

Minutes of December 5, 1960  
Meeting of Board of Representatives  
Stamford, Connecticut

2949

A regular meeting of the Board of Representatives of the City of Stamford was held on Monday, December 5, 1960, in the Cafeteria of the Dolan Jr. High School, Toms Road, Stamford, Connecticut. The meeting was broadcast over Radio Station WSTC.

The meeting was called to order at 8:20 P.M. by the President, John R. Nolan.

INVOCATION: Was given by Rabbi Ralph Weisberger, Assistant, of Temple Beth El, in the absence of Rabbi Pearlman, who was unable to be present.

ROLL CALL was taken by the Clerk. There were 35 present and 5 absent. The absent members were: George Georgoulis, Raymond Mazza, William Murphy, Edward Dombroski, and Stuart Palmer.

Concerning request for Corporation Counsel's opinion on referendum questions submitted to voters at November 8, 1960 referendum:

MR. HUIZINGA rose to a point of information on the above matter. He said there was a question as to whether or not the referendum questions were legally split; and in particular, question No. 7 - "For Continuous Residence of Members of the Board of Representatives in District."

MR. NOLAN, PRESIDENT, said he had asked for a written opinion from the Corporation Counsel, which has not been received as yet. He said the Corporation Counsel told him that any members on this Board who have moved out of their Districts will be allowed to sit on the Board until the end of their terms - in other words, the "residency requirement will not take effect until the next Board".

MR. HUIZINGA asked if there would be a written ruling from the Corporation Counsel on this matter which would be submitted to this Board at a later date.

MR. NOLAN informed Mr. Huizinga that the referenda questions were all validly passed by the electorate at the November 8, 1960 election, and pertaining to question No. 7, it would take effect as of the next Board. He assured him that the Corporation Counsel's opinion would be submitted to the Board in writing.

ACCEPTANCE OF MINUTES: Meeting of November 1, 1960

The Minutes of the above meeting were accepted, there being no additions or corrections.

COMMITTEE REPORTS:

STEERING COMMITTEE REPORT - MEETING HELD TUESDAY, NOVEMBER 22, 1960

MR. J. CLYDE O'CONNELL, presented the following report of the Steering Committee, as Acting Chairman:

A meeting of the Steering Committee of the Board of Representatives was held at 8:05 P.M. in the Mayor's Office, City Hall, on Tuesday, November 22, 1960.

Present were: Clyde O'Connell, Acting Chairman; William Ivler, George Russell, John DeForest, Peter Sileo, Rutherford Huizinga, Daniel Baker, James Carey,

Paul Shapero, Paul Callahan, Steve Kelly, Henry Nolan and Mrs. Austin.

Absent were: John Nolan, Chairman; Daniel Reback, Bernard Geronimo and William Murphy.

In the absence of the Chairman, Clyde O'Connell presided as Acting Chairman.

The following matters were discussed and acted upon:

- (1) Request for Corporation Counsel's opinion concerning referendum questions submitted to voters at November 8, 1960 election:

It was decided to ask the President to request an opinion from the Corporation Counsel on certain questions pertaining to the above matter, particularly in regard to question No. 7 on the ballot, namely: "For Continuous Residence of Members of the Board of Representatives in District."

- (2) Amendments to Building Code - Letter dated 10/27/60 from Commissioner of Public Works, in which amendments to Code are requested by members of the Heating and Air Conditioning Board - REFERRED TO LEGISLATIVE & RULES COMMITTEE.
- (3) Concerning Vavala Appeal - Letter dated 11/21/60 from Stamford Good Government Association - REFERRED TO PLANNING & ZONING AND LEGISLATIVE AND RULES COMMITTEES.
- (4) Sale of city-owned property - Letter dated 11/18/60 from Robert I. Goldman, attorney. ORDERED NOTED AND FILED.
- (5) Concerning Vavala Appeal - Letter dated 11/14/60 from Leonard J. DeVita, attorney for Salvatore Vavala. REFERRED TO PLANNING & ZONING AND LEGISLATIVE AND RULES COMMITTEES.
- (6) Re: EAST MEADOW REDEVELOPMENT PROJECT - Letter dated 10/31/60 from Chamber of Commerce. REFERRED TO URBAN REDEVELOPMENT COMMITTEE.
- (7) Department of Parks & Trees - Projects report dated 10/20/60 - ORDERED FILED, as copies have been sent to all Board members.
- (8) Concerning opinion from Corporation Counsel (dated 10/26/60) on matter of liquidated damages when a contractor fails to complete job according to time limit set in contract - Letter from William Ivler, 15th District, in which he requests Steering Committee to take up the matter of requesting clarification of the Corporation Counsel's opinion. (See page 2946 of Minutes of 11/1/60)

After some discussion, it was decided to invite the Corporation Counsel to meet with the Education, Welfare & Government Committee and other interested Board members, prior to the next Board meeting, to discuss the contents of his opinion dated October 26, 1960.

MR. HENRY NOLAN, MR. BAKER, MR. RUSSELL and MR. SHAPERO left at this time in order to attend another meeting.



- (9) Re: Swim Clubs in City - (See pages 2947, 2948, Minutes of 11/1/60)

It was decided to ask the President to request an opinion from the Corporation Counsel as to what procedure the Board should follow in the future on appeals concerning Swim Clubs and related matters.

After some debate, the motion as originally offered by Mr. Huizinga at the November 1st Board meeting was changed to read as follows:

"MR. HUIZINGA MOVED that the Legislative & Rules Committee make a study of the problems involved in the operation of non-profit and/or Tennis Clubs to be constructed in residential areas of the City of Stamford, to meet with representatives of groups of interested citizens and to set up specific operational rules and regulations, and that they report their recommendations to this Board."

- (10) PUC Notice of Hearing to be held Friday, 12/9/60, in State Office Building, Hartford, Conn., concerning sale and transfer of all motor bus routes of the Connecticut Company operated around New London and Norwich. ORDERED PLACED ON AGENDA UNDER "COMMUNICATIONS".
- (11) Carbon copies of two letters dated 11/21/60 from URC, in answer to attorneys representing first two purchasers of land in the East Meadow Street Project, concerning re-appraisal. ORDERED FILED, with copy sent to Chairman of URC Committee.
- (12) Carbon copy of letter to Mayor dated 11/16/60 from Supt. of Recreation, requesting an \$8,000 additional appropriation for Courtland Park. Copies ordered sent to all interested Board members.
- (13) Department of Public Welfare report for August 1960 ( 2 copies) One copy ordered sent to Education, Welfare & Government Committee, with extra copy filed.
- (14) Unhealthful conditions around brook running from Courtland Hill Street to King Street - Petition (undated) signed by 16 residents on Hamilton Avenue
- The above petition was introduced by Mr. Ivler and REFERRED TO THE HEALTH & PROTECTION COMMITTEE, with a copy sent to the Chairman of the Public Works Committee
- (15) Fiscal matters approved by Board of Finance - ORDERED PLACED ON AGENDA
- (16) Matters on Board of Finance Agenda for Nov. 29, 1960 meeting - REFERRED TO ALL COMMITTEES CONCERNED.
- (17) Concerning matters not yet approved by Board of Finance

After considerable debate, it was moved, seconded and carried that matters not yet approved by the Board of Finance not go on the agenda, by a vote of 6 in favor and 3 opposed.

Several matters that have been in Committee for some time were ordered placed on the agenda.

OLD BUSINESS:(1) Redistricting city in regard to school districts:

The Chairman of the Education, Welfare & Government Committee (Mr. Ivler) reported on this matter, which was referred to his Committee at the August 29, 1960 meeting of the Steering Committee. (See page 2894, item #6 under Steering Committee report in the Sept. 15, 1960 minutes). He said he had contacted Mr. Daly and Mr. Clapes of the Board of Education. At their request he had written a letter to the Board of Education. He reported that no action can be taken on this matter at the present time.

SEPTIC TANKS  
(2) Letter dated Oct. 27, 1960 written to Commissioner of Health by Mr. Ivler, regarding request to assemble and collate all information as to enforcement by the Department of Health of various statutes and ordinances.

The above matter was discussed and correspondence read on same.

(3) Septic Tanks:

Mr. Ivler reported that no further action can be taken on this matter because senior committee (Health & Protection Committee) has failed to act.

(4) Use of public recreation areas by out-of-towners: (See pages 2912, 2913 of Minutes of September 15, 1960. Also see page 2929, minutes of Oct. 3, 1960, item #4, when it was reported on by Chairman of Parks & Recreation Committee) REFERRED TO LEGISLATIVE & RULES COMMITTEE AND PARKS & RECREATION COMMITTEE.

(5) Lights on Lenox Avenue:

Introduced by Mr. Ivler, after receipt of telephone call from a Mr. Johnson. REFERRED TO PUBLIC WORKS COMMITTEE.

ADJOURNMENT:

There being no further business to come before the Committee, the meeting was adjourned at 11:25 P.M.

J. Clyde O'Connell  
Acting Chairman  
Steering Committee

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FISCAL COMMITTEE:

MR. REBACK Chairman, reported that a meeting of the Fiscal Committee was held on November 30, 1960. Present were: Mr. Reback, Miss Farina, Mr. Ivler, Mr. Connors and Mr. Sileo. Absent were: Mr. Callahan, Mr. Huizinga and Mr. McLaughlin. Mr. Reback read his report at this time.

The following requests for additional appropriations were presented by Mr. Reback, who MOVED for their approval. They were duly seconded and CARRIED.



- (1) \$800.00 - ASSESSOR'S OFFICE - Code 471.3 Stationery, Postage, Supplies  
(Mayor's letter 10/13/60)
- (2) \$5,400.00 - BUREAU OF ACCOUNTS & RECORDS - Code 482.1A, Part-Time help  
(Mayor's letter 10/17/60)
- (3) \$291.00 - PLANNING BOARD DEPARTMENT - Code 420.1, Salary Account -  
Reclassification of Associate Planner from Grade S-17 to  
Grade S-20, approved by Personnel Commission (Mayor's letter  
10/17/60)
- (4) \$1,977.30 - PENSION - SGT. STEPHEN KENNEDY, Police Department - For  
balance of fiscal year, to take effect Jan. 12, 1961  
(Mayor's letter 10/18/60)
- (5) \$1,100.00 - BOARD OF REPRESENTATIVES - Code 200.11 Record Books (For  
microfilming, photostating and binding old records  
(Mayor's letter 9/15/60)
- (6) \$7,211.44 - DEPARTMENT OF PUBLIC WORKS - Code 412A.6A - Snow Removal  
and Flood Emergency (Mayor's letter 10/20/60)
- (7) \$932.00 - BOARD OF REPRESENTATIVES Salary Code 200.1B, Part-time Clerk-  
Typist (Acting Mayor's letter 11/17/60)

MR. REBACK MOVED for suspension of the rules in order to take up the following matters, which was duly seconded and CARRIED. He said this was because they were not on the agenda. He made a separate motion on each item.

MR. REBACK MOVED for approval of the following, seconded by Mr. Cole and CARRIED:

- (8) \$984.00 - PENSION FOR ELIZABETH A. KEELFY, Domestic Relations Clerk, in  
Stamford City Court - Code GG-833.C (For remainder of 1960-61  
Fiscal year, at rate of \$164.00 per month) (Mayor's letter 11/7/60)
- (9) \$463.75 - POLICE DEPARTMENT, Code 430.1, Salaries (Mayor's letter 11/7/60)

MR. REBACK MOVED for approval of the above item, seconded by Mr. Cole, Mr. Kelly and Mr. Baker and CARRIED.

- (10) \$8,790.00 - Rents at 303 Main Street (Cut out of budget by Board of Represen-  
sentatives) as follows: (Mayor's letter 11/8/60)

Code GG-571.2 -- Rent for Assessor's Office -----	\$2,910.00
Code GG-575.2 -- Rent for Tax Collector's Office -----	5,880.00
	\$8,790.00

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Sileo, Mr. Carey and Mr. DeForest.

MR. IVLER MOVED to amend that only one month's rent be approved, or 1/6 of the above sum. There was no seconder.

After considerable discussion and debate, Mr. Reback's motion was voted upon and CARRIED, with Mr. Ivler voting in the negative.

- (11) \$6,573.75 - Amendment to the 1960-1961 Capital Projects Budget by authorizing TRANSFER from project known as the "SEASIDE AVENUE SANITARY SEWER" to project known as "PERRY STREET SANITARY SEWER".

MR. REBACK MOVED for approval of the following resolution; seconded by Mr. Truglia and CARRIED unanimously:

RESOLUTION NO. 340

AMENDING 1960-1961 CAPITAL PROJECTS BUDGET TO TRANSFER \$6,573.75 FROM "SEASIDE AVENUE SANITARY SEWER" TO "PERRY STREET SANITARY SEWER"

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, in accordance with Section 611.5 of the Stamford Charter, to approve an amendment to the 1960-1961 Capital Projects Budget for the transfer of funds in the amount of \$6,573.75 from the Seaside Avenue Sanitary Sewer appropriation to the Perry Street Sanitary Sewer appropriation.

RE: Amendment to the 1960-1961 Capital Projects Budget by adding thereto an appropriation of \$10,000 for the LONG RIDGE FIRE CO., INC. (Approved by Planning Board on 11/15/60 and by Board of Finance on 11/29/60)  
(See Mayor's letter of Nov. 8, 1960)

MR. DEFOREST asked Mr. Reback, through the Chairman, what happened to the request by the Long Ridge Fire Department for \$10,000 00.

MR. REBACK replied that the items which were just acted upon under suspension of the rules were not all the matters that have been approved by the Board of Finance in a belated report from them. He said this is not to be construed that it will not be taken up at the next Board meeting.

MR. DEFOREST pointed out that if this matter was not taken up, it would be quite a handicap for the Long Ridge Fire Company.

MR. DEFOREST MOVED for suspension of the rules in order to consider the above appropriation at this time. Seconded by Mr. McLaughlin.

MR. IVLER spoke on suspension of the rules. He said it was his understanding that there was no urgency, because it was only a question of getting "city money" instead of "bank money".

MR. DEFOREST explained that three people had gotten together and extended the needed money to the Fire Company and because it was quite a financial burden to these people, it should be eased as soon as possible by granting the appropriation.

MR. SHAPERO said it was his opinion that the Board had "painted themselves into a tight little corner" by suspending the rules for a number of items presented by the Chairman of the Fiscal Committee. He said he did not consider it an orderly procedure and violates certain operational setups. He objected to taking up any more matters under suspension of the rules.



MR. BAKER said he thought Mr. DeForest should have an opportunity to be heard.

MR. NOLAN said he agrees with Mr. Baker.

MR. HUIZINGA said although he agreed with Mr. Shapero on suspension of the rules, and had been objecting to bringing matters on the floor in this manner for the past several years, he felt that because of the unusual circumstances of the case and because this would probably be the last time it would be done because of the new Charter revision, that it should be considered. He pointed out that several items were brought up by the Chairman of the Fiscal Committee under suspension of the rules which the Board voted on with very little disagreement, so why be partial?

MR. MEYER spoke in opposition to suspending the rules.

VOTE taken on Mr. DeForest's motion to suspend the rules to consider the \$10,000 requested by the Long Ridge Fire Co., Inc. LOST.

LEGISLATIVE & RULES COMMITTEE:

MR. SHAPERO read his committee report at this time. He said they met on November 22, 1960 and present were Messrs. Shapero, Baker, Russell and Meyers. Absent were Messrs. Macri and Mazza.

- (1) SALVATORE VAVALA APPEAL - From action of Planning Board on Application MP-83 (Also referred to Planning & Zoning Committee -see that Committee for a further report)

MR. SHAPERO reported that his Committee voted unanimously in agreement that this appeal is properly before the Board of Representatives. He said the Legislative and Rules Committee is merely concerned with the question as to whether or not the matter is properly before the Board and is not concerned with the merits of the case.

- (2) QUIT CLAIM DEED - Concerning acquisition of Homestead Avenue west of Marvin Street by Johnny Barton, Inc. (Mayor's letter 10/13/60)  
(Note: Approved by Planning Board 10/18/60, pursuant to Sec. 523 of Charter. Not acted upon by Board of Finance on 10/20/60 for reason that it "does not require their approval".)

MR. SHAPERO said that after conference with the Corporation Counsel, this matter will remain in Committee.

PUBLIC WORKS COMMITTEE:

MR. HENRY NOLAN, Chairman, presented a report of his committee of meeting held December 1, 1960. Present at said meeting were: Edward Dombroski, Bernard Geronimo and Henry Nolan, Chairman; with Messrs. Philpotts and Rybnick entering the meeting at the conclusion of another meeting they had been attending.

Mr. Nolan reported on various matters in his committee, stressing the need for more up-to-date equipment in the Public Works Department and the need for an additional appropriation to take care of inadequate and dangerous conditions in the town yard buildings in order to bring the buildings up to condition to meet

our own Building Code standards. He also reported on a burst water main under Oaklawn Avenue, which was repaired by the Water Company, but the city repaired the damage to the road because no one would assume the responsibility.

HEALTH & PROTECTION COMMITTEE:

MR. BAKER reported that there were several matters in committee in various stages of progress and a report would be given on these after the conclusion of another matter which requires immediate action by the Board of Representatives.

MR. BAKER MOVED for suspension of the rules for the presentation of the following request by Mayor Kennedy for the establishment of a HEALTH COMMISSION for the City of Stamford. Seconded by Mr. Henry Nolan and CARRIED.

(1) Creating a HEALTH COMMISSION for the City of Stamford

MR. BAKER explained that this matter had not been referred to his committee through the Steering Committee, but because of the extreme urgency of the matter the Committee had approved this on December 1st. He explained the reason why action must be taken tonight was because it requires an amendment to the Charter and could be acted upon under the provisions of Section 2-14 of the 1958 Revision of the General Statutes of Connecticut, which requires passage by a two-thirds vote of the Board of Representatives and must be submitted ten days prior to the convening of the General Assembly in January.

MR. BAKER explained that this would avoid a costly and cumbersome method of handling Charter changes by submitting it to a referendum as was done during the past year on previous amendments to the City Charter.

MR. BAKER said the Commission would consist of five members, to be appointed by the Mayor, and would assist the Health Commissioner in the execution of his duties.

After considerable explanation of the reasons why the Committee unanimously approved the proposed resolution, MR. BAKER MOVED for approval of the following resolution: seconded by Mr. Longo and Mr. Shapero:

RESOLUTION NO. 341

CREATING A HEALTH COMMISSION FOR THE CITY OF STAMFORD

In accordance with Section 2-14 of the State Statutes, the Stamford Board of Representatives hereby approves the following proposals for amendments to the Charter of the City of Stamford in connection with the Health Department:

1. Amend Section 500 of the Charter by inserting the words "health commission", between the words "board of public safety and the park commission", so that it shall read as follows.

"SEC. 500. Appointive Boards. The appointive boards shall be: The planning board, the board of tax review, the board of recreation, the zoning board, the board of zoning appeals, the board of taxation, the board of public safety, the health commission, the park commission, the personnel commission and the public welfare commission."



2. Amend the Charter by adding thereto a new section to be designated as Section 502A as follows:

"SEC. 502A. The Mayor in office at the time of the enactment of the provisions relative to the health commission shall submit nominations for five members of the health commission to the board of representatives, one member to serve until December 1st of the year of his appointment, one member to serve until December 1st of the first year following the year of his appointment, one member to serve until December 1st of the second year following the year of his appointment, one member to serve until December 1st of the third year following the year of his appointment, and one member to serve until December 1st of the fourth year following the year of his appointment."

3. Amend the Charter by adding thereto Section 420A as follows:

"SEC. 420A. - Health Commission. There shall be in Stamford a health commission, which shall consist of five members."

4. Amend the first sentence of Section 420 of the Charter by inserting the following words between the words "commissioner of health" and "shall be responsible": "with the advice and assistance of the health commission", so that the first sentence of Section 420 shall read as follows: "The commissioner of health, with the advice and assistance of the health commission shall be responsible for the administration, supervision and discipline of the health department."

MR. HUIZINGA asked for clarification of the action proposed by Mr. Baker in his motion for approval of the above resolution. He asked if the Board is being requested to vote on a matter as important as the amending of the Charter by bringing it before the Board under suspension of the rules, with no prior notification to the members, and thereby appoint a Commission.

THE PRESIDENT explained that by taking this action and approving the proposed resolution, the Board is requesting the Legislature to pass an amendment to the City's Charter at their 1961 Session.

MR. HUIZINGA objected to this method of amending the Charter. He said the Home Rule Act (Public Act No. 465) provides a way for cities to amend their Charters by presenting amendments to the Electorate for approval. He said he saw no reason to amend the Charter in this hurried manner unless it was a matter of grave importance and of an emergency nature. He said he did not consider it right for the members to come into a meeting with no prior knowledge of a proposed Charter amendment, and then be expected to pass it quickly, with no chance for study, under suspension of the rules.

MR. SHAPERO said he agreed with Mr. Huizinga that this is a very important matter. He said it was his understanding that the City of Stamford once had a Health Commission. He said the details of the proposed legislation have not yet been worked out, but it was his understanding that if the Board now passes this resolution, that the State Legislature will "not automatically run it through a machine, but will hold hearings and seek the opinions of those interested in how this Health Commission should act." He explained to Mr. Huizinga that the reason

action must be taken now is that if it is not, it will have to wait until next year for the formation of a new Charter Revision Commission.

MR. DEFOREST said he was caught "off base" and would like a chance to think it over a bit before acting precipitously. He wanted to know why the city had "ditched" a previous Health Commission if it was of such importance. He said he wanted the answers to many questions before acting and was not prepared to take such fast action with no chance to study it further.

MR. RUSSELL said he agreed and thinks it requires more study. He said the city has a Sewer Commission and the appointment of a Health Commission would most certainly affect their powers and he thought some consideration should be given as to where the powers of each Commission overlapped the other such as the septic tank area was concerned.

MR. IVLER objected to taking up a matter of such importance as the amending of the City's Charter, under suspension of the rules. He offered an amendment to the resolution as proposed by Mr. Baker.

MR. IVLER MOVED to amend Mr. Baker's resolution by amending Section 502A by adding the words:

"At least two members shall be licensed medical doctors, one member a licensed dentist and two members holders of engineering degrees, one of whom shall be a sanitary engineer."

and by adding the following words at the end of Section 420 of the Charter:

"-----subject to the Health Commission."

MR. IVLER said he was concerned over the fact that once this resolution is passed that it will go before the General Assembly for hearings, and although they do not have to adopt the exact wording that is sent to them, that it should be as nearly perfect as possible before being sent to Hartford for action.

MR. IVLER said he believed that members of a Health Commission should have certain technical qualifications that will enable them to function better and render real assistance to the City in matters of this kind.

MR. CALLAHAN spoke against the amendment. He said if the Board takes it upon themselves tonight to start re-wording the Charter in detail, they will get very much involved and he urged that details of the exact wording of the Charter change take place after the Board shows their interest to the General Assembly that they favor the setting up of a Health Commission. He said, as Chairman of the Charter Revision Committee and a member of the Charter Revision Commission, he spent three months during the past summer in just re-wording various changes in the Charter and it was not done in one evening. He advised against getting into too much detail at this point.

MR. REBALC objected against designating the types of people who are to serve on this particular Commission and if it is done this way, the Board will "straight-jacket" themselves beyond recourse in the future as to qualified members of the Health Commission. He said he believed there would be many qualified people who could serve on a Commission of this sort who might not necessarily be under any of the categories mentioned in Mr. Ivler's proposed amendment.



MR. SHAPERO said he agrees with Mr. Callahan and thinks the floor of this Board is not the time to consider the definite wording of the amendment.

MR. RUSSELL said he thought there were many people highly qualified to serve on a Commission of this kind might not necessarily have a degree in Sanitary Engineering.

MR. BAKER said he agreed with Mr. Shapero that the Board should not try to draft this on the floor tonight, but merely propose to refer this to the State Legislature who will then draft a Bill. He suggested that any changes that the Board might wish to incorporate in the Bill could be drafted by the Legislative and Rules Committee and forwarded to the Legislative Committee to whom the proposed legislation had been given.

MR. MEYERS asked a question, through the Chairman: "Did the Community Council draft the resolution?"

MR. BAKER replied that it had been drafted by the Corporation Counsel's office, and that the Community Council had merely recommended that a Health Commission be established.

After considerable debate, a VOTE was taken on the amendment to the resolution as offered by Mr. Ivler. LOST.

Upon request, Mr. Baker was asked to read the resolution (See Resolution No. 341) once again, which was done at this time. He re-stated his motion as follows:

"I MOVE the adoption of the following resolution, to be referred, after adoption, to the State Legislature." (To amend Chapter 42 of the Charter by adding on Section 420)

MR. HUIZINGA spoke against the resolution and said he thinks the Board should stick with the Home Rule Act and work the amendments out themselves, rather than sending it to the Legislature and letting them do it. He urged that Charter amendments be done the same way the last amendments were passed - by using the powers given to the City through the Home Rule Act.

MR. BAKER spoke in favor of the resolution.

MR. DEFOREST wanted to know why there was such a terrible hurry to get this up to the Legislature. He said "Either we do it here and face our responsibilities or send it to the Legislature". He said it was his opinion that the Board had an obligation to perform to weight any changes in the City Charter very carefully.

THE PRESIDENT relinquished the Chair to the Clerk, Peter Sileo, at this time, in order to speak in favor of this going to the Legislature.

THE PRESIDENT RESUMED the Chair and informed the members that a two-thirds vote would be necessary to pass.

VOTE taken on Resolution No. 341 and CARRIED by 32 in favor and 3 opposed.

- (2) Unsanitary flood conditions in Newfield Court area (Referred to Health and Protection Committee at Steering Committee meeting held 9/26/60 - See item #7, page 2916, Minutes 10/3/60)

MR. BAKER reported on the above petition, concerning flood conditions. He said the Committee have held two meetings, the last one on December 1st and there will be a third meeting, which he hopes will be a final meeting, on Friday, Dec. 9th, at which time they expect to meet with the residents, the contractor about whom complaints were made, the Commissioner of Public Works, and the Health Commissioner, so they can finally come to a solution as to where the fault lies and bring the matter to a conclusion.

MR. SCARELLA left at this time, changing the roll call to 34 present and 6 absent.

MR. BAKER did not hand in a written report on the matters still in Committee, but said there were several matters which would be reported out of committee at a later date.

(3) Concerning powers and duties of Commissioner of Health:

Above matter still in committee.

(4) Fluoridation of city water supply:

MR. BAKER said the committee propose, in the near future, to hold hearings on this matter.

(5) Septic tanks:

MR. BAKER said the committee had been furnished with a survey on septic tank installations and they were in the process of studying it.

Re: Matters still in committee:

MR. BAKER assured the members that the committee had many things that required a great deal of study and they were moving as fast as they could to clear them all and come out with a report.

(6) Report on dangerous traffic conditions on LENOX AVENUE:

MRS. AUSTIN, submitted the committee report on the above matter, Mr. Baker having disqualified himself in regard to it, for personal reasons.

The following is the report:

The problem of Lenox Avenue was acted on by the Fifth Board of Representatives in the form of a resolution by Mr. Thomas Topping, who was at that time a Representative from the 15th District. (Reference: Minutes of November 9, 1959 - page 2714). The resolution was adopted by a unanimous vote, but the previous administration took no action. (Note: The meeting of November 9, 1959 was the last meeting of the 5th Board)

Mr. William Ivler, 15th District Representative, referred the Lenox Avenue problem to the Health and Protection Committee.

Our Committee ascertained the following information:

Lenox Avenue is in a <sup>part</sup> 7½ residential district. It runs from Courtland Avenue to the Noroton River. There is a bridge at the end of this street which leads to a gravel pit. The pit being located in Darien.



The Committee met with the residents and an owner and a tenant of the Stamford Sand and Stone Company.

The residents claim that as many as 70 trucks a day have passed to and from the gravel pit. They claim the pit is nearly exhausted and now a processing plant is in operation. Boulders are transported into the pit, processed and taken out. Many of the trucks come from out-of-town. The trucks are overloaded and drive at excessive rates of speed.

The residents further claim that they cannot open their windows in the summer because of the dust this traffic causes.

One father of small children purchased his home after inspecting it a few times in the evening. If he had been aware of the danger his children would be exposed to, he would not have purchased his property.

The sand pit owners claim they are land-locked, and the Town of Darien to which they pay taxes (they pay none to Stamford) will not grant them a right-of-way and have been refused. This has been substantiated by the Highway Department. The requests were verbal.

The Health and Protection Committee has sat six times on this matter in order to determine a just solution which they could recommend to this Board.

We have met at different times with the City Engineer, Commissioner of Public Works Canavan, and the Town officials of Darien.

On Thursday, December 1st we held what we hoped to be the final meeting. We then received word that the Corporation Counsel would send us an opinion which he had in working process. We decided to wait, out of courtesy, for this opinion, and set the final meeting for this evening at 7:30 P.M.

The Corporation Counsel's opinion arrived at 7:30 P.M. this evening. It is very lengthy and we were not able to give it proper consideration in the short period of time before the Board meeting.

Respectfully submitted,

Eleanor Austin, Acting Chairman

Other members of the Committee  
are:

Gerald Rybnick  
Carmin Longo  
Alvin Philpotts

MR. IVLER MOVED for approval of the following:

"That the Police Department, immediately upon approval of this resolution by the Mayor, erect a vehicle barrier at the East end of Lenox Avenue at the City line."

The above motion was seconded by Mr. Geronimo.

MR. IVLER spoke on this matter, explaining the history of the gravel pit and the growth of traffic after they started processing rock.

MR. DEFOREST asked Mr. Ivler the intent of his motion -

MR. IVLER said it was his belief that this could be handled under Section 640 of the Charter.

MR. DEFOREST said he thought something should be done about the traffic problem on Lenox Avenue and would go along with the motion.

MR. CONNORS agreed that it was a very dangerous condition.

MR. RUSSELL said he thought if there was a possible way to handle the closing of this road to prevent accidents, he was in favor of it. However, he pointed out that the Board may find itself in an embarrassing position, considering the opinion of the Corporation Counsel, which, in essence says that this bridge cannot be legally closed to traffic, and if the bridge is closed in spite of his opinion and advice to the contrary, he will be the one who has to defend the City against suit.

The following is the Corporation Counsel's opinion:

November 30, 1960

Mr. John Nolan, President  
Board of Representatives  
City Hall  
Stamford, Connecticut

Dear Mr. Nolan:

This letter is in response to a request for an opinion made by Mr. William Ivler, a member of the Board of Representatives, at a meeting of the Board held on September 15, 1960. Each of the questions submitted will be answered in the order in which they appear in a letter to me dated September 24, 1960 signed by Velma Farr-ell, administrative assistant.

- a) May the Board of Representatives pass an ordinance or take any other action to regulate the size and type of vehicles using a specific city street where the Board of Representatives has, in its opinion, found that a dangerous condition exists by a certain usage thereof?

Generally speaking, a municipal corporation can regulate street traffic and adopt and enforce safety ordinances, regulations and requirements governing such traffic consistent with and not prohibited by state law. 7 McQuillin, Municipal Corporations, Section 24.610. Ordinances limiting the size and weight of motor vehicles will usually be valid at least where the ordinances are consistent with state legislation or there is no state legislation on the subject. 7 McQuillin, *supra*, Section 26.626. (under-scoring added).

Section 7-148 of the General Statutes, Revision of 1958, provides that any town, city or borough, in addition to such powers as it has under the provisions of the statutes or by special act, may by ordinance . . . . . make rules relating to the regulation of traffic . . . . . However, this does not mean that municipality has unlimited powers to regulate traffic or



to control motor vehicles because the state legislature has enacted other statutes which have been construed by the courts to limit the powers of a municipality in these areas of regulation.

Chapter 248 of the General Statutes contains many provisions for the regulation and control of motor vehicles by state authorities. Section 14-262 limits the width and length of vehicles operated on highways or bridges; Section 14-264 limits the height of vehicles; Sections 14-267, 268, 269 and 270 regulate the weights of commercial vehicles. These are only a few of the many statutes dealing with regulation of motor vehicles and the apparatus and equipment contained therein and it is unnecessary for purposes of this opinion to go into all of these statutes, in detail.

However, as previously stated, this area of regulation is under state control. The next question to determine is whether or not the local governments have any jurisdiction in this field of regulation or whether it is limited to state action. Section 14-162 provides that no town, city or borough, nor any board or officer thereof, shall make any ordinance respecting the regulation, use, lighting or other equipment of motor vehicles or respecting the use of equipment or accessories upon the same. This statute is quite clear and it removes the regulation of the size and type of motor vehicles from local governments.

In Adley Express Co. v. Town of Darien, 125 Conn., 501 (1939) it was held that the statute authorizing towns to make rules relating to the regulation of traffic and the statute prohibiting towns from enacting ordinances respecting the speed of motor vehicles or respecting the regulation, use, lighting or other equipment thereof delegate to municipalities the power to make traffic rules applying to all vehicles alike but retain in the state the special power to regulate motor vehicles, thus a distinction is made between the power to regulate traffic and the power to regulate motor vehicles and the latter regulation is retained by the state.

The answer, therefore, to the first question is no. Moreover, even if the answer were yes, I would be of the further opinion that if the regulation or ordinance applied to a specific street and not uniformly in similar conditions in other streets, it would be considered discriminatory and arbitrary and would not be upheld by the courts. Discrimination in an ordinance against those of the same class will vitiate the ordinance although an ordinance which operates upon all within the class equally will not be open to this charge.

State v. Collum, 110 Conn., 291 (1929).

- b) May the Board of Representatives pass an ordinance regulating the use of a street by declaring it a dead end street, where the end of said street is at the city line and connects with a private road or bridge and not with a public highway of another municipality where the Board of Representatives considers such usage a dangerous condition?

An examination of the Connecticut Statutes and other law reveals nothing on the subject of the creation of dead end streets. Nor have I been able to find anything specific in the treatises or general textbooks.

Generally speaking, however, a municipality may enact reasonable

regulations pertaining to street traffic although its power is limited in this area. Section 7-148 provides that any town, city or borough, in addition to such powers as it has under the provisions of the statutes or by special act, may, by ordinance . . . . make rules relating to the regulation of traffic. Chapter 249 of the General Statutes provides for uniform traffic control and highway safety. Section 14-298 provides that the state traffic commission shall make regulations in cooperation with local traffic authorities respecting the use by through truck traffic of streets and highways within the limits of and under the jurisdiction of any city, town or borough for the protection and safety of the public.

From the foregoing, it is obvious that local traffic authority has a limited power to control through truck traffic on city streets and that the regulatory powers are divided between the state and local authorities. See Adley Express Co. v. Town of Darien, supra, where the court held invalid an ordinance prohibiting through trucks from using any town road forbidden by the police commission after due investigation.

In view of this limited power to control through traffic, it is doubtful that the Board of Representatives could accomplish this objective by declaring a street to be a dead end street when in fact it does not come to a physical termination but continues past city line and connects to a private road or bridge and not with a public highway of another municipality.

The question propounded by Mr. Ivler indicates that the problem is one which is more than a traffic regulatory matter. It concerns the question of control of highways and streets and relates to questions of the rights of users of a highway, the power of municipalities over public highways and other intricate questions. Viewing the question in this light, I cannot see how the Board of Representatives can make a street a dead end street when it is not in fact a dead end street. The real question is whether the Board of Representatives can prevent the owner of the property in the other municipality from access to Stamford highway.

This presents a similar question to one previously raised by Mr. Ivler early this year in connection with a situation on Lenox Avenue. I do not know for certain whether the current question relates to that specific situation. If it does, I am attaching hereto a copy of a letter dated February 29, 1960 which sets forth my views on that subject.

I would like to call your attention to the general rule of law that access to and from a public highway is one of the incidents of ownership or occupancy of land abutting thereon. Such a right is appurtenant to the land and exists when the fee title to the way is in the public as well as when it is in private ownership. It is a property right of which the owner cannot be deprived without just compensation. Park City Yacht Club v. City of Bridgeport, 85 Conn. 366. In Tresa v. Pivorotto, 104 Conn. 389 (1926) it was held that the vacation or obstruction of a part of a highway which destroys all access to highways by or from land abutting on the remaining part, thus putting the owner in a cul de sac, is an injury peculiar to the owner of such land distinguished from the rights common to the public generally and for which the individual owner is entitled to maintain an action.

If it is proposed to declare such a street a dead end street in order to cut off the right of access of the owner of the property in the other



municipality, I am of the opinion that this cannot be done for the reasons stated above.

Moreover, I know of no authority whereby a municipality can prevent residents of another municipality from using its roads. The general public has the right to use all public roads and there is no limitation to residents of any municipality. Whatever authority a municipality may enjoy or possess pertaining to its streets and highways must be derived from the legislative assembly through its franchise or charter or under general laws and such a corporation acts, if at all, through a delegated power emanating from the initial source. 25 Am Jur, Highways, Section 255. I do not construe the provisions of the charter relative to the powers of the municipality to regulate and control the use, for whatever purposes, of the streets, sidewalks and other public places and the power to regulate structures in the streets to mean that the municipality can prevent a property owner's access to a public highway.

There is one other facet to the question propounded and that is the question of a dangerous usage and the regulation thereof. I do not wish to imply that a dangerous condition cannot be the subject of regulation by legislation since this is a common subject of legislative action. However, legislation should not be directed to a specific street or situation or discrimination between individuals or classes. Any basis of classification must be reasonable. Since the nature of the dangerous condition was not mentioned, I cannot comment upon it. Needless to say, such determination must be reasonable and not arbitrary. Moreover, if the dangerous condition or usage relates to matters within the jurisdiction of the state authorities, then of course the Board of Representatives cannot control it.

- c) Has the Board of Representatives any power to remove or cause to be removed a private structure which is located on city property without the city's express permission?

The Board of Representatives is a legislative body and as such has no inherent power to remove structures located on city property. If there is an encroachment by a private structure on city property, this is a matter for action by other departments of the city government.

There is no doubt that the proper city officials may take action to remove an encroachment upon city property. In such a case, there is a likelihood that a court might balance equities and award damages instead of compelling the removal of the encroaching structure. It is difficult to discuss a situation of this kind as an abstract proposition without a complete statement of the facts as to the nature, extent and location of the encroachment.

I do not know, however, whether Mr. Ivler is referring to an encroachment upon a public highway as distinguished from an encroachment on city owned property. These are not similar situations and the rights of the city would, of course, vary as to each. The following discussion applies to the question of an encroachment in a public highway.

Ordinarily, the public does not own the fee devoted to highway purposes but has merely an easement of passage over it. . . . If the public does not own the fee, the abutting owners are usually presumed to own the fee of the soil under that half of the highway contiguous to their lands. 8 Am Jur, Boundaries, Section 8. A highway is simply an easement or servitude conferring on the public

only the right of passing over the land on which it is laid out . . . . . The title of the owner of the land is not extinguished but is simply so qualified that it can only be enjoyed subject to the easement. Town of Suffield v. Hathaway, 44 Con. 421, 526 (1877). In the absence of a statute expressly providing for the acquisition of the fee, or of a deed from the owner expressly conveying the fee, when a highway is established by dedication or prescription by the direct action of the public authorities, the public acquires merely an easement of passage, the fee title remaining in the landowner. 25 Am Jur, Highways, Section 132.

Since the public merely acquires an easement of passage, this does not prevent the owner of the fee from using the land or building on it provided that he does not impair the safety of travelers or interfere with the use of the highway by the public. Thus, it must be determined whether the private structure in question impairs the safety of travelers or interferes with the use of the highway by the public. Not every object in a highway constitutes an obstruction. Steps, stairs, carriage blocks and stepping stones are examples of some permissible obstructions which do not substantially interfere with the public easement.

Whether a building or a post on a highway is a nuisance is a question of fact, the question being whether the obstruction has rendered the highway less commodious to the public. Burnham v. Hotchkiss, 14 Conn. 310 (1840). Generally structures which contribute a necessary incident to the use of the highway or the purposes authorized by law or which are intended for the protection or convenience of the general traveling public do not constitute a nuisance and may be maintained or authorized by the controlling authorities. 25 Am Jur, Highways, Section 286.

Thus, the controlling question with regard to a structure in a highway is one of fact since not all structures constitute an obstruction or an impairment of the rights of the traveling public. A bridge, for example, would probably facilitate rather than obstruct the use of the highway by the traveling public.

- d) Under what section of the Charter, if any, may the Board of Representatives act to exercise the powers set out in Section 40, subdivisions 30, 31 and 32 of the Charter? If the Board of Representatives does not have such power, what procedure must be followed to regulate the use of a street, or in dead-ending same, where the use thereof is causing a dangerous condition and where said street ends in a dead end at the city line but is being used by persons as a through street?

Subsections 30, 31 and 32 are some of the corporate powers set forth in Section 40. Mr. Ivler asks how the Board of Representatives may exercise these powers.

The corporate powers listed in subsection 30 are amplified in Chapter 64 of the Charter. An outline of this chapter and the method of proceeding thereunder has previously been prepared by this office in connection with the program for the layout of certain streets in order to bring them up to specifications for acceptance as city roads. The Board of Representatives has just exercised its powers thereunder in connection with the layout and improvement of Pepper Ridge Place and has a program for similar action in connection with other roads of comparable status.



The corporate powers listed in subsections 31 and 32, like other corporate powers, may be exercised by action in accordance with the provisions of section 204 of the Charter which provides that the Board of Representatives is authorized and empowered by ordinance or resolution to regulate, amplify and define the corporate powers. The procedures to be followed in passing ordinances or resolutions are set forth in Chapter 20 of the Charter and need not be repeated here since your board is well experienced in passing resolutions and ordinances.

It is then asked what procedures must be followed to regulate the use of a street or in dead-ending the same where the use thereof as a through street is causing a dangerous condition and where said street ends in a dead end at the city line but is being used by persons as a through street.

It appears to me that this question is a rephrasal of the same question asked in (b) above. I therefore refer you to the answer to (b) since there is no need to repeat it again. Again I would like to caution your honorable board that its powers are limited and that it cannot exercise them in such manner as to conflict with state law.

Moreover, if by the exercise of such powers, your board cuts off the right of access of a property owner to a public highway, again I caution against such action and refer you to the answer to question (b). If your honorable board is considering the passage of legislation directed at the Lenox Avenue situation and at that situation alone, I would again call your attention to the latter which I wrote on this matter on February 29, 1960. My opinion on this subject has not changed and I advise you against passing any legislation which would deprive a property owner of his right of access to his property from a highway unless the city is prepared to compensate him for any loss resulting from the deprivation of such right.

I would like to call your attention to a decision handed down by Judge Tim in Zoning Commission of the Town of New Canaan vs. Crescent Development Corporation et al, docket number 102977, Superior Court for Fairfield County, where the Town of New Canaan sought to enjoin the defendant from using its roads for hauling fill from land situated in Stamford. In that case there was no means of ingress or egress to a public highway except over land situated in New Canaan which land was owned by the defendant. The defendant transported the fill from its Stamford property across its New Canaan property for a distance of 1000 feet to a public highway in New Canaan. The Town of New Canaan sought a restraining order to prevent the defendant the use of the way for transporting fill on its public street. In denying the temporary injunction the court held:

"At this stage of the proceedings a very serious doubt arises as to whether the plaintiff can by regulations prohibit the owner of a tract of land in Stamford from entering a public highway in New Canaan. There is no specific regulation of the zoning commission or ordinance of the town in existence prohibiting an owner of property from gaining access to a public highway. If a regulation or ordinance were in existence, the Town could not unreasonably withhold use of private property for the purpose of getting to a public highway." (underscoring added).

- e) Has the Board of Representatives the power to request the Corporation Counsel to institute an action where a private structure is located on city property without the permission of the city; and if the Board of Representatives has such power must the Corporation Counsel commence said action upon such request?

Mr. Ivler asks whether the Board of Representatives has the power to institute an action where a private structure is located on city property without the permission of the city. The answer to this question is yes. The next question asked is whether the Corporation Counsel must commence said action upon such request. The answer to this is no for the reasons hereinafter stated.

The Corporation Counsel is generally a municipal officer and has the authority and duty to conduct litigation in which the municipality is involved. He represents the corporation as a whole and not merely the legislative body. Generally, the governing body has the right to control his actions in ordinary civil suits which affect the corporation as an individual or which relate to its business affairs but this right has been denied where the litigation relates to matters of police regulations and affects the public generally. Section 2206, C.I.S. Municipal Corporations, Page 1057.

The opinion has been expressed in an Illinois case that the relationship between a city attorney and the city council is not that of attorney and client; that he is the law officer of the city but is not the servant of the city council; that he is required to follow the direction of the city council in suits that concern the city as an individual; but that in matters that concern the public he is independent of the city council. 3 McQuillin, Municipal Corporations, Section 12.52.

The general function of the corporation attorney as prescribed by statute cannot be varied nor can his authority be diminished by the common council by order, resolution or by-law. He generally represents the entire corporation and not any particular officer or board thereof. Section 4692, Corpus Juris, Municipal Corporations.

- The above statements are general statements of law as to the duties and powers of the Corporation Counsel. For a specific application to Stamford we must look to the Charter. The Corporation Counsel of Stamford is the legal advisor of the municipality, the Mayor, the Board of Representatives and all other officers. He is the head of the department of law and appears for the municipality in all actions and proceedings brought by or against it, its officers and boards. The Corporation Counsel's relation to the city, its officers and boards, is not the same as the usual client and attorney relationship. The Corporation Counsel is an administrative officer of the city appointed by the Mayor and approved by the Board of Representatives. Sections 401 and 450 of the Stamford Charter. Thus, he is responsible to the municipality for the conduct of his duties and is not the servant or agent of any particular board or any single officer of the city when he represents that board or officer in litigation. He is an official of the municipality charged with carrying out his duties as set forth in the charter.

The Board of Representatives is vested with the legislative powers. Section 200. The conduct of the legal department is administrative and is governed by Sections 400 and 450 of the Charter.



The Corporation Counsel does not perform a ministerial function. His duties require professional skill and discretion. As a general rule, the character of the duties pertaining to his office are such as call for the exercise of personal judgment based upon the facts and circumstances surrounding each particular question. It is my opinion, therefore, that the Corporation Counsel is not obligated to commence such an action if he is of the opinion that the prosecution of such action is not in the best interests of the city, or if he is of the opinion that the city has no legal right to seek the relief requested or to enforce such a remedy. In forming his opinion he has the duty to act in good faith and to exercise his skill and discretion for the best interests of the city.

This is not to be construed as meaning that the wishes of the Board of Representatives should be ignored. To the contrary, they are to be respected and carried out, if possible. However, the Board of Representatives should respect the views of the Corporation Counsel and if he has advised that the city should not commence a suit, then such advice should be respected and followed by your honorable board.

- f) Assuming the Board of Representatives has found a dangerous condition to exist regarding the use of a city street, what power has it to stop and regulate such usage and what procedure must it follow.

The Board of Representatives has the power to adopt ordinances and resolutions pursuant to the provisions of Chapter 20 of the Charter for the purpose of regulating, amplifying and defining the corporate powers set forth in Section 40 of the Charter. Your attention is directed to the answers to the other questions previously propounded for a discussion of the limitations of such powers.

- g) What powers has the Board of Representatives to remove a private structure from city property where same was built without a building permit and without the permission of the city to use said property?

The Board of Representatives is a legislative body for the most part and absent any provisions in the Charter or the General Statutes, it has no power to remove such a structure. I am unable to answer in detail a question as general as this as regards the rights of a municipality generally to remove private structures erected without a building permit. Different rules apply to different factual situations.

Respectfully submitted,

Isadore M. Mackler  
Corporation Counsel

After considerable further debate, a VOTE was taken on Mr. Ivler's motion to erect a barrier at the East end of Lenox Avenue. CARRIED.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL, Chairman, presented his committee report of joint meeting held with members of the Legislative and Rules Committee on November 22, 1960. Present at

said meeting were Stanley Kulish, Patrick Scarella, Allen Shanen and George Russell of the Planning & Zoning Committee.

(1) SALVATORE VAVALA APPEAL - From action of PLANNING BOARD on Application MP-83

MR. RUSSELL reported that the Committee, after several hours of discussion, voted to reject the appeal and thus uphold the action of the Planning Board, by a vote of three to one.

The following reasons were given by the Committee for their decision to reject the appeal:

1. The use of this area for commercial purposes would seriously infringe on the adjacent highly residential zoned property.
2. The area size and shape of the land involved restricts its use for commercial purposes.
3. The change was vehemently opposed, not only by immediate residents and property owners in the vicinity, but also by the League of Women Voters, the Lakeview Owners Association, the First Methodist Church, the Stamford Good Government Association and the Stamford Chamber of Residences.
4. The land was purchased about seven years ago by the Appellant as residential and although the 39 foot front strip taken by the State of Connecticut somewhat limits the property, the quarrel is a financial one between Mr. Vavala and the State. This is now in litigation.
5. The Park Commission of the City of Stamford expressed their feeling that this area should remain residential and that this tract, in the future, would be a strategic area for a "Spot of Green" park at the gateway to Stamford, similar to Bedford Street Park, Unico Park and others of similar nature.

Those who voted in favor of the appeal felt that the use as a park was not firmly in the immediate future, at least as far as action by the Park Commission is concerned. Also, that commercial growth was already nearby and growing rapidly in this direction.

MR. RUSSELL said in view of the way the Committee felt, they recommended that the decision of the Planning Board should be sustained and therefore offers no motion to the Board, pursuant to procedure outlined in Sec. 522.5 and 529.1 of the Charter.

MR. RUSSELL explained that because of the way the Charter is written if someone is in favor of having the action of the Planning Board revoked, they can make such a move at this time and it will require 21 votes to carry.

THE PRESIDENT said he would recognize anyone who wished to offer a motion at this time.

Hearing no motion, the PRESIDENT stated that there was no motion before the Board and declared the appeal LOST, thereby sustaining the decision of the Planning Board.

(2) Resolution for final adoption, concerning old city streets built prior to consolidation. (Adopted for publication 11/1/60 - See pages 2944, 2945.



MR. RUSSELL MOVED for final approval of the following resolution, a few corrections having been made since its first approval for publication. Seconded by Mr. McLaughlin and CARRIED unanimously:

RESOLUTION NO. 342

ACCEPTANCE OF STREETS OPEN TO VEHICULAR  
TRAFFIC PRIOR TO APRIL 16, 1950

BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford that said Board by its proposed and published resolution of November 1, 1960, accept the following named streets and highways which were open to vehicular traffic prior to April 16, 1950 as public streets and highways:

Bennett Street  
Broad Street (Greyrock to Grove)  
Congress Street  
Culloden Road (Ely Place to Frankel Place)  
Intervale Road (Turn-of-River Road, easterly to intersection  
with Newfield Drive  
Morris Street  
Newfield Avenue  
Northhill Street (Palmer to Hope)  
Old North Stamford Road  
Rose Street  
Soundview Avenue (Cover Road easterly to Wallacks Drive)  
West North Street (Hubbard Avenue E. to North Street)  
Winthrop Place

Re: Soundview Avenue:

MR. KELLY wanted to know why this street was not accepted. He said it should have been accepted 20 or 30 years ago. He said a lot of rumors were going around and he would like an answer as to why this street was left out.

MR. RUSSELL said certain residents had inquired as to what their legal status would be in the event this remained a private road. He said a rumor got around that they were going to widen the street and the residents went down to City Hall and found out that there was a possibility of this being done. For this reason, he said they questioned the merits of it being accepted as a city street, as they definitely do not want widening for the reason that it is in a residential area. They also do not want sidewalks.

(3) Acceptance of roads as city streets:

MR. RUSSELL MOVED for acceptance of the following streets. He said they were certified for acceptance in the City Engineer's letter of November 30, 1960. All maps mentioned are on file in the office of the City Clerk; seconded by Mr. McLaughlin and CARRIED unanimously:

AUTUMN LANE - Extending northerly from Toms Road to and including a permanent turnaround. Length, approximately 915 ft., width 30 ft. Map #6840.

KLONDIKE AVENUE - Extending northerly from Crestview Avenue to and including a temporary turnaround. Length, approximately 565 ft., width 30 ft. Map #6526.

COUNTRY CLUB ROAD - Extending from Mayapple Road westerly and northerly to and including a temporary turnaround. Length, approximately 1,950 ft., width 27 ft. Maps #6349 and #6951.

COVENTRY ROAD - Extending from Country Club Road westerly to a dead end. Length, approximately 1,450 ft., width 27 ft. Map #6951.

ROLLING RIDGE ROAD - Extending from Country Club Road westerly and northerly to Coventry Road. Length, approximately 1,325 ft., width 27 ft. Map #6951.

BROOKDALE DRIVE - Extending from Brookdale Road southerly and westerly to and including a temporary turnaround. Length, approximately 1,100 ft., width 27 ft. Map #6632.

RUSSET ROAD - Extending from High Ridge Road westerly and northerly to Mayapple Road. Length, approximately 3,500 ft., width 27 ft. Map #6992.

ECHO HILL DRIVE - Extending from Long Ridge Road westerly to and including a temporary turnaround. Length, approximately 1,200 ft., width 27 ft. (Note: This road was constructed without the filing of a Performance Bond; therefore no map has been filed in the office of the City Clerk, and none will be filed until the two year Maintenance Bond has been filed with the Planning Board.)

BRODWOOD DRIVE (EXTENSION) - Extending from the already accepted portion northerly to Greenleaf Drive. Length, approximately 1,700 ft., width 26 ft. Maps #5192, #6098, #6235, #6272.

BUTTERNUT LANE - Extending from Long Ridge Road westerly and southerly to and including a temporary turnaround. Length, approximately 1,660 ft., width 24 ft. Map #5954. (Note: City finishing road - bond called on this.)

Re: Theresa Court - MR. RUSSELL reported that this road has been REJECTED by the City Engineer because of unsatisfactory workmanship.

PARKS & RECREATION COMMITTEE:

Re: Salvation Army's request for permission to place Christmas Kettles on City Streets - Petition #272

MR. KELLY reported that permission had been given to the Salvation Army by the President, Majority and Minority Leaders of the Board, to place their Christmas kettles on the streets, as in past years. He explained that they had not gotten their request in time to pass it at the November meeting so it was done this way.

MR. KELLY MOVED for approval of their request. Seconded by Mr. Henry Nolan and CARRIED.



EDUCATION, WELFARE & GOVERNMENT COMMITTEE.

MR. IVLER presented his committee report at this time. He said a meeting had been held on November 10, 1960 and present were: Messrs. Carey, DeForest, Truglia and Ivler, with Mr. Palmer being absent.

Increase in salaries for city officials.

MR. IVLER reported that the Committee had secured statistical information on salaries paid to other city executives in the United States. He said the only thing that could be done now would be to suggest to the various department heads to request increases in the budget for the next fiscal year. He said the present incumbents made it very clear that they did not feel any increases should be granted but if it were done, that it should be made in the 1961-62 budget to take effect December 1, 1961 with a new administration.

Concerning inclusion in city contracts a provision for liquidated damages.

MR. IVLER reported on a conference with the Corporation Counsel as to how contracts could be strengthened by including therein provisions for liquidated damages. He said there appeared to be a little misunderstanding as to the exact information this Board desired, and the committee was informed that the city has included such provision in some contracts, but it could be strengthened in various ways. It was decided that the committee would set forth a series of questions and this information would be embodied in an answering letter from the Corporation Counsel.

URBAN REDEVELOPMENT COMMITTEE:Concerning sale by Urban Redevelopment Commission of approximately 10 acres of city-owned property in East Meadow Redevelopment Project. (Mayor's letter dated 10/14/60) (Approved by Board of Finance 11/29/60)

MR. CAREY presented his committee report on the above matter. He said the committee had met three times on this matter, but final action could not be taken until after action by the Board of Finance. He reported that the committee favored the sale of this property by unanimous vote.

MR. CAREY MOVED for approval of the following resolution, which was seconded by Mr. Shapero and CARRIED, by a vote of 32 in favor, 1 opposed.

RESOLUTION NO. 343APPROVAL OF SALE OF CITY-OWNED LAND IN URBAN REDEVELOPMENT COMMISSION EAST MEADOW STREET PROJECT, TO THE FIRST STAMFORD CORPORATION

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford that:

We hereby approve agreement between the City of Stamford, acting by and through the Urban Redevelopment Commission of the City of Stamford and The First Stamford Corporation of the City of Stamford, concerning the sale by the said Urban Redevelopment Commission to said The First Stamford Corporation, of all its right, title, interest, claim and demand whatsoever, which it, the said Releasor has or ought to have, in or to

that certain piece, parcel or tract of land situated in the City of Stamford, County of Fairfield, State of Connecticut, being shown and designated as:

- That part of the project area shown as Parcel "F" and Parcel "G" on a certain map entitled "Map of property on Harbor View Avenue to be sold by the City of Stamford, Conn. Urban Redevelopment Commission to The First Stamford Corporation dated Oct. 16, 1960. Scale 1" = 50' " which map is now on file in the City and Town Clerk's office of the City of Stamford and therein referred to as Map No. 7004.

Parcel "F" contains one and nine thousand, nine hundred and nineteen ten thousandths (1.9919) acres and Parcel "G" contains two thousand three hundred and fifty eight ten thousandths (0.2358) acres.

and to approve all of the conditions contained therein; and

BE IT FURTHER RESOLVED that the Chairman of the Urban Redevelopment Commission and/or the Mayor of the City of Stamford are hereby authorized to execute the necessary documents to effectuate the transfer of the aforesaid property.

MR. CAREY explained that the above resolution concerned the Federal area and the following resolution the City area. He MOVED for adoption of the following resolution which was seconded by Mr. Cole and CARRIED; by a vote of 32 in favor and 1 opposed:

RESOLUTION NO. 344

APPROVAL OF SALE OF CITY OWNED LAND IN URBAN  
REDEVELOPMENT COMMISSION EAST MEADOW STREET  
PROJECT, TO THE FIRST STAMFORD CORPORATION

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford that:

We hereby approve agreement between the City of Stamford, acting by and through the Urban Redevelopment Commission of the City of Stamford and The First Stamford Corporation of the City of Stamford, concerning the sale by the said Urban Redevelopment Commission to said The First Stamford Corporation, of all its right, title, interest, claim and demand whatsoever, which it, the said releasor has or ought to have, in or to that certain piece, parcel or tract of land situated in the City of Stamford, County of Fairfield, State of Connecticut, being shown and designated as:

That part of the project area shown as Parcel "F" and Parcel "H" on a certain map entitled "Map of property on Harbor View Avenue to be sold by the City of Stamford, Conn. Urban Redevelopment Commission to The First Stamford Corporation, dated Oct. 16, 1960. Scale 1" = 50' ", which map is now on file in the City and Town Clerk's office of the City of Stamford and therein referred to as Map No. 7004.



Parcel "FL" contains one thousand four hundred and forty four ten thousandths (0.1444) acres and parcel "H" contains seven and six thousandths and nine hundred and eighty two ten thousandths (7.6982) acres.

and to approve all of the conditions contained therein; and

BE IT FURTHER RESOLVED that the Chairman of the Urban Redevelopment Commission and/or the Mayor of the City of Stamford are hereby authorized to execute the necessary documents to effectuate the transfer of the aforesaid property.

OLD BUSINESS:

(1) New York Airways - Heliport:

MR. BLOIS said that about three months ago he had brought up the matter of the renewal of the lease with the Heliport. He wanted to know if any action had been taken on this matter.

MR. SHAPER, Chairman of the Legislative & Rules Committee, said he had no knowledge of the lease with the Heliport being renewed and that action would have to be initiated by the Mayor.

NEW BUSINESS:

- (1) Concerning request from residents of Merrell Avenue Apartments to have a police officer stationed at the corner of Merrell and Stillwater Avenue during the time children are going and coming from school. (See letter to President of Board dated 11/17/60 from Miss Rose Farina, 5th District Representative)

THE PRESIDENT read the above letter which was referred to the Steering Committee for referral to committee.

(2) Swim Clubs and suggested Ordinance:

MR. REBACK brought this on the floor. He said these clubs were completely unregulated and it was suggested at the last Board meeting that this Board work out certain Ordinances or rules and regulations to regulate the conduct of these clubs as they become more numerous. He presented the following suggested Ordinance, which was referred to the Legislative and Rules Committee:

PROPOSED ORDINANCE TO REGULATE THE  
CONDUCT OF SWIM CLUBS IN THE CITY  
OF STAMFORD

1. Any swim club conducted in the City of Stamford should be guided by the following factors:
  - (a) There should be a provision for a buffer strip around the Swim Club area and between the "used area" and nearby residences.
  - (b) There should be a provision for at least two means of ingress and egress.

- (B-1) Road standards for ingress and egress should emphasize minimum width, sidewalks, adequate traffic controls, etc.
- (c) There should be a provision for a greater parking area than is usually necessary because of the heavy traffic on weekends and holidays.
- (d) There should be a provision for special policemen on holidays and weekends.
- (e) There should be a provision for lifeguards.
- (f) There should be a provision for matrons.
- (g) There should be a provision for a fixed amount of acres for each 50 families so that this area should not be overcrowded for health reasons. A suggestion might be 3 acres for each 50 families excluding parking and buffer area.

Ordinance would affect swim clubs not in operation by January 1, 1961.

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(3) Concerning prevention of location of large retail outlets in dangerous proximity to schools or parks. (Proposed Ordinance)

MR. SILEO brought the above proposed ordinance on the floor and MOVED that it be brought before the Steering Committee at the next meeting for referral to the proper committee. Seconded by Mrs. Austin and CARRIED.

PROPOSED ORDINANCE TO PREVENT THE  
LOCATION OF LARGE RETAIL OUTLETS IN  
DANGEROUS PROXIMITY TO SCHOOLS OR PARKS

BE IT ORDAINED BY THE CITY OF STAMFORD that:

1. There shall not be conducted in the City of Stamford any retail business in connection with the conduct of which there is provided parking space for more than 35 cars, whether provided solely for use of said business or for its use in common with others if any part of the lot on which the building in which such business is conducted or upon which the parking is provided is situated within a distance of 300 feet from the nearest point of any lot or parcel of land upon which there is located:

- (a) A public, private or parochial school, or
- (b) A public park wherein there are provided swings or other play equipment of children.

In determining the amount of parking space provided in connection with the conduct of any such business, there shall be excluded the space provided in any municipally owned and operated parking lot.

2. The provisions of this sub-section shall not apply to any such business which was in operation prior to November 16, 1960, nor shall it apply



to restrict the use of any building designed to be used for such a business if a building permit had been issued for construction of said building prior to that date, and such building had actually been constructed prior to said date.

3. Whenever any person, firm or corporation violates the provisions of this Ordinance, the Building Inspector shall issue an order directing such person to cease and desist from further violation of the provisions of this Ordinance. If such person, firm or corporation does not comply with such order within a period of one week from the date of receipt of such notice, the Building Inspector shall request the Corporation Counsel of the City of Stamford, in the name of the municipality, to institute before any court having jurisdiction, a civil action praying for an injunction restraining any such person, firm or corporation from committing or continuing such violation. Upon receipt of such a request from the Building Inspector, the Corporation Counsel shall forthwith institute such an action
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(4) Concerning need for sidewalks on North side of Bridge Street

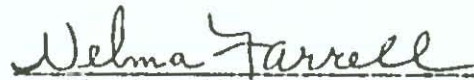
MR. GERONIMO read a letter at this time which was addressed to the Board, and signed by 16 petitioners concerning a serious safety hazard on the north side of Bridge Street, adjacent to property occupied by the Gulf Oil Gas Station.

MR. GERONIMO MOVED that this matter be referred to the Steering Committee for proper referral to Committee. Seconded by Mr. Carey and CARRIED.

Several announcements were made at this time concerning social affairs to which Board members were invited.

ADJOURNMENT:

Upon motion of Mr. Huizinga, duly seconded and CARRIED, the meeting was adjourned at 12:40 A.M.



Velma Farrell  
Administrative Assistant

vf

APPROVED:

  
John R. Nolan, President  
Board of Representatives

NOTE: The minutes of the meetings of the Board of Representatives are not transcribed verbatim. However, Audograph recordings of meetings are on file in the office of the Board. Any member wishing to listen to the recordings may do so.

John R. Nolan, President

