections as requested by individuals with certain restrictions was ORDERED ON THE AGENDA under PUBLIC WORKS COMMITTEE.

Also ORDERED ON THE AGENDA under PUBLIC WORKS was a status report on the Toilsome Brook project.

(5) Sewer matters

The two proposed agreements submitted by the Sewer-Commission were ORDERED ON THE AGENDA under Sewer Committee.

(6) Planning & Zoning concerns

ORDERED ON THE AGENDA under PLANNING & ZONING COMMITTEE were the following items:

APPEAL from Zoning Board's decision denying application to upzone property located on Soundview Avenue - Referred by Zoning Board on 10-30-74  
(Open meeting of the Planning & Zoning Committee to consider this matter will be on November 25, 1974)

SALE of City-owned property at public auction - As per the recommendation of the Planning Board on 7-9-74 and as approved by the Board of Finance on 7-24-74, as follows:

Card W52A, Lot D, Fairfield Avenue, 2.829 acres

(Held in Committee 9-9-74, 10-7-74 and 11-6-74)

Proposed Resolution concerning the initiation of direction for the improvement of Liberty Place for acceptance as a City Street as per Chapter 64 of the Charter and Section 18-82 of the Code - (Held in Committee 10-7-74 and 11-6-74)

(7) Other matters

ORDERED ON THE AGENDA under HEALTH & PROTECTION COMMITTEE was the following:

Petition from residents of Oaklawn Avenue and nearby area regarding traffic problems in Newfield-Belltown Area

ORDERED ON THE AGENDA under PARKS & RECREATION COMMITTEE was the following:

Request from Park Commission to name park at corner of Bedford and Chester Streets "Homer Lee Wise Memorial Park"

No other item were ordered on the agenda for the meeting of December 2, 1974.

Other matters discussed and/or referred to Committee for consideration included the following:

1. Property tax exemption for Liberation House was referred to Legislative and Rules Committee for consideration although note was made of the fact that a formal request from Liberation House has not yet been received.
2. Mr. Serrani reported that he had a request from the Commission on Aging for his Committee to review proposed changes in the Commission ordinance regarding status of personnel employed by the Commission.
3. Letter dated November 5, 1974 from Mayor Frederick P. Lenz, Jr., concerning the establishment of guidelines for naming City facilities was referred to Planning & Zoning Committee as the primary committee and also to Legislative & Rules Committee.
4. Request from Mr. Serrani to Health & Protection Committee for a report on the status of the establishment of procedures to be followed in cases of City-wide emergencies and/or disasters.
5. Motion by Mrs. Forman to include on the December 2, 1974 agenda under Personnel Committee the formation of a Special Investigating Committee to be set up under Section 204.2 of the Charter to investigate formally the method and manner of the appointment of the Superintendent of Parks was seconded and LOST by a vote of 4 in favor and 9 opposed.

There being no further business to come before the Committee, on motion, duly seconded and CARRIED, the meeting was adjourned at 12:45 p.m.

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Frederick E. Miller, Jr., President

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MR. EXNICIOS MOVED for SUSPENSION OF THE RULES in order to consider Item #1 under Planning & Zoning Committee at this time in order to accommodate the large number of people in the audience. Seconded and CARRIED.

PLANNING & ZONING COMMITTEE

MR. JOHN BOCCUZZI asked to be excused from the meeting during the discussion and voting on Item #1 due to a personal conflict. Permission was given and he then left the floor.

MR. ROSS said the Planning & Zoning Committee met on November 25, 1974. Present were Reps. Tresser, Guroian, Rose, Sainburg and Ross. He reported on the following item:

- (1) APPEAL FROM ZONING BOARD'S ACTION DENYING APP. 74-009 - FRANCIS L. KLEIN, JR.  
For a change in the Zoning Map from R-5 (Multiple Family Resident District) to R-10 (One Family Resident District) for property located on the north side of Soundview Avenue, west side of Willowbrook Avenue, south side of Wascussee Lane East and east and west sides of Wascussee Lane - (Referred by Zoning Board on 10-30-74 as a result of a petition filed with the Zoning Board Office on 10-18-74 pursuant to Sec. 552.3 of the Stamford Charter)

MR. ROSS then gave the following report:

"An open meeting of our Committee was called, of which each Board of Representative member was notified. Notified also were the applicants and the opposition. Notice of this meeting was given to the news media and through them an invitation was extended inviting all interested parties wishing to address our Committee concerning the application. Each Board of Representative member was sent a complete file of background material from the Zoning Board before the meeting. Minutes of our open meeting were sent since the meeting.

At this point I would like to thank our Administrative Assistant, Sally Flaherty, and her capable staff, Diane Maciejczyk and Phyllis DeBrisco, for their help and assistance. It was much appreciated by myself and the Committee.

At the open meeting two questions were raised by two Board members, which I promised would be looked into by the Committee. Mr. John Boccuzzi asked, "If this application is granted and if one of the houses burns down that is on a non-conforming parcel, would those people have a problem rebuilding, or would they have to get a variance?"

Quoting from the Zoning Regulations Section #10, page 33, Item C, "a Building may be reconstructed and used as before if reconstruction is started within twelve months from such calamity." Mrs. Laitman asked that an opinion concerning Section 552.3 be asked of Corporation Counsel. I have that opinion in a letter dated December 2nd:

"Dear Mr. Ross:

You have requested our opinion regarding the number of signatures required on a petition for referral under the provisions of Section 552.3 of the Stamford Charter.

Said Charter provision reads in part as follows:

"After the effective date of the master plan, if more than fifty per cent of the owners of the privately-owned land in the area included in the proposed amendment to the zoning map, or if the owners of more than fifty per cent of the privately-owned land located within five hundred

feet of the borders of such area, file a signed petition favoring such amendment....."

Your specific question concerns a petition by owners of land within the area affected by the proposed amendment.

In the case presented, it is clear from a reading of the above mentioned Charter provision that the requirement for a valid petition is that more than fifty per cent of all of the owners of parcels of land within the area affected must sign. Stated in another manner, the amount of land owned by the petitioners is not determinative, but rather the number of petitioners (who are owners of parcels of land within the area affected) determines the validity of the petition.

Your second question involves a person who notified the Zoning Board, after the referral had been made, that she wanted her name removed from the petition and no longer wished to be associated with the appeal. It is our understanding that in view of our ruling regarding the first matter considered in this opinion, your second question becomes moot. We will therefore not consider this part of your request at the present time."

Sincerely yours,

Joel E. Freedman  
Corporation Counsel

Barry Jay Boodman  
Deputy Corporation Counsel

"The Planning & Zoning Committee voted unanimously in favor of recommending that the petition to reverse the denial of Application 74-009 be upheld. All members voted. Section 552.3 of the Stamford Charter mandates that "When acting upon such matters the Board of Representatives shall be guided by the same standards as are prescribed for the Zoning Board in Section 550 of this act."

Section 550 states that "All such regulations shall be uniform for each class or kind of buildings or structures throughout each district, but the regulations in one district may differ from those in another district, shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality."

With this as our guideline the fact also to be considered was the Zoning Board vote. This vote denied the application because of a technicality. The vote was 3 in favor and one no and one abstention. The Planning Board recommended denial of the application. Their reasoning for their decision was also a matter of consideration for us. The Planning Board recommended denial and argued that "the applicant's proposal is in accord with the existing Master Plan land use designation for this neighborhood (and) no determination has yet



been made as to the appropriateness of various existing multiple family land use designations throughout the City. Therefore, any diminution of the R-5 Zone would be premature."

However, in the absence of any evidence of the direction to be provided by a new Master Plan, this Committee must lend specific credence to conformity to the present Master Plan. Granting this application will make all the properties on Soundview Avenue conforming to the neighborhood.

The argument raised that some properties will be made non-conforming by the granting of this application is a specious argument since from all evidence given to this Committee, these properties are already non-conforming in use by deed restrictions since they are all deed restricted to one family in a multiple family zone.

Questions have again been raised as to the validity and accuracy of the official Zoning Map. Since there are no valid controls on the Zoning Map, the charges made by the applicants can neither be wholly substantiated nor can they be wholly repudiated.

Special consideration was given to the fact that Murphy School is presently at capacity or over. The Committee also felt that the remainder of the requirements under Section 550 of the Charter were also met by the applicants to our satisfaction.

The Planning & Zoning Committee therefore MOVES for APPROVAL of the petition. Seconded.

MR. FLANAGAN asked to be recognized on a Point of Order. He said there seems to be some inconsistencies in Section 552.3 in the copies of the Charter. He said that prior to the recodification of the Charter by the Municipal Code Corporation this section was governed by a supplement which included changes to the whole section covering appeals to the Board of Representatives. He said that Section 552.3 requires the signatures of the owners of 50% of the land area affected on the petition of referral to the Board of Representatives. He said the opinion from the Corporation Counsel stated the question of the withdrawal of one signature on the petition of referral was moot because more than 50% of the owners had signed the petition. He said the revision to the Charter adopted on November 4, 1969 did not change Section 552.3 and he contends that for a petition to be valid the owners of 50% of the land must sign the petition. He said perhaps an error has been made but that error has not been noted anywhere but in the files of the Office of the Board of Representatives. He said there is a question as to whether or not this Board can legally consider this matter in view of the withdrawal of one of the petitioners which has resulted in the fact that less than 50% of the land affected is represented by the signatures on the referral petition.

THE PRESIDENT asked Mr. Flanagan if he was saying, in effect, that Section 552.3 in the Charter published by order of the Board of Representatives is incorrect.

MR. FLANAGAN said it does not read the same as the copy of the Charter which was used by Municipal Code Corporation in the recodification.

THE PRESIDENT noted that a question was raised at the open meeting of the Planning & Zoning Committee on November 25, 1974 as to the meaning of Section 552.3 and Mr. Boodman's opinion dated December 2, 1974 clearly states that the



word "or" is significant in this section. He said this section allows for petitions to be signed by 50% of the owners or by the owners of 50% of the land. He said, in any event, there are both in the case in question and that is why in his written opinion dated December 2, 1974 Mr. Boodman said the question concerning Genevieve Genovese's letter of withdrawal is a moot point. He said Mr. Boodman did not feel that it was necessary to go into that question because he had already rendered an opinion that if 50% of the land was not represented by the petition signatures, 50% of the owners were represented. He said the Chairman of the Planning & Zoning Committee did consult with Mr. Godlin, the attorney in the Law Department who specializes in zoning matters, on this question and it was Mr. Godlin's oral opinion that the Genovese letter did not invalidate the appeal. He pointed out that the letter was dated November 21 and it was sent not to this Board but to the Zoning Board. He said the Zoning Board had already transferred the appeal to the Board of Representatives and the Board of Representatives Steering Committee had already placed the matter on the Board's agenda for this meeting.

MRS. LAITMAN asked who checked the validity of the signatures on the petition to determine if they represented owners of land in the affected property and/or how much of the land in the affected area was represented by the signatures.

MR. ROSS said his Committee did review and verify the signatures on the petition of referral and did determine that the petition was valid.

THE PRESIDENT said that in reference to Mr. Flanagan's question regarding Section 552.3 as it appears in the Charter published in 1973 by order of the Board of Representatives it is his opinion, and Mr. Boodman with whom he spoke this evening agrees, that at this point it has to be assumed that the Charter as published is the correct Charter and the Board should continue with its proceedings based on that assumption. He said a motion has been made and seconded and the matter is open to debate.

MR. EXNICIOS spoke in favor of supporting the appeal and noted that the property in question does lie in the district he represents. He said there are many reasons for sustaining the appeal and one is that the residents in the area overwhelmingly want the property in question to be upzoned. He said it is his opinion that this matter should never have come to this Board as it is apparent that there was an error made in 1951 on the zoning maps when the area in question was put in a multiple family zoning district instead of in a one family district. He then quoted from the letter from Mr. Colhoun, Chairman of the Planning Board, as follows:

"It is acknowledged that the applicant's proposal is in accord with existing Master Plan land use designation for this neighborhood....It is a consensus of opinion of the Planning Board that a development of a large estate abutting the eastern boundary of Cummings Park in accordance with permitted R-5 Zone densities would produce an intensity of development which may be undesirable for this neighborhood, both esthetically and in terms of traffic and other considerations."

MR. EXNICIOS went on to say that inspite of the above quoted letter, the Planning Board did not recommend approval of the application for the upzoning. He said that because of the Planning Board's recommendation, the Zoning Board needed a two-thirds affirmative vote to approve the application. He said there was an affirmative vote from three-quarters of the members of the Zoning Board present and voting but because of the Zoning Board member who abstained from voting it was determined that the application was not approved. He urged this

Board to reverse the Zoning Board decision based on the rights of the majority and not on the warm feelings for a few. He said the Wheeler family is an old, respected pillar of the community and has been a credit to Stamford. He said the Wheelers are selling the family property to a mass developer. He said he hoped the Board members would look at this property not as the Wheeler property but rather as a builder's property. He said the people in the 1st District don't want any more condominiums and don't need them and don't want what comes with them --- increased population density, overcrowded schools, traffic congestion, increased pollution of all kinds and increased taxes for the additional required services. He said he is against turning Stamford into another co-op city. He said if the Board does not vote in favor of the vast number of residents who have petitioned the Board, the Board would be selling out to the big money interests who could care less about keeping Stamford a community of single family homes. He said overdevelopment would be the ruination of Stamford in the next ten years if this Board does not exercise some controls and if property development of this intensity is not stopped.

MR. HOFFMAN spoke in favor of the over 300 people who are requesting the change in zoning and urged that the Board respond affirmatively to their plea.

MR. ROSS requested a ROLL CALL VOTE. A sufficient number of members supported his request.

MR. ZIMBLER said the residents in the affected area do not want intense development of the property and as representatives of the people this Board would be derelict in its duty if it does not vote in favor of the petition to upzone the area in question.

MRS. LAITMAN asked what would happen if a house on a non-conforming parcel was destroyed and the owner wanted to rebuild a larger house.

MR. ROSS said it would depend on the particular circumstances in each case and it might be necessary for an owner to get a variance from the Zoning Board of Appeals in some cases. He also noted that the owners of the lots that would become non-conforming have signed the petition requesting the zone change.

MRS. LAITMAN said she can not understand how a mistake on the Zoning Map could have existed for 23 years nor how a family could have been paying taxes based on a higher rate of assessment for all those years.

MR. ROSS referred to the map on each member's desk which indicates the zoning changes that have occurred over the years to the property in question. He said the rate of assessment of the value of the land has changed with the indicated zoning changes. He said that at this point, however, the Board can not consider the tax rate. He said the Board is obligated by the Charter provisions to consider the same criteria the Zoning Board considers as specified in Section 550. He said zoning regulations have been developed to restrict and direct the development of land without regard to monetary considerations.

MRS. LAITMAN said the owner has been paying taxes based on the rate of assessment for a certain zoning district and if this appeal is upheld this Board would be telling the owner he can not develop the property in accord with the taxes he has been paying all these years. She said she thought that would have been a point the Committee considered.

## Minutes of December 2, 1974

MR. ROSS said that much of the affected land is limited by deed restrictions except on Soundview Avenue. He said the Committee determined that the Soundview property should be afforded the same protection as the deed-restricted property.

MRS. LAITMAN asked how many units can be built on the property if this appeal is upheld and the property is rezoned to R-10.

MR. ROSS said the exact figure is not known. He said it has been estimated that if the remaining land is totally usable, 69 units could be built.

THE PRESIDENT said it would be safe to say that if this appeal is sustained the effect will be that it will only reduce the number of units that can be built on the property in question.

MR. FLANAGAN said there is no possibility of another co-op city here in Stamford as the R-5 zoning district is limited to buildings of three stories. He also noted that the Wheelers have agreed to put a restriction on the development of the lots on Soundview Avenue so that they would conform to the rest of the neighborhood. He said he has the feeling that the petition before the Board is anti-housing. He said there is a crying need for housing units in the City of Stamford that young people starting out can afford to purchase and that older person whose children have moved away can buy. He also said this kind of action takes away the rights of a property owner to develop his land. He said he believes the Board will be opening a Pandora's box if this appeal is sustained.

MR. SANDOR said that in 1968 the Wheelers signed a petition to change the northern part of Soundview Avenue into an R-10 zone and at that time they thought it was a good thing but now they have changed their minds. He said he wanted to remind the members that there are a lot of lots around the property which are zoned R-5 but which are deed restricted to one family homes. He said the Wheelers are trying to use their deed restricted property to give them more condominiums in the unrestricted property. He said he feels this Board should follow the will of the people in this area and vote to uphold this appeal.

MRS. CLARK spoke in favor of the application and said the beauty of the property will be destroyed by a development of condominiums. She also noted her concern with the overcrowded conditions at K.T. Murphy School.

MR. GUROIAN said he considers the remark that the petitioners are anti-housing an affront. He said they are trying to preserve their homes and their city and trying to make their neighborhood viable and attractive. He said young people will not be able to purchase the condominiums now planned as they will exceed \$40,000 per unit. He said the Wheelers are intelligent, erudite people and throughout the years they made sure that the territory that surrounds this enclave was kept under strict supervision by zoning and deed restrictions. He said the area in question has more housing than it can support. He said there are no wide areas of greenery. He said this is an area where modest homes are built close to each other and the residents just want to maintain an air of spaciousness. He noted they are not asking for the entire property to be up-zoned but rather a 300-foot sector which runs parallel with Soundview Avenue. He said the interior of the area can still be developed and all the area residents are requesting is a border to screen them from the development.

MR. COSTELLO said that with increasing construction costs these condominiums will run about \$60,000 and no young couples starting out will be able to afford them.

In response to a question from MR. SERRANI, MR. ROSS said the area in question is the area shaded in on the maps on each member's desk and it runs from Cummings Park west to Willowbrook Avenue through Wascussee Lane.

MR. SAINBURG said a situation has developed in which nobody wins. He said it is too bad that effective communication was never established between the two parties in the dispute and noted that the blame lies with both parties. He said there is going to be a condominium development in the area, the streets are going to be crowded and the school will be overburdened. He said people of goodwill can usually get together and compromise their differences but now it is too late. He said it would be entirely against his personal philosophy to vote against the homeowners and what they want so he will vote reluctantly in favor of them and said he thinks they may be gaining a Pyrrhic victory.

MR. ZIMBLER asked if the site plans for the development of the remainder of the property would have to be submitted to the Planning Board even if this appeal is sustained.

MR. ROSS said plans for ingress and roads would have to be submitted to the Planning Board.

MR. KELLY asked to be excused from further discussion and debate on this matter. Permission was granted and he then left the floor.

In response to a question from MRS. FORMAN, MR. ROSS said he can not guarantee that the Zoning Board of Appeals will grant a variance for construction of one-family homes on the two lots on Wascussee Lane that are presently undeveloped but he foresees that such an application would have no trouble before the Zoning Board of Appeals.

MR. EXNICIOS said that in regard to Mr. Sainburg's previous point concerning a compromise he would like to read into the record a release issued today by the Westcott Neighborhood Association, as follows:

"It was agreed between the Wheelers and us in the early hours of Thursday, Thanksgiving morning, that even after this application is approved, we would be able to sit down and try to effect a compromise. We, of course, look forward to sitting down with the Wheelers or any other neighbors and helping plan our neighborhood, particularly when a major change of this sort is planned. We regard approval of our application tonight as a proper starting point for compromise, not as the end."

MR. SANDOR MOVED THE QUESTION. Seconded and CARRIED.

THE PRESIDENT said the vote will be by Roll Call and will be in accord with Section 556.1 of the Charter, which reads:

"In deciding all matters referred to the Board of Representatives pursuant to this chapter, the affirmative vote of a majority of the entire membership of said board shall be required."

THE PRESIDENT said 21 affirmative votes are required to sustain the appeal. He noted that at this time there are 37 members present as MR. JOHN BOCCUZZI and MR. KELLY have left the floor.

MR. LOWDEN noted that in as much as 21 affirmative votes were required that an abstention would be, in effect, a negative vote.

The following ROLL CALL VOTE was taken and the motion to sustain the appeal was CARRIED by a vote of 26 yes, 6 no and 5 abstentions:

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)  
CLARK, Linda (D)  
CONNORS, George (D)  
COSTELLO, Robert (D)  
CROSBY, Robert (R)  
DAVIDOFF, Norman (D)  
EXNICIOS, Robert (R)  
FORMAN, Barbara (R)  
GUROIAN, Armen (D)  
HANDLEY, Diane (R)  
HOFFMAN, Leonard (R)  
LOUGHRAN, Michael (D)  
LOWDEN, Lynn (D)  
MILLER, Frederick (D)  
MORABITO, Joseph (D)  
PERKINS, Billie (R)  
RAVALLESE, George (D)  
ROSS, Salvan (D)  
RYBNICK, Gerald (D)  
SAINBURG, Richard (R)  
SANDOR, John (D)  
SERRANI, Thom (D)  
TRESSER, Michael (R)  
TRUGLIA, Anthony (D)  
WALSH, Peter (D)  
ZIMBLER, Kurt (R)

THOSE VOTING IN OPPOSITION:

BOCCUZZI, Theodore (D)  
DIXON, Handy (D)  
FLANAGAN, William (R)  
LITMAN, Marilyn (D)  
LIVINGSTON, Jeremiah (D)  
ROSE, Matthew (D)

ABSTENTIONS:

DeRose, Joseph (D)  
MARTINO, Vincent (D)  
MAYNOR, Frederick (D)  
McINERNEY, Barbara (R)  
PERILLO, Alfred (D)

MR. EXNICIOS requested a five-minute recess which was agreeable to the Majority Leader (11:15 p.m.)

Following the recess, THE PRESIDENT called the meeting to order at 11:30 p.m. and said the Board would resume with the regular order of business.

FISCAL COMMITTEE

MRS. LITMAN said the Fiscal Committee met on November 26, 1974. Present were Reps. Litman, John Boccuzzi, Dixon, Exnicios, Forman, Livingston, Rybnick and Zimble. Absent were Reps. Loughran and Crosby. She reported on the following items:

## Minutes of December 2, 1974

- (1) \$7,605.54 - TRANSFER to PERSONNEL DEPARTMENT - Code 174.0101 - Salaries - from LAW DEPARTMENT - Code 110.0101 - Salaries - To enable Personnel Director to employ a person to handle workmen's compensation processing formerly handled by the Corporation Counsel's office - (Mayor's letter dated 10-4-74)

MRS. LAITMAN said this transfer will enable the Personnel Director to employ a person to handle workmen's compensation claims, an administrative function presently being carried out in the Law Department. She said the employee processing these claims has retired and it is the feeling of both the Corporation Counsel and the Personnel Director that these specialized functions could best be performed under the supervision of the Benefits Manager in the Personnel Department. She said the Fiscal Committee recommended approval by a vote of 8 to 0 and SHE SO MOVED. Seconded.

MR. HOFFMAN said the Personnel Committee did not meet on this matter due, basically, to the fact that its Chairman was resigning from the Board.

In response to a question from MRS. McINERNEY, MR. ZIMBLER said he assumed the position would be civil service and noted that he was told that the classification of the new employee would be lower than that of the employee who was handling these duties prior to her retirement.

THE PRESIDENT noted for the record that MR. JOHN BOCCUZZI and MR. KELLY have returned to the meeting and MR. MAYNOR and MR. CONNORS have left and there are currently 37 members present.

In response to a question from MR. JOHN BOCCUZZI, THE PRESIDENT said if the motion on the floor is defeated the money in question will remain in the salary account for the Law Department.

In response to a question from MR. SANDOR, MRS. LAITMAN said the amount in question would fund the position in the Personnel Department for the balance of the current fiscal year.

The VOTE was taken on the motion to approve Item #1 and the motion CARRIED.

- (2) \$80,000.00 - BOARD OF EDUCATION - GRANT - To be received from the State of Connecticut under Title VI, Part A of P.L. 93-380, Education Amendments of 1974, to be used to continue the Adult Basic Education Program for the fiscal year 1974-1975 - (Dr. Carpenter's letter of 10-23-74)

MRS. LAITMAN said this is a 100% prepaid grant funding an on-going program for Adult Basic Education and between 500 and 600 enrollments are anticipated in the program this year. She said the Fiscal Committee recommended approval by a vote of 8 to 0 and SHE SO MOVED. Seconded by Mr. Livingston who said the Education, Welfare & Government Committee concurred. CARRIED.

- (3) \$149,974.97 - COLLECTOR OF TAXES - Code 148.0000 - Reserve for Tax Refunds - To satisfy recent court judgments in favor of Stamford Apartments Company (\$131,166.64) and Dolphin Cove Corporation (\$18,808.33) - (Mayor's letter of 11-7-74)



MRS. LAITMAN said this appropriation would fund reimbursements to two taxpayers due to recent court judgments. She said failure to pay would result in additional interest costs payable to the taxpayers of \$607.69 per month to the Stamford Apartments Company and \$93.23 per month for Dolphin Cove Corporation. She said the Fiscal Committee recommended approval by a vote of 8 to 0 and SHE SO MOVED. Seconded by Mr. Livingston who said the Education, Welfare & Government Committee concurred. CARRIED.

(4)\$36,246.00 - PUBLIC WORKS DEPARTMENT - BUREAU OF SANITATION -  
Incinerator & Sewage Treatment Plant - Code 620.0101 -  
Salaries - To hire additional personnel to handle the  
sludge facilities which are anticipated to be in operation  
by January - (Mayor's letter of 11-7-74)

MRS. LAITMAN said the Fiscal Committee met with John O'Brien, John Canavan and Vyto Garlauskas of Hayden and Harding to consider this request. She said Mr. Garlauskas is the resident engineer on the project. She said the seven employees, two sewage treatment plant operators and five laborers, are needed for a crash program for burning sludge, thereby reducing the cost for the haul-away program. She said the machines will be functioning early in December and ready to burn by the end of the month. She said one program already instituted has eliminated two trucks a night and on weekends which were carting away a large amount of fly ash. She said the Fiscal Committee recommended approval by a vote of 7 yes, 0 no and 1 abstention and SHE SO MOVED. Seconded.

MR. PERILLO said the Public Works Committee met Monday, November 25. Present were Reps. Perillo, Rybnick, Blois, Sandor, Cibulskas, Hoffman, McInerney and Flanagan. Absent were Reps. Perkins, Walsh and Connors. He said the Committee recommended that the item be held in Committee for further information.

MRS. LAITMAN requested a ROLL CALL VOTE and a sufficient number of members supported her request.

The following ROLL CALL VOTE was taken on the motion to approve Item #4 and the motion CARRIED by a vote of 31 yes and 6 no:

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)  
BOCCUZZI, John (D)  
BOCCUZZI, Theodore (D)  
CLARK, Linda (D)  
COSTELLO, Robert (D)  
CROSBY, Robert (R)  
DAVIDOFF, Norman (D)  
DeROSE, Joseph (D)  
DIXON, Handy (D)  
EXNICIOS, Robert (R)  
FLANAGAN, William (R)  
FORMAN, Barbara (R)  
KELLY, James (D)  
LAITMAN, Marilyn (D)  
LIVINGSTON, Jeremiah (D)  
LOUGHRAN, Michael (D)

THOSE VOTING IN OPPOSITION:

GURQIAN, Armen (D)  
HOFFMAN, Leonard (R)  
MORABITO, Joseph (D)  
RAVALLESE, George (D)  
ROSS, Salvan (D)  
SANDOR, John (D)



THOSE VOTING IN FAVOR: (continued)

LOWDEN, Lynn (D)  
 MARTINO, Vincent (D)  
 McINERNEY, Barbara (R)  
 MILLER, Frederick (D)  
 PERILLO, Alfred (D)  
 PERKINS, Billie (R)  
 ROSE, Matthew (D)  
 HANDLEY, Diane (R)  
 RYBNICK, Gerald (D)  
 SAYNBURG, Richard (R)  
 SERRANI, Thom (D)  
 TRESSER, Michael (R)  
 TRUGLIA, Anthony (D)  
 WALSH, Peter (D)  
 ZIMBLER, Kurt (R)

(5) \$8,000.00 -

RESOLUTION NO. 970 AMENDING 1974-1975 CAPITAL PROJECTS BUDGET BY ADDING A PROJECT IN THE AMOUNT OF \$8,000.00 ENTITLED "STAND-BY GENERATOR - HAIG AVENUE, STAMFORD EMERGENCY SERVICE" TO BE FINANCED BY THE ISSUANCE OF BONDS IN SAID AMOUNT - To finance purchase and installation of a standby generator for the Communications Dept. to be used during periods of power outages. - (Mayor's letter of 11-6-74)

MRS. LAITMAN said this appropriation would fund a replacement for an inoperative stand-by generator for the Communications Department to be used at times of power shortages. She said at present there is an average of six outages per year. She said this generator would operate automatically as opposed to the manual one it is replacing and noted that by having an automatic generator there is a savings in manpower costs. She said the generator being used at present is borrowed and has to be returned. She also noted that by using the old generator's transfer switch a savings of \$2,000.00 would be realized. She said the Fiscal Committee recommended approval by a vote of 8 to 0 and SHE SO MOVED. Seconded by Mr. Perillo who said the Public Works Committee supported this item by a vote of 8 to 0.

MR. SANDOR said he would support this item but he feels there is ~~some value~~ in the generator even though the gasoline engine is inoperative. He said some money could be realized from the electrical parts that are still operative.

MRS. LAITMAN said she would request Mr. Oefinger to furnish this Board with a detailed report regarding the disposition of the parts that are still in good condition.

MR. BLOIS said he was in favor of the appropriation but was against the method of financing. He said that by bonding an \$8,000 item over a period of 30 years the final cost would be about \$30,000.

MR. SERRANI suggested that a policy be established to have the Fiscal Committee supplied with an up-to-date list of used equipment that is being replaced.

MR. JOHN BOCCUZZI said it is up to the Board of Finance to decide on the method of financing items of this nature and it is not within the jurisdiction of this Board.

MRS. LAITMAN said that the Board of Finance's normal rule of thumb is that items that have a life expectancy of five years or more are usually bonded.

The VOTE was taken on the motion to approve the following resolution and the motion CARRIED.

RESOLUTION NO. 970

AMENDING THE 1974-1975 CAPITAL PROJECTS BUDGET BY THE ADDITION OF A PROJECT IN THE AMOUNT OF \$8,000.00 ENTITLED "STAND-BY GENERATOR - HAIG AVENUE, STAMFORD EMERGENCY SERVICE" TO BE FINANCED BY THE ISSUANCE OF BONDS

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, in accordance with the provisions of Section 611.5 of the Stamford Charter, to approve an amendment to the 1974-1975 Capital Projects Budget for the addition of a project entitled as "STAND-BY GENERATOR - HAIG AVENUE, STAMFORD EMERGENCY SERVICE" to be financed by the issuance of bonds in the sum of EIGHT THOUSAND DOLLARS (\$8,000.00).

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(6) \$2,934.00 -

RESOLUTION NO. 971 - AMENDING 1974-1975 CAPITAL PROJECTS BUDGET BY ADDING A PROJECT IN THE AMOUNT OF \$2,934.00 ENTITLED "LONG RIDGE ROAD, EXIT OF THE MERRITT PARKWAY AND WIRE MILL ROAD" TO BE FINANCED BY THE TRANSFER OF SAID AMOUNT FROM 1974-1975 CAPITAL PROJECTS BUDGET PROJECT ENTITLED "HUBBARD AVENUE AND WEST NORTH STREET" - To pay City's share for construction of signal system at Long Ridge Road, Merritt Parkway exit and Wire Mill Road - (Mayor's letter of 10-23-74)

MRS. LAITMAN said this is an outstanding three-year obligation of the City of Stamford stemming from an agreement with the State of Connecticut as to joint funding of a traffic signal at Long Ridge Road and Wire Mill Road. She said the Fiscal Committee recommended approval by a vote of 8 to 0 and SHE SO MOVED. Seconded by Mr. Rose who said the Health & Protection Committee concurred.

In response to questions from MR. TRUGLIA and MR. MARTINO, MRS. LAITMAN said that the money in the Hubbard Avenue project had been designated for a controller for the signal system but instead of purchasing a new one an old one was rebuilt and has been installed there.

The VOTE was taken on the motion to adopt the following resolution and the motion CARRIED:

Minutes of December 2, 1974

RESOLUTION NO. 971

AMENDING THE 1974-1975 CAPITAL PROJECTS BUDGET BY THE ADDITION OF A PROJECT IN THE AMOUNT OF \$2,934.00 ENTITLED "LONG RIDGE ROAD, EXIT OF THE MERRITT PARKWAY AND WIRE MILL ROAD" TO BE FINANCED BY THE TRANSFER OF THE AFORESAID SUM FROM THE 1974-1975 CAPITAL PROJECTS BUDGET ENTITLED "WEST NORTH AND HUBBARD AVENUE"

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, in accordance with the provisions of Section 611.5 of the Stamford Charter, to approve an amendment to the 1974-1975 Capital Projects Budget for the addition of a project entitled "LONG RIDGE ROAD, EXIT OF THE MERRITT PARKWAY AND WIRE MILL ROAD". This project is to be financed by the TRANSFER of the amount of TWO THOUSAND NINE HUNDRED THIRTY FOUR DOLLARS (\$2,934.00) from the account entitled "WEST NORTH AND HUBBARD AVENUE" to a new account to be entitled "LONG RIDGE ROAD, EXIT OF THE MERRITT PARKWAY AND WIRE MILL ROAD".

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- (7) \$1,000.00 - FIRE DEPARTMENT - Code 540.0501 - Telephone & Telegraph - Being an emergency service, this account is vital to the Department's communications system and cannot be reduced below present operation levels - Reduced from \$4,011 by the Board of Finance - Mayor's letter of 9-3-74 - (Held in Committee 11-18-74)

MRS. LAITMAN said the above item is being Held in Committee. Mr. Rose said the Health & Protection Committee concurred with the item being Held.

- (8) \$65,000.00 - HOSPITALIZATION - Code 161.0000 - Restoration of this amount appears necessary. The Benefits Manager advises that through negotiation for a comprehensive insurance plan, expenditures could be held to this level which is well below the actual cost for 1973-1974 - No reduction by the Board of Finance - Mayor's letter of 9-3-74 - (Held in Committee 11-18-74)

MRS. LAITMAN said the above item is being Held in Committee. Mr. Hoffman said the Personnel Committee had not met on this item but he had spoken with the Benefits Manager who had suggested the item be held until costs are known.

- (9) \$10,000.00 - PUBLIC WORKS DEPARTMENT - Administration - Code 602.0501 Telephone & Telegraph - Required to maintain existing communication services - No reduction by the Board of Finance - Mayor's letter of 9-3-74 - (Held in Committee 11-18-74)

MRS. LAITMAN said the above item is being Held in Committee. Mr. Perillo said the Public Works Committee concurred with the item being Held.

- (10) \$50,000.00 - BUREAU OF HIGHWAYS & MAINTENANCE - Code 606.0101 - Salaries - To sustain required operations - Reduced from \$64,619 by the Board of Finance - Mayor's letter of 9-3-74 - (Held in Committee 11-18-74)

MRS. LAITMAN said the above amount was reduced by the Public Works Dept. when

Minutes of December 2, 1974

they presented their case to the Fiscal Committee to \$46,326.00, which breaks down as follows:

- \$36,457.00 - Funds required for replacement of retirees since July 1, 1974; &
- 9,869.00 - Funds required to maintain present personnel, which includes one Laborer I @ \$5,000 and one Laborer I @ \$4,869.

MRS. LAITMAN said that since July 1 approximately seven people from this department have retired and were never replaced. She said if this appropriation is not approved, two people will have to be laid off. She said a motion was made in the Fiscal Committee to reduce the amount approved to \$9,869 and the motion failed to receive the approval of the Committee by a vote of 4 in favor and 4 opposed. She said the Fiscal Committee has, therefore, no recommendation on the above item.

MR. PERILLO MOVED to reduce Item #10 to \$9,869.00. Seconded and CARRIED.

MR. JOHN BOCCUZZI MOVED to approve the reduced amount of \$9,869.00 for Item #10. Seconded and CARRIED.

- (11) \$4,000.00 - BUREAU OF SANITATION - Incinerator & Sewage Treatment - Code 620.1801 - Maintenance of Buildings - Required to meet OSHA safety standards and will allow only minimum building maintenance - Reduced from \$10,900 by the Board of Finance - Mayor's letter of 9-3-74 - (Held in Committee 11-18-74)

MRS. LAITMAN said the above item is being Held in Committee. Mr. Perillo said the Public Works Committee concurred with the item being Held.

In response to a question from MR. BLOIS, MRS. LAITMAN said the Fiscal Committee has not received requested information concerning what has been done and what needs to be done in order to meet OSHA requirements. She suggested this matter be referred to the Public Works Committee to help speed up action on it.

MRS. LAITMAN said the Board is in receipt of a request to satisfy a court judgment. She said she had intended to move for suspension of the rules to consider the matter and noted that the Fiscal Committee has considered it and has voted to recommend approval contingent on approval of the Board of Finance which has not yet voted on the item which is now scheduled to be included on their agenda for December 12. She said the court judgment stipulates that the City is liable for interest from the date of judgment and could also become liable for sheriff fees. She said Mr. Buchanan said that he was optimistic there would be no additional liabilities incurred by the City if the appropriation was approved by this Board tonight and by the Board of Finance at their next regularly scheduled meeting. She said he said that technically and legally interest could be charged from the date of judgment - November 18 - to date of payment but it was his understanding that there was an understanding that if payment were made promptly there would be no attempt to recover interest. She said he noted that the matter has not yet been given to a sheriff for collection but if it is the sheriff's fee would be 3% of the total or \$1,200 and that the interest rate is 6%. She said she then spoke to Mr. Boodman about the matter today and has received a written opinion from him, as follows:

Minutes of December 2, 1974

"Dear Lynn:

Re: Amendment to 1974-1975 Capital Projects Budget  
Regarding Project known as "Davenport Ridge School"

In confirmation of our telephone conversation of today regarding the above matter, we are of the opinion that pursuant to Section 611.5 of the Stamford Charter, Board of Representatives action on such a subject is intended to be the last step in the governmental processes for the authorization of such an appropriation. We are of the opinion that the language of that section regarding same appears mandatory and that there is good reason to adhere to that order of consideration which the language of this Charter section provides.

Should a situation arise where the circumstances are extraordinary or there is an emergency of such an immediate nature that the facts may warrant a different order of action, we would again look at this section in light of those circumstances. However, we are of the opinion that the circumstances involved with this item allow ample time for the various City boards to perform their obligations in conformance with the order of business provided in Sec. 611.5 and therefore that order must not be altered for mere convenience. Such unwarranted precedence ultimately weakens our Charter.

Sincerely yours, (Signed)

Joel E. Freedman  
Corporation Counsel

Barry Jay Boodman  
Deputy Corporation Counsel

MRS. LAITMAN reported on the collections made by the Tax Collection Task Force for the week from November 12th through November 15, 1974, which were \$29,256.74. She said collections from July 25 through November 15th, 1974 are \$169,550.60. She said the additional information summarizing total collections made by the Task Force and the Tax Collector as well as the total lawful corrections made by the Tax Collector should be available next week. She said at that time total uncollected taxes as of October 31, 1974 will be ascertained.

LEGISLATIVE & RULES COMMITTEE

MR. SERRANI said the Legislative & Rules Committee met November 21, 1974. Present were Reps. Davidoff, Flanagan, Sainburg and Serrani. Absent were Reps. Walsh, Morabito, Perkins, Tresser and Maynor. He reported on the following items:

- (1) Proposed ORDINANCE FOR TAX EXEMPTION FOR THE STAMFORD JEWISH CENTER PROPERTY ON NEWFIELD AVENUE - (Letter dated 8-26-74 from Samuel J. Bernstein, Esq.) - (Held in Committee 10-7-74 and 11-6-74)

MR. SERRANI said the above item was being Held in Committee.

- (2) Final Adoption of ORDINANCE ESTABLISHING A UNIFORM MILL RATE FOR TAXATION OF MOTOR VEHICLES - Approved for publication 7-1-74; published 7-6-74 - (Held in Committee 8-5-74 and 11-6-74)

MR. SERRANI said the above item is also being Held in Committee pending some technical and legal advice.

- (3) Proposed REGULATIONS CONCERNING INLAND-WETLANDS AND WATER COURSES WITHIN THE CITY - Submitted by the Environmental Protection Board in accord with Section 17-21 of the Code of Ordinance for approval by the Board of Representatives

MR. SERRANI said it had been hoped that the above regulations would have been ready for the Committee's consideration but in as much as they were not the item is being Held in Committee. He said he has given copies of the completed draft to his Committee members and to members of the Environmental Protection Committee tonight. He said copies will be made available to the entire Board shortly.

MR. SERRANI MOVED for SUSPENSION OF THE RULES to consider waiver of a building permit fee for Stamford Hospital. Seconded and CARRIED.

- (4) WAIVER OF BUILDING PERMIT FEE FOR STAMFORD HOSPITAL - For construction of a new Emergency Department at a total cost of approximately \$1,330,000 - (Letter dated 11-21-74 from Durey & Pierson)

MR. SERRANI MOVED for approval of waiver of the building permit fee for Stamford Hospital for the construction of a new Emergency Department. Seconded and CARRIED.

#### PUBLIC WORKS COMMITTEE

MR. PERILLO reported on the following items:

- (1) Proposed RESOLUTION REQUESTING THE PUBLIC WORKS DEPARTMENT TO PICK-UP COLLECTIONS AS REQUESTED BY INDIVIDUAL TAXPAYERS AND/OR HOMEOWNERS WITHIN THE CITY LIMITS (with certain restrictions) - Submitted by Anthony Truglia, 5th District Rep., on 11-6-74 - Similar Resolution (No. 853) adopted by the 12th Board of Representatives on 10-2-74)

MR. PERILLO said the Public Works Committee voted to support Commissioner O'Brien's opinion which reads as follows:

"It is my opinion that with the present shortage of personnel in the Highways Department this would not be the time to add an extra burden on an already over-extended department.

Since there are no funds available for any type of debris pick-up, we are considering a limited type of pick-up this spring, using departmental personnel and equipment only.

At this moment, I am not sure this can be accomplished, but we do intend to give the matter serious consideration."

(signed) John R. O'Brien,  
Commissioner of Public Works



Minutes of December 2, 1974

MR. TRUGLIA said he is quite concerned about this and would like to recommend that the matter be held in Committee until he has had time to check with the Public Works Commissioner.

(2) Report of Status of TOILSOME BROOK PROJECT - (Ordered on agenda by Steering Committee at their 11-18-74 meeting)

MR. PERILLO then read the following status report on Toilsome Brook from Frank J. Soldano, Assistant City Engineer:

"PROGRESS:

1. Environmental Protection Board working on superficial cleaning below Dannell Drive.
2. November 13 - Inspected various brook lining methods with our consulting engineers.
3. November 19 - Capital Project request for \$700,000 discussed with the Planning Board.
4. November 21 - Meeting with consultants, Corporation Counsel and Grants Officer. Results as follows:
  - (a) Preliminary evaluation of engineering requirements completed.
  - (b) Consultants will submit a proposal for the construction requirements. They will pursue applying for the State permit and start preparations for surveying activities.
  - (c) The possibility of State or Federal Grants will be investigated.
  - (d) Answers to legal questions are being investigated and a search of the deeds will be conducted by the Corporation Counsel.

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MR. ZIMBLER said that he was pleased to be able to say that after the torrential downpour last night there appeared to be no problems in the Toilsome Brook area and he commended both the Public Works Department and the Environmental Protection Board for their recent efforts.

SEWER COMMITTEE

Mr. DeROSE said the Sewer Committee met on November 14. Present were Reps. DeRose, Cibulskas, Blois and Hoffman. Absent were Reps. Rose, Perkins and Russbach. Also in attendance were Michael Reppucci, Chairman of the Sewer Commission, and Sid Landau, attorney for the Sewer Commission. He reported on the following items:

- (1) Proposed Agreement between the SEWER COMMISSION and SOUNDVIEW FARMS - To allow Soundview Farms, owner of a tract of land on the easterly side of Cummings Point Road, to connect that tract to a sanitary sewer line on Fairfield Avenue by a line to be located on Cummings Point Road and to construct a pumping station to service that area - (Submitted by the Sewer Commission on 10-9-74 in accord with Resolution No. 910 which stipulates that "the Board of Representatives may waive approval by taking no action for sixty (60) days from the date the Sewer Commission submits any proposed action.....for approval" -



Minutes of December 2, 1974

MR. DeROSE said all of the costs incurred will be paid by the owners of Soundview Farms and as soon as the project is completed the City will assume control. He said the Committee recommended approval by a vote of 4 to 0 and HE SO MOVED. Seconded and CARRIED.

- (2) Proposed Agreement between the SEWER COMMISSION and BARBARA O'CONNOR, TRUSTEE - To allow Barbara O'Connor, Trustee, who owns eight tracts of land at the end of Cummings Point Road, to connect those tracts to a sanitary sewer line to be constructed on Cummings Point Road and to construct a pumping station to service that area - (Submitted by the Sewer Commission on 10-9-74 in accord with Resolution No. 910)

MR. DeROSE said again all costs will be paid by the owners of the property and the project will be turned over to the City when it is completed. He said the Committee recommended approval by a vote of 4 to 0 and HE SO MOVED. Seconded and CARRIED.

#### HEALTH & PROTECTION COMMITTEE

MR. ROSE said the Health & Protection Committee met on November 21. Present were Reps. Zimbler, Clark, McInerney and Rose. Also present were Reps. Ross, DeRose and Blois and Major Lenz, Traffic Director Ronald Weber, and Hawley Oeffinger, Supt. of Communications. He reported on the following items:

- (1) Petition from residents of Oaklawn Avenue and nearby area regarding traffic problems in the Newfield-Belltown Area - Petition dated 10-1-74 - (Submitted by Salvan Ross, Jr., 15th District Rep. on 10-7-74) (Held in Committee 11-6-74)

MR. ROSE said that after discussion of the above matter, suggestions were made to alleviate the conditions which included increased motorcycle patrol in the area to deter speeding. He said the Committee recommended that a letter be sent to the Board of Education requesting sidewalks on Dann Drive for pedestrian safety. He noted a copy of that letter was on each member's desk.

MRS. FORMAN said she would like to submit the following letter to the Health and Protection Committee as it concerns hazardous pedestrian and traffic situations at Riverbank School:

"A dangerous situation still exists at Riverbank School for children and motorists.

Since it is an apparent fact of life that the recommended sidewalks will not be installed in the near future, the Riverbank P.T.A. urgently requests another evaluation of the problem.

Our primary suggestion is the installation of flashing yellow "Slow-School Zone" signs on Riverbank Road where the school buses enter and exit, and on Rocky Rapids Road where the majority of walkers leave the school grounds. The potential for serious accidents at both locations is frightening.

We hope you will give high priority to finding time to visit the school to review the situation. We are looking forward to hearing from you very soon.

Thank you for you help."

(signed) Mrs. Dorothy D. McLean  
President  
Riverbank School P.T.A.

MRS. FORMAN requested a progress report at the next Board meeting.

MR. GUROIAN requested the Health & Protection Committee to reactivate its inquiries into the dangerous situation at the end of Lenox Avenue. He said after last night's heavy rains a portion of the end of Lenox Avenue now lies in Cove Pond.

MR. MORABITO said that even though it is a State Law that sidewalks must be constructed in the areas surrounding schools, dangerous traffic problems exist around many schools where there are no sidewalks for walking students.

MR. BLOIS said the request for sidewalks on Dann Drive is because of the heavy traffic in the area. He said Mr. Weber counted 160 cars in a half-hour period on the street. He said the request is for sidewalks on only one side of the street.

MR. THEODORE BOCCUZZI said most of the walking students in that area are students in a parochial school and he asked if the Board of Education is responsible for providing sidewalks for parochial students.

MRS. McINERNEY said one of the other reasons for the request for sidewalks on Dann Drive is because it is a feeder road into the rear of Rippowam High School and had been the scene of a traffic fatality of a six-year-old child. She said the street is heavily populated with children and the request was made for their safety and well-being.

#### PARKS & RECREATION COMMITTEE

MR. BLOIS reported on the following item:

- (1) Request from the PARK COMMISSION to have the park located at the corner of Chester and Bedford Streets named "HOMER LEE WISE MEMORIAL PARK" - In memory of Medal of Honor Winner - (Letter from Supt. of Parks dated 11-14-74)

MR. BLOIS said the Parks & Recreation Committee recommends approval of the Park Commission's request to name the park located at the corner of Chester and Bedford Streets the "Homer Lee Wise Memorial Park" and HE SO MOVED. Seconded.

In response to a question from MRS. LAITMAN, THE PRESIDENT said the Mayor's letter requesting the establishment of a policy for naming City facilities has been referred to Committee.

MR. SERRANI said that the Mayor's letter was referred to the Planning & Zoning Committee and to Legislative & Rules Committee as a secondary committee and he and Mr. Ross have agreed to formulate a policy jointly between the two committees and to submit it to the Board by the next meeting hopefully.

THE PRESIDENT said that the Mayor is in favor of naming this park in memory of Sgt. Wise and noted that the reason he wrote the letter requesting the establishment of a policy is to avoid any future problems or controversy over the naming of other facilities.

MR. TRUGLIA said that he would like to have it noted in the minutes that last month he asked this Board to send a letter to the Rotary Club for their interest and beautification of a mini-park on the West Side and he has noticed that across from this mini-park there is now an area that has been cleared and beautified by the Park Commission and he wishes to commend them for their efforts.

The VOTE was taken on the motion to approve the naming of the park after Homer Lee Wise as requested by the Park Commission and the motion CARRIED.

MRS. MCINERNEY said she has received many complaints from parents and the management of the Stamford Youth Hockey Association about the continuing stumbling blocks and demands placed upon this league. She said it has been maintained that there has been a constant effort to discourage the use of the ice rink by the management of the Terry Connors Ice Rink and she would like the Board to note a few points on behalf of the Stamford Youth Hockey Association. She said this year 276 boys are paying \$45 each to be associated with this hockey team and this money is used to cover the cost of ice time at the rate of \$8,160 for the year. She said the Youth Hockey Association uses the rink at "off peak" hours, starting as early as 6:00 a.m. when the rink would not be utilized. She said a majority of other City youth sports are solely supported by the tax payers while the Youth Hockey Association is of no significant burden to the taxpayers at all. She said a survey of the families of these boys indicates that there was an average of \$110 per family spent from November 1973 to November 1974 supporting other programs at the Terry Connors Ice Rink in addition to the fee charged by the Hockey Association. She said she supports this Association and commends the men who are volunteering hundreds of hours on behalf of the youth in Stamford interested in learning how to skate and play hockey. She said she feels this Board must decide whether this rink was built primarily as a profit-making facility or as a much-needed and overdue facility to help foster enjoyment of ice skating to the youth of the City. She said she would hate to see the Stamford Youth Hockey Association disbanded or move to a neighboring rink because of difficulties they have encountered with the rink management. She said she was formally requesting the Parks & Recreation Committee, on behalf of the Hockey Association, to hold a public hearing with the Park Department, the management of the Terry Connors Rink, the Park Commission, the Board of the Stamford Youth Hockey Association and the Board of Recreation to hear all sides and to reach a reasonable solution to terminate the difficulties which have been encountered by the Association.

THE PRESIDENT asked that Mrs. McInerney's request be given to the Steering Committee for disposition and referral to Committee.

In response to a question from MRS. FORMAN, MR. BLOIS said no free passes have been issued for the ice rink as of this time and a new list has been prepared which will rescind the old free passes and designate those who are to receive the new ones. He said the Parks Department is meeting tomorrow night and he will get more definite information at that time.

#### PLANNING & ZONING COMMITTEE

MR. ROSS said that before he began his report he wanted to point out that on Page 8 of the Rules of the Board, Item #18 states "No member shall leave the meeting without permission of the Board." He said he knows it is late but feels it is rude for members to leave before the meeting has concluded.

MR. ROSS reported on the following items:

- (2) SALE OF CITY-OWNED PROPERTY AT PUBLIC AUCTION - As per the recommendation of the Planning Board on 7-9-74 and as approved by the Board of Finance on 7-24-74, as follows: (Mayor's letter of 7-10-74)

Card W52A, Lot D, Fairfield Avenue, 2.829 acres, Assessment: \$96,110.00  
(Held in Committee 9-9-74; 10-7-74 and 11-6-74)

MR. ROSS said the above item is being Held in Committee for further information.

- (3) RESOLUTION NO. 972 - CONCERNING THE INITIATION OF DIRECTION FOR THE IMPROVEMENT OF LIBERTY PLACE FOR ACCEPTANCE AS A CITY STREET PER CHAPTER 64 OF THE CHARTER AND SECTION 18-82 OF THE CODE OF ORDINANCES - (Submitted by Salvan Ross, Jr., 15th District Rep., on 9-23-74) - (Held in Committee 10-7-74 and 11-6-74)

MR. ROSS MOVED for the adoption of the following resolution: Seconded by Mr. John Boccuzzi and CARRIED.

RESOLUTION NO. 972

CONCERNING THE INITIATION OF DIRECTION FOR THE IMPROVEMENT OF  
LIBERTY PLACE FOR ACCEPTANCE AS A CITY STREET AS PER CHAPTER 64  
OF THE CHARTER AND SECTION 18-82 OF THE CODE OF ORDINANCES

BE IT RESOLVED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD:

That it is the opinion of the Board of Representatives that the public health, safety, welfare, convenience and necessity require the construction and layout of the highway known as LIBERTY PLACE in conformity with the specifications set forth in Section 18-82 of the Code of Ordinances of the City of Stamford; and

IT IS FURTHER RESOLVED that it is the intention of the Board of Representatives, with the approval of the Mayor, to construct and layout said highway together with any curbing, drainage or other incidental installations required to carry out said project pursuant to the powers granted it under Chapter 64 of the Charter of the City of Stamford; and

IT IS HEREBY FURTHER RESOLVED that the Mayor be and is hereby required to direct the Department of Public Works to do the preliminary engineering work, including preparation of surveys, plans, profiles, specifications and estimates of the total cost of the improvement and to submit a report thereon to the Commissioner of Finance who shall make estimates of the value of any land proposed to be taken and of the amount of the benefits or damages which should be assessed against or in favor of each piece of property affected; and

IT IS FURTHER RESOLVED that the Mayor be requested to submit a report thereon to the Board of Representatives; and

IT IS FURTHER RESOLVED that one hundred percent (100%) of the cost of the work and improvements as aforesaid shall be assessed against Leonard Schub, Matthew Orlando and Eugene J. Gaiser, as per attached agreement of September 9, 1974; and

Minutes of December 2, 1974

IT IS FURTHER RESOLVED that all necessary and requisite steps be taken toward the construction and layout of said highway, curbing, drainage and incidental installations in accordance with the provisions of Chapter 64 of the Charter of the City of Stamford.

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#### URBAN RENEWAL COMMITTEE

In response to a question from MR. COSTELLO, MR. FLANAGAN said he has been informed that the Urban Redevelopment Commission will not demolish the C.O. Miller warehouse.

After some discussion, MR. FLANAGAN said it has been his policy to hold Committee meeting when an item has been referred directly to the Committee by the Steering Committee.

MRS. CLARK and MR. MARTINO said they would like to have Committee meetings to discuss various aspects of the program so that they will be better informed when they attend Urban Redevelopment Commission meetings.

MR. ROSS said he would like to have a report for the Board on what is happening in the URC area as it appears that development has come to a stand-still except for the Bell Street garage.

MR. FLANAGAN said that what is happening right now is the renegotiation with the redeveloper. He said Attorney Paul Shapero is representing the Commission and they are working on a new contract. He noted he would be happy to have regular monthly meetings of his Committee prior to Commission meetings if the members so desire.

In response to a question from MR. SANDOR, MR. FLANAGAN said that inspite of the fact that many buildings have been torn down in the renewal area, the revenue has increased from approximately \$900,000 before reconstruction to \$1,600,000 at this time.

#### ENVIRONMENTAL PROTECTION COMMITTEE

MR. SAINBURG said he wished to point out that the superficial cleaning that is being done in Toilsome Brook is being done under the direction of the Environmental Protection Board with their own funds. He said the project should be completed in about two weeks. He noted his Committee will be meeting with the Legislative & Rules Committee to work on the proposed regulations for the Environmental Protection Board.

#### COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS

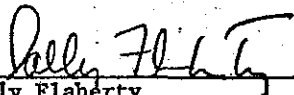
THE PRESIDENT reported he had received a letter dated December 2, 1974 from Mrs. Nancy L. Mitchell, Development Coordinator, requesting a meeting of the whole Board for the purpose of presenting to the members a brief outline of the new Housing and Community Development Act which replaces seven categorical grant programs including urban renewal, water and sewer, and the open space program and to explain the changes and the decisions that will have to be made in order for Stamford to qualify for the new funding. He said that if it is agreeable to the Majority and Minority Leaders he will schedule such a meeting two weeks from tonight and will also schedule the meeting of the Steering Committee for that same night. He noted that the special meeting will be strictly an informational one and no votes will be taken.

10,340

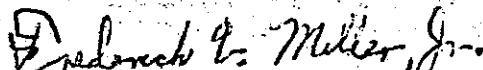
Minutes of December 2, 1974

ADJOURNMENT

There being no further business to come before the Board, on motion, duly seconded and CARRIED, the meeting was adjourned at 12:55 a.m.

  
Sally Flaherty  
Administrative Assistant and  
(Recording Secretary)

APPROVED:

  
Frederick E. Miller, Jr., President  
13th Board of Representatives

Note: Above meeting was broadcast in its entirety over Radio Station WSTC.

SF:dm