

Minutes of January 9, 1961  
Meeting of Board of Representatives  
Stamford, Connecticut

2978

A regular meeting of the Board of Representatives of the City of Stamford was held on Monday, January 9, 1961, 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 8:25 P.M. by the President, John R. Nolan.

INVOCATION: Was given by Rev. W. David Crockett of Emmanuel Episcopal Church.

ROLL CALL was taken by the Clerk. There were 36 present and 4 absent at the calling of the roll. Shortly thereafter, the resignation of Mr. Huizinga was presented with the subsequent swearing in of his successor, changing the roll call to 37 present and 3 absent. The absent members were: Joseph Mancusi, Bernard Geronimo and Stuart Palmer.

RESIGNATION - Rutherford G. Huizinga, Republican Representative from 20th District and Minority Leader.

The President read the resignation of Mr. Huizinga, effective immediately.

MR. GEORGIOULIS MOVED that the Secretary be instructed to send a letter to Mr. Huizinga, thanking him for the time and effort devoted during his tenure in office for the past seven years and the expression of regret from the Board that he is leaving at this time.

MR. CONNORS said he was fully in accord with what Mr. Georgoulis has said and SECONDED THE MOTION.

Several Board members rose at this time to express their appreciation for Mr. Huizinga's years of service as a valued member of the Board and their regret at his leaving.

VOTE was taken on Mr. Georgoulis' motion and CARRIED unanimously.

ELECTION OF SUCCESSOR, REPLACING MR. HUIZINGA, 20TH DISTRICT MEMBER:

MR. McLAUGHLIN nominated DAVID L. JOHNSON, Republican, from the 20th District, residing at 482 Woodbine Road. He presented Mr. Johnson's background and qualifications for the post.

There being no further names offered in nomination, the President declared Mr. Johnson elected as a member from the 20th District.

MR. SHAPERO administered the oath of office to Mr. Johnson and he assumed his seat on the Board.

ACCEPTANCE OF MINUTES: Meeting of December 5, 1960

The Minutes of the above meeting were accepted, with certain corrections:

Mr. Ivler called attention to the following corrections:

Page 2952, # (3) Septic Tanks: This title belongs with item (2)

Page 2960 - 3rd line from bottom: Change word "par" to "R"

Page 2969, 4th line from bottom: Word "CARRIED". Mr. Ivler stated just the word "CARRIED" would indicate that the motion was not carried unanimously, since other motions are indicated as being carried unanimously. He asked that the word "unanimously" be indicated after the word "Carried".

The President said the records would have to be checked to verify this matter.

Page 2973 - Lines 9 and 10, where it says: "He said the present incumbents-----" Mr. Ivler said he wished to correct this to read as contained in his report:

"-----Present office holders were very specific to this Committee that they did not feel that any increases should be granted to the present incumbents under their present terms."

Mr. Sileo called attention to the following correction:

Page 2975, under "OLD BUSINESS", first paragraph which now reads: "MR. BLOIS said" should be changed to read "MR. SILEO said"

#### COMMITTEE REPORTS:

##### APPOINTMENTS COMMITTEE

MRS. AUSTIN, Chairman, presented the report of the Committee at this time. She stated a meeting was held on December 28, 1960 and the Mayor's appointees were interviewed. All members attended this meeting, with the exception of Mr. Georgoulis who was out of town. She said it was the unanimous recommendation of the committee that all the appointments be approved.

The Tellers distributed ballots on the following appointments by the Mayor. The results of the vote on each appointment are listed below in the order with which they were presented:

##### (1) FLOOD & EROSION CONTROL BOARD

##### Term Expiring:

JOSEPH F. FAHEY, JR. (Democrat)----- Dec. 1, 1965  
Auldwood Road

VOTE: 30 in favor  
7 opposed

##### (2) ZONING BOARD

MRS. J. KING HOYT, JR. (Democrat) ----- Dec. 1, 1965  
Mill Road

VOTE: 20 in favor  
17 opposed

(3) PLANNING BOARD:

Term Expiring: 6

THORNE SHERWOOD (Republican) ----- Dec. 1, 1965  
133 Mayapple RoadVOTE: 30 in favor  
7 opposed(4) PUBLIC WELFARE COMMISSION:MARY FITZPATRICK (Democrat) ----- Dec. 1, 1963  
160 Glenbrook RoadVOTE: 20 in favor  
17 opposed(5) PARK COMMISSION:LOTUS MILLS (Democrat) ----- Dec. 1, 1965  
Haviland RoadVOTE: 26 in favor  
11 opposed(6) HUBBARD HEIGHTS GOLF COMMISSION:STANLEY PARSONS (Democrat) ----- Dec. 1, 1965  
25 Sterling Place, SpringdaleVOTE: 19 in favor  
18 opposed(7) BOARD OF RECREATION:EMEDIO D'ELIA (Democrat) ----- Dec. 1, 1965  
52 Stillwater AvenueVOTE: 18 in favor  
19 opposed(8) ELECTRICAL EXAMINING BOARD:ANTHONY VERO (Democrat) ----- Jan. 1, 1964  
125 Silver Hill LaneVOTE: 18 in favor  
19 opposed(9) PLUMBING EXAMINING BOARD:MICHAEL J. BOYLE, JR. (Democrat) ----- Jan. 1, 1963  
25 Wardwell StreetVOTE: 21 in favor  
16 opposedChanges in Committees:

The President announced the following changes:

John L. DeForest (Republican) - Minority Leader  
George Russell (Republican) - Assistant Minority Leader



Steering Committee: Jack McLaughlin (Republican)  
(Replacing Mr. Huizinga)

Fiscal Committee: George Russell (Republican)  
(Replacing Mr. Huizinga)

Legislative & Rules Committee: David L. Johnson (Republican)  
(Replacing Mr. Russell, who  
went on Fiscal Committee)

Parks & Recreation Committee: David L. Johnson (R)  
(Replacing Mr. McLaughlin, who  
went on Steering Committee)

Personnel Board of Appeals: John L. DeForest (Republican Minority  
Leader) (Replacing Mr. Huizinga as  
Minority Leader in that post)

Alternate on Personnel Board  
of Appeals: David L. Johnson (R)  
(Replacing Mr. DeForest)

Urban Redevelopment Committee: David L. Johnson (R)  
(Replacing Mr. Huizinga)

#### FISCAL COMMITTEE.

MR. REBACK, Chairman, said the Committee met on January 5, 1961. Present were: Messrs. Reback, Connors, Ivler, Sileo, DeForest and Callahan, with the items as presented below being taken up. (No written report presented)

(1) \$350.00 - BUILDING DEPARTMENT (Mayor's letter 11/7/60)

|   |                 |
|---|-----------------|
| Code 416.1 - Salaries -----             | \$200.00        |
| Code 416.3 - Stationery & Postage ----- | 150.00          |
|   | <u>\$350.00</u> |

MR. REBACK said the committee deferred to the next meeting the item of \$200.00, Code 416.1, Salaries.

MR. REBACK MOVED for approval of \$150.00, Code 416.3 Stationery & Postage. Seconded by Mr. Carey and CARRIED unanimously.

(2) \$21,100.00 - CIRCUIT COURT HOUSE (Mayor's letter 11/9/60)

(REDUCED from \$23,480.00 by Board of Finance, by cutting  
the item for Maintenance from \$9,380.00 to \$7,000.00)

|                       |                    |
|-----------------------|--------------------|
| Furniture, etc. ----- | \$14,100.00        |
| Maintenance -----     | 7,000.00           |
|                       | <u>\$21,100.00</u> |

MR. REBACK said the item of \$7,000.00 for Maintenance was deferred for further information by the committee and the item of \$14,100.00 was approved.

MR. REBACK MOVED for approval of \$14,100.00 for "Furniture, etc."

Mr. Reback's motion was seconded by Mr. Connors.

MR. IVLER, Chairman, Education, Welfare & Government Committee, said this had also been referred to his committee. He said they had requested a breakdown of figures on the item for Furniture, etc. which figure represents the City's share of this furniture; and had also asked for a list of just what furniture is being supplied by the State and it had been agreed that approval of this item was to be subject to receiving the information. He said it was his understanding that the information was relative to just what the \$14,100.00 figure covered. He said he had been furnished with a list just prior to the meeting tonight, by Mr. Reback, which only covered the City's share of furniture to be supplied, and the estimated total is \$11,338.66 and contains no itemized breakdown and there is no information as to what the State's share is to be.

MR. IVLER said that considering the fact that there is not sufficient information available, on behalf of his committee, they cannot report affirmatively until they have received the information they requested.

MR. REBACK said an itemized statement had been furnished by the Purchasing Agent, which he gave to Mr. Ivler before the meeting. He proceeded to go over a list, item by item, covering various articles of furniture. He said this complied with the information they had requested from the Purchasing Agent.

MR. IVLER said he wished to remind Mr. Reback that this was not only requested by him, but was requested by unanimous vote of both the Fiscal Committee and the Education, Welfare & Government Committee. He said they had been informed by the Purchasing Agent that in addition to the furniture being supplied by the City, a substantial amount was also being supplied by the State, and that before action was taken, they were desirous of knowing just what furnishings were being supplied by the State, and how it compared with what the City was providing. He said this information has not been given as yet and that all he has is two pages which total over \$17,000 and not \$14,100. For this reason he said he is unable to report this out of his committee.

MR. CONNORS said he also had the same list that was furnished to all members of the committees concerned and on the second page of the itemized list, it states that "The State of Connecticut will furnish the following furniture and equipment: Estimated total \$11,338.66." He asked Mr. Ivler if this was the necessary information he wished.

MR. IVLER replied he also saw another item of \$6,500 which confused the issue.

The President asked that the remarks be confined to the amount requested for furniture in the Mayor's letter, which Mr. Reback had previously moved for approval.

MR. SCARELIA said he thought if the Education, Welfare & Government Committee is not going to report this out of Committee that the rules would have to be suspended to bring this on the floor for a vote.

The President ruled that suspension of the rules was not necessary. He said if this were so, any committee could hold up action and require a two-thirds vote on any given item, which would unnecessarily delay the action of the Board.

MR. SCARELLA said if this is not reported on by the Education, Welfare & Government Committee he thought it would be necessary to suspend the rules to even speak on it.

The President ruled this was not the case. He said if Mr. Ivler reported this did not receive the approval of his committee, it was a report on the matter.

MR. SCARELLA said he appealed from the ruling of the Chair.

The President asked him to state his point of order.

MR. SCARELLA said his point of order is that this Board has a rule that an item of a specified amount has to go before one or two committees, and if one committee brings out a report and the other committee says that there is no report, it is necessary to suspend the rules in order that this be properly considered.

The President asked if there was a seconder to Mr. Scarella's appeal from the ruling of the Chair.

MR. IVLER seconded Mr. Scarella's appeal, and asked for a copy of the rules, which was furnished to him. He called attention to paragraph #5 under "Committees" of the Rules which reads as follows:

"5. Any matter referred to a Committee and not reported out at the next regular meeting, may be removed from such Committee's hands by a majority vote and the matter may then be acted upon at that or any succeeding regular or special meeting."

MR. IVLER said this rule supports Mr. Scarella.

The President said the rule does not support Mr. Scarella - that Mr. Scarella stated there was a need for a two-thirds vote in order to suspend the rules.

The Secretary was requested to read Mr. Scarella's motion, which was done.

MR. SCARELLA withdrew his request to suspend the rules and said the matter will have to be brought out of Committee by majority vote.

MR. CONNOPS MOVED to bring this matter of \$14,100 for "Furniture, etc." as requested in the Mayor's letter of 11/9/60 out of the Education, Welfare & Government Committee. Seconded by Mr. DeForest and CARRIED unanimously.

The question now before the Board was Mr. Reback's motion for approval of \$14,100 for the item of "Furniture, etc." for the Circuit Court House.

Mr. Reback said it was important to take action on this, even though some of the information arrived late. He said he thought the Board has the right to know just what this money will buy. He said the City would supply \$6,400 for the purchase of furniture, chairs, American flags, etc. and that the State would supply an amount of \$11,000 for similar equipment. In addition, the City of Stamford would be required to supply the seating in the Court Room in the amount of \$6,000; venetian blinds and drapes in the amount of \$1,600 and furniture for the attorneys' lounge in the amount of \$1,000., with a total of \$14,100.

MR. RUSSELL said that last September an appropriation was granted for the Circuit



Court House and why wasn't it possible to see at that time that they would need additional money for furniture. He said at that time an appropriation was granted for some \$46,300 in additional money and now it was again being boosted for some \$21,100 for furniture and maintenance. He said it did not appear that the city was proceeding in an orderly manner.

MR. REBACK explained that the money originally designated for construction purposes was substantially reduced prior to passage and the money that Mr. Russell was referring to was for additional expenses relative to construction only and not for furniture or for maintenance. He said that all the various Circuit Court Houses would be equipped with the same type of equipment and for all practical purposes be about the same and the State absorbs their share which in this particular case amounts to somewhere in the vicinity of \$11,000. For the reason that the Court House is not completely ready for occupancy at this time, they felt that the amount for maintenance was urgent and could be deferred for the time being. For the reason that delivery on the furniture could not be immediate, this item was of greater importance.

MR. IVLER said this also was important to him, especially when the items that Mr. Reback read off did not total \$14,100 but came to \$15,100. He said this type of mathematics puzzled him and he would like more definite figures. He asked Mr. Reback to explain the discrepancy.

MR. REBACK explained that he had read from the sets of figures and there had not been time to type them; and although the breakdown was slightly different, it did come to a total of \$14,100. The discrepancy being in the office furniture, which came to a total of \$5,500 instead of \$4,500 which he had originally quoted.

MR. IVLER MOVED this matter be deferred for another month until there is an opportunity to find out exactly what these figures are.

The Chair ruled that Mr. Reback has the floor.

Mr. Reback yielded the floor to Mr. Connors. Mr. Connors said the figures had been given to all members of the committee and all they had to do is to read them and he saw no reason for going through "this parliamentary hijinks". (applause)

VOTE taken on Mr. Reback's original motion to approve the \$14,100. appropriation for "Furniture, etc." in the Mayor's letter of 11/9/60 and CARRIED unanimously.

(3) \$3,806.00 - Concerning amendment to 1960-1961 Capital Projects Budget for Jury Assembly Room in CIRCUIT COURT and Mayor's letter 12/6/60

MR. REBACK MOVED for approval of the following resolution. Seconded by Mr. Sileo.

Mr. Ivler said the Education Welfare & Government Committee also approved this appropriation.

VOTE taken on the following resolution and CARRIED unanimously.

RESOLUTION NO. 345ADDITIONAL AMENDMENT TO CAPITAL PROJECTS BUDGET  
FOR 1960-1961 BY ADDITION OF ITEM IN AMOUNT OF  
\$3,806.00 FOR JURY ASSEMBLY ROOM IN CIRCUIT  
COURT HOUSE, LOCATED ON HOYT STREET

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford, pursuant to Section 611.5 of the Stamford Charter, to approve an additional amendment to the Capital Projects Budget for the year 1960-1961 by including therein an item in the amount of \$3,806.00 for project known as "Circuit Court House" for a Jury Assembly Room in the basement area, to be finished complete with toilet facilities, and

BE IT FURTHER RESOLVED to approve the additional appropriation of \$3,806.00 for aforesaid additional facilities, which said sum is to be financed through direct taxation.

- (4) \$8,000.00 - Concerning amendment to 1960-1961 Capital Projects Budget for COMFORT STATION in recreation area in Courtland Park (Mayor's letter 12/6/60)

MR. REBACK read the following resolution and MOVED for its adoption. Seconded by Mr. Kelly, who said it had been referred to his Committee (Parks & Recreation Committee) and approved by them. Mr. Cole and Mr. Mulreed also seconded the motion for approval.

MR. REBACK said this received the approval of the Fiscal Committee, with one dissenting vote.

MR. IVLER said the dissenting vote had been cast by him. He said it was his opinion that \$8,000 for a comfort station was too much money, and was located in a place that had not been approved by either the Department of Public Works or the Building Department, neither of whom had any knowledge of the contemplated work or the fact that it contained over 50% of the space for a storage area. He said he had seen no figures to substantiate the fact that a building for this purpose should cost so much.

MR. CONNORS refreshed the memories of the members by calling attention to the discussion about the neglected condition of Courtland Park in this Board some two years ago, at which time considerable concern was expressed by the Board members as being a disgrace to the City. He said it was very pleasing to see the change for the better in this area since that time and instead of it being an eyesore was now a lovely place and a credit to the City. He said, from looking at the prints, it was his opinion that the Comfort Station was located in the right place, so that children would not have to cross any street for access. He urged approval of this appropriation. He said the Board of Recreation has been kicked from pillar to post - that they are doing a fine job in this area and after all the things the Board previously said about the condition of this area in the past, they should be happy to go along with the improvements.

MR. SILEO spoke in favor of this appropriation. He said he was a member of the Parks & Recreation Committee at the time Courtland Park came in for so much criticism from the members of the Board and it had been in very deplorable condition and the Board of Recreation deserved a great deal of credit for the fine job of improvement.



VOTE taken on the following resolution as presented by Mr. Reback and CARRIED with two negative votes:

RESOLUTION NO. 146

AMENDMENT TO 1960-1961 CAPITAL PROJECTS BUDGET  
BY ADDITION OF ITEM IN AMOUNT OF \$8,000.00 TO  
PROVIDE FOR COMFORT STATION IN RECREATION AREA  
IN COURTLAND PARK

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford, pursuant to Section 611.5 of the Stamford Charter, to approve an amendment to the 1960-1961 Capital Projects Budget by adding thereto an item to be known as a "COMFORT STATION" in the recreation area in Courtland Park in the amount of \$8,000.00, and

BE IT FURTHER RESOLVED to approve the additional appropriation of \$8,000.00 for aforesaid "COMFORT STATION" which said sum is to be financed through direct taxation.

- (5) \$10,000.00 - Code GG-488, Employees Medical & Hospital Account  
(Mayor's letter 11/17/60)

MR. REBACK said the Committee voted to defer the above item until a report on the costs that the City is paying for this care can be prepared, so that it can be compared with the costs with other groups such as CMS and it will therefore not be reported on at this meeting.

MR. REBACK said that the next item #6 is erroneously on the agenda, as it was deferred by the Board of Finance on 11/29/60 and has not yet been approved by that Board.

- (7) \$10,000.00 - Concerning amendment to the 1960-1961 Capital Projects Budget for the LONG RIDGE FIRE CO., INC. to complete purchase price to provide quarters to house a 24 hour and Signal Tender  
(Mayor's letter 11/8/60)

MR. REBACK read the resolution at this time and MOVED for approval. Seconded by Mr. Rybnick and Mr. Connors.

MR. IVLER said this had also been referred to the Education Welfare & Government Committee, who concurred in its approval.

VOTE taken on the following resolution as moved by Mr. Reback and CARRIED unanimously.

RESOLUTION NO. 147

AMENDMENT TO THE 1960-1961 CAPITAL PROJECTS BUDGET  
BY INCLUSION OF ITEM IN AMOUNT OF \$10,000.00 IN  
ORDER TO PURCHASE PROPERTY FOR THE LONG RIDGE FIRE  
CO., INC. FOR PURPOSE OF HOUSING A SIGNAL TENDER

BE AND IT HEREBY IS RESOLVED by the Board of Representatives of the City of Stamford, pursuant to Section 611.5 of the Stamford Charter,

to approve an amendment to the 1960-1961 Capital Projects Budget in the amount of \$10,000.00 for the LONG RIDGE FIRE CO., INC., which amount is to be used towards the purchase of land directly north of and adjacent to the Long Ridge Fire House, the total price of which land is \$25,000.00, with the stipulation that when and if the land in question is no longer used by the Long Ridge Fire Co., Inc. for fire house purposes, it is to revert to the City, and

BE IT FURTHER RESOLVED to approve the additional appropriation of \$10,000.00 for aforesaid "LONG RIDGE FIRE CO., INC.", which said sum is to be financed through direct taxation.

- (8) \$2,373.51 - PUBLIC WORKS DEPARTMENT - To pay City's share of construction work due State of Connecticut on U. S. Route #1 (Mayor's letter 5/3/60)

MR. REBACK MOVED for approval of the above appropriation. Seconded by Mr. McLaughlin and CARRIED unanimously.

MR. REBACK said there were several items that were taken up by the Committee which do not appear on the agenda, as the Steering Committee met prior to the meeting of the Board of Finance on December 19, 1960, when these items were approved. He brought these up under suspension of the rules.

MR. REBACK MOVED for suspension of the rules to take up the following requested appropriation. Seconded by Mr. Callahan and CARRIED unanimously:

- (9) \$162.94 - TAX COLLECTOR - Code 575.1, Salaries (Mayor's letter 12/6/60)

MR. REBACK MOVED for approval of the above appropriation. Seconded by Mr. Carey and CARRIED unanimously.

MR. REBACK MOVED for suspension of the rules to take up the following requested appropriation. Seconded by Mr. Mulreed and CARRIED unanimously:

- (10) \$870.00 - PARK DEPARTMENT - Code 500.1, Salaries (Mayor's letter 12/6/60)  
(Reclassification of employees)

MR. REBACK MOVED for approval of the above appropriation. Seconded by Mr. Kelly and CARRIED unanimously.

MR. REBACK MOVED for suspension of the rules to take up the following requested appropriation. Seconded by Mr. Callahan and Mr. Connors and CARRIED unanimously:

- (11) \$2,802.50 - PENSION for CAPT. WILLIAM J. LYNCH, Police Department,  
effective 12/30/60 (6 months, 2 days) based on annual pension  
of \$5,543.33, or two-thirds of his annual salary of \$8,315.00  
(Mayor's letter 12/6/60)

MR. REBACK MOVED for approval of the above request. Seconded by Mr. Cole, Mr. Kelly, Mr. Connors, and Mr. Mulreed and CARRIED unanimously.

MR. REBACK MOVED for suspension of the rules to consider the following request. Seconded by Mr. Ivler and CARRIED unanimously.

- (12) \$1,600.00 - PURCHASING DEPARTMENT - Code 484.1, Salaries - For an additional Clerk Typist 1, Grade 5 - with starting salary range of \$3,200.00 a year (Mayor's letter 12/7/60)

MR. REBACK MOVED for approval of the above appropriation. Seconded by Mr. DeForest and CARRIED unanimously.

MR. REBACK said this concludes his report and that his committee adjourned their meeting at 12:45 A.M.

LEGISLATIVE & RULES COMMITTEE

MR. SHAPERO, Chairman, read his committee report at this time. He said a meeting was held Jan. 5, 1961 and present were Messrs. Shapero, Chairman, Baker and Russell. Absent were Messrs. Macri, Mizza and Meyers. He stated that the committee considered the following matter:

Concerning proposed Ordinance, Stamford Labor Council, re importing strike breakers

MR. SHAPERO said it was the unanimous opinion of the Committee that the following Ordinance be approved for publication and SO MOVED. Seconded by Mr. Henry Nolan and Mr. Macri.

MR. SCARELLA asked Mr. Shapero if the State of Connecticut is now in the process of passing similar legislation.

MR. SHAPERO referred Mr. Scarella to Mr. Henry Nolan for an answer.

MR. HENRY NOLAN replied that the Legislative Committee of the Connecticut State Labor Council is putting one in the "hopper". He said it merely means that if the City passes this Ordinance that we are saying that we will take care of our own problems and don't want professional people to do it - that it will not stop an employer by hiring replacements for strikers as long as they are not professionals and as long as each replacement is informed that he is taking the place of a striker.

MR. BAKER informed the Board members who may not be aware of it, that there is a Federal Statute making it a criminal offense to transport strikebreakers across state lines. He said this would be in harmony with the Federal law.

VOTE taken on approval of the following Ordinance for publication, with final adoption expected at the next Board meeting. CARRIED unanimously:

ORDINANCE NO. - SUPPLEMENTAL

To prohibit and make unlawful the employment of professional strikebreakers in place of employees involved in a labor dispute; to prohibit and make unlawful recruitment and furnishing of employees to replace employees involved in a labor dispute by a person or agency not directly involved in the labor dispute and the employment of persons so recruited or furnished; to prohibit and make unlawful recruitment of or advertising for employees to take the place of employees engaged in a labor dispute without stating that the employment offered is in place of employees involved in a labor dispute.



## BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

- Sec. 1 It shall be unlawful for any person, partnership, agency, firm or corporation, or officer or agent thereof, to recruit, procure, supply, or refer any person for employment in place of an employee involved in a labor dispute in which such person, partnership, agency, firm or corporation is not directly interested.
- Sec. 2 (a) It shall be unlawful for any person, partnership, firm or corporation, or officer or agent thereof, involved in a labor dispute to employ in place of an employee involved in such labor dispute any person who customarily and repeatedly offers himself for employment in the place of employees involved in a labor dispute, or to employ any person in place of an employee involved in a labor dispute who is recruited, procured, supplied or referred for employment by any person, partnership, agency, firm or corporation not directly involved in the labor dispute.
- Sec. 2 (b) It shall be unlawful for any person who customarily and repeatedly offers himself for employment in place of employees involved in a labor dispute to take or offer to take the place in employment of employees involved in a labor dispute.
- Sec. 3 It shall be unlawful for any person, partnership, firm or corporation, or officer or agent thereof, involved in a labor dispute to contract or arrange with any other person, partnership, agency, firm or corporation, to recruit, procure, supply, or refer, persons for employment in place of employees involved in such labor dispute.
- Sec. 4 It shall be unlawful for any person, partnership, agency, firm or corporation, or officer or agent thereof, to recruit, solicit, or advertise for employees, or refer persons to employment, in place of employees involved in a labor dispute, without adequate notice to such person, or in such advertisement, that there is a labor dispute at the place at which employment is offered and that the employment offered is in place of employees involved in such labor dispute.
- Sec. 5 Violations:
- Each violation of any provision of this Ordinance shall constitute a separate offense.
- Sec. 6 Penalty:
- All persons, firms and corporations, as principals or agents, causing, participating in or, in any way responsible for, any violation of this Ordinance shall be severally guilty of such violation and shall each be fined not more than twenty-five dollars (\$25.00) for each offense.

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

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Re: Proposed Ordinance for Swim Clubs

MR. REBACK asked Mr. Shapero, through the Chair, if a progress report could not be given on the status of above proposed ordinance.

MR. SIAPERO said they presently have, in committee, a suggestion forwarded to them by Mr. Reback. However, because of personal reasons, he would not be involved in this matter and it would be delegated to another member of the committee to report this out of committee.

Re: Heliport Lease

MR. SIAPERO reported that this was brought up at the December 5th Board meeting by Mr. Sileo (See page 2975 of 12/5/60 Minutes) and he has been advised by the Commissioner of Finance and the Corporation Counsel that a new lease is in the process of being prepared.

PUBLIC WORKS COMMITTEE

MR. HENRY NOLAN presented his committee report at this time. He stated that a meeting of the Committee was held on January 6, 1961 and present were Messrs. Philpotts, Dombroski, Rybnick, Blais, Henry Nolan, Chairman and Public Works Commissioner John Canavan.

- (1) Petition (undated) concerning unhealthy conditions around brook running from Courtland Hill Street to King Street (signed by 16 residents on Hamilton Avenue)  
(See page 2951, Minutes 12/5/60  
Item 0(14) )

MR. HENRY NOLAN said the committee asked the Commissioner of Public Works to investigate this matter. Meanwhile, the committee members plan to inspect the site and discuss the problem at the next meeting.

(2) Snow Removal

MR. HENRY NOLAN said the committee also discussed with the Commissioner of Public Works the problem of snow removal in Stamford. He explained, in his report, just how this was handled by the Department of Public Works.

A copy of the report is on file in the office of the Board and reference thereto can be had at any time.

MR. DEFOREST asked the Chairman of the Public Works Committee just what proportion of the roads are cleared of snow by private operators.

MR. HENRY NOLAN replied this was done when the snow was over two inches - that the private contractors go out and make a path and the city "takes it from there".

MR. SCARELLA asked if the private contractors were assigned specific routes. Mr. Nolan said that was his understanding.

MR. RUSSELL spoke briefly on this matter and mentioned certain specific instances where streets that were not city-owned were plowed.

Several members discussed the problem of snow removal.

MR. MURPHY was excused at 10:45 P.M., changing the roll call to 36 now present.

HEALTH & PROTECTION COMMITTEE

MR. BAKER, Chairman, presented the following request and MOVED for approval:

Letter dated 12/19/60 - Request from PARKING AUTHORITY for approval of installation of 7 parking meters on south side of Broad Street, from Gay Street to Grey-rock Place (Being an extension of the present planned parking in this area, to alleviate congestion caused by cars parked in haphazard manner)

Mr. Baker said his committee unanimously asks that this request be granted. Seconded and CARRIED unanimously.

PARKS & RECREATION COMMITTEE:

MR. KELLY MOVED for suspension of the rules to take up the following matter, seconded by Mr. Nolan and CARRIED:

PETITION NO. 273 - 1961 HEART FUND CAMPAIGN - Request from Chairman to erect a 7 foot sign in Atlantic Square during the campaign.

MR. KELLY read the above letter of request, which came in after the December 19th Steering Committee meeting.

MR. KELLY MOVED that permission be granted to the Stamford-Darien-New Canaan Heart Association to erect a 7 foot heart sign in Atlantic Square, provided that all city ordinances are complied with and permission obtained from the Police Department, Fire Department and Park Department and that proper insurance coverage be supplied to the office of the Corporation Counsel. Seconded by Mr. Cole and Mr. Nolan and CARRIED unanimously

EDUCATION, WELFARE & GOVERNMENT COMMITTEE:

MR. IVLER, Chairman, read his Committee report, and stated a joint meeting was held with the Fiscal Committee on January 5, 1961. Present were Messrs. Carey, DeForest, Ivler. Absent were Messrs. Truglia and Palmer. These matters were previously discussed under the Fiscal Committee.

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS:

- (1) Letter dated December 15, 1960 - CORPORATION COUNSEL'S OPINION - Concerning request for opinion on REFERENDUM QUESTIONS submitted to voters at the November 8, 1960 election. (See page 2950, Minutes 12/5/60, item (1))

The President presented the following letter:

CITY OF STAMFORD, CONN.

December 15, 1960

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

Dear Mr. Nolan:

This letter is in answer to your request of November 29, 1960 for an opinion concerning referendum questions submitted to voters at November 8, 1960 election.



1. As to splitting of the referendum questions into seven questions.

This office is of the opinion that such splitting was properly accomplished. Unfortunately, the records of proceedings of the Charter Revision Commission are somewhat lacking of detail, but it is reasonable to infer that the Commission's intent was to submit as a separate question the issue of a four year term of office for the Mayor, Town Clerk and members of the Board of Representatives. The first report of the Commission, dated July 21, 1960 states: "(1) Voted to revise Sections 102 and 115 of the Charter to provide for the extension of the terms of office of the Mayor, the Town Clerk and the members of the Board of Representatives from two to four years." The very next sentence reads as follows: "Section 115 will also be amended to declare disqualified any member of the Board of Representatives who shall cease to reside in the district which he represents," and then the report goes on to set forth the suggested revision of Sections 102 and 115 of the Charter in a form which was subsequently revised in several minor respects, and which, as subsequently revised, was published in the Stamford Advocate, pursuant to Section 7-191 of the General Statutes.

One portion of the revision, pertaining to continuous residence of the members of the Board of Representatives, was made a separate question on the voting machines.

This question was approved by the voters while that portion dealing with four year terms was defeated.

"In construing provisions in an official revision or compilation of the statutes of a state, courts have often referred to the report or notes of the revisory commission for aid." Statutory Construction, Sutherland (3rd Edition), 494 It is the general rule of law that committee reports have been looked into in order to gather the legislative intent, and it is quite apparent from the first quoted report of the Charter Revision Commission that it was that honorable body's intent to propose a revision dealing with continuous residence of board members quite separate and apart from the four year term provision.

Accordingly, the answer to Question 1 is in the affirmative.

2. As to legal effect of the split referendum questions.

This office is of the opinion that the split questions are legally effective. Section 7-191 of the General Statutes appears to have been substantially complied with, although not strictly. Having been voted by the electorate, after due action by the Revision Commission and by the Board of Representatives, it is obvious that the question dealing with a four year term for Mayor, Town Clerk and members of the Board of Representatives was disapproved, while the question dealing with continuous residence of Board members was approved. It is my opinion, therefore, that the last referendum question was adopted and is now part of our Charter, which must be amended to read, in part, as follows:

"Each representative at the time of his election, shall be a resident of the district from which he is elected. Any representative, who having been elected under the provisions of this section, or under any other provision of this Charter, shall cease to reside in the district which he represents,

shall immediately become disqualified to hold such office within the meaning of Section 201 of this Charter and the vacancy thereby created shall be filled in accordance with the provisions of said Section 201."

3. The final question dealing with effective dates of the approved Charter amendments is answered as follows:

Section 7-191 provides the framework for action on recommendations of the Charter Revision Commission by referendum. The statute further provides: "Such proposed charter amendment or amendments or home rule ordinance or amendment or repeal of a home rule ordinance shall become effective, on a date or dates to be specified therein, if approved by a majority of the towns, city or borough electors voting thereon at a regular election..... Within seven days after the approval of any proposed charter amendment..... the town or city clerk shall file three certified copies with the secretary of state."

In the absence of an effective date, it would seem logical to assume that the amendment would become effective immediately upon its approval by the electorate, unless a contrary intent is manifested in the amendment itself. I have been unable to find any law dealing specifically with charter amendments. However, there is a great deal of law dealing with statutes and ordinances, and the same or similar principles are applicable.

McQuillan, Municipal Corporations, Section 15-39 provides: "Generally ordinances take effect upon their passage, upon expiration of a prescribed period thereafter, or upon completion of, or a prescribed period after publication, and ordinarily they are presumed and, if possible, construed to operate prospectively only from their effective date. They speak only from the time that they go into effect.

"The common rule in regard to legislation is that it shall take immediate effect unless otherwise provided,..... Thus, where publication is not required and there is no time specified either in the charter or ordinance, the ordinance take effect from the date of its passage."

However, where present rights are to be affected as in the question dealing with continuous residence of members of the District Board, such rights cannot be ignored.

1 Statutory Construction, Sutherland, (3rd Edition) 434 et seq. "In determining the effect of an amendatory act on transactions and events completed prior to its enactment, it is necessary to distinguish between provisions added to the original act by the amendment, and provisions of the original act repealed by the amendment, and provisions of the original act re-enacted thereby. In accordance with the rule applicable to original acts, it is presumed that provisions added by the amendment affecting substantive rights are intended to operate prospectively. Provisions added by the amendment that affect substantive rights will not be construed to apply to transactions and events completed prior to its enactment unless the legislature has expressed its intent to that effect or such intent is clearly implied by language of the amendment or by the circumstances surrounding its enactment."



The legislative intent appears to be that the provision and the provisions dealing with a four year term of office would become effective on December 1, 1961. Coupled with the fact that a term of office is a substantive rather than a procedural right, it appears that it was the intent that this provision should not operate retroactively to defeat the rights of present incumbent members of the Board. Although it is within the power of a legislative body to shorten a term of office the intent must be clear and specific. Insofar as no definite statements as to an effective date are contained in that portion of Section 115 of the Charter, which has been held above to have been validly adopted it is my opinion that the intent to be gathered from all of the surrounding circumstances indicated that the amendment to Section 115, supra, is to become effective on December 1, 1961.

The answer to your third question is, therefore, that except as to those referendum questions dealing with terms of office of incumbents or those affecting substantive rights, the effective dates are November 9, 1960, and as to those amendments which do affect substantive rights, they become effective in the future when present rights will have expired.

Very truly yours,

(Signed) ISADORE M. MACKLER  
CORPORATION COUNSEL

IMM:A

- (2) Concerning request for Corporation Counsel's opinion re validity of signatures on appeals from Planning and Zoning Board decisions.

The President presented a letter dated December 28, 1960 from the Corporation Counsel on the above matter, which letter attached an opinion from the office of the Corporation Counsel on the same subject matter, furnished to a previous Board, and dated February 20, 1957

NOTE: The opinion, as noted above was printed in the Minutes of March 4, 1957 on page 1526. Referral thereto will be found in the report of the Legislative & Rules Committee, on page 1517, being item #3 of same Minutes. The subject of this correspondence being referred to by this title: "Requirement of filing fees with appeals from Planning & Zoning Boards".

OLD BUSINESS:

Re: Lenox Avenue closing

Mr. Ivler asked if any action has been taken by the Mayor in regard to the closing of Lenox Avenue, as requested by the Board. He was informed that this Board has not yet been notified of any action taken. (Note: See page 2960, through 2969 item (6) in Minutes of 12/5/60)

Re: Liquidated damage clause in city contracts.

Mr. Russell asked Mr. Ivler what had been done about incorporating a liquidated damage clause in city contracts

Mr. Ivler explained that the committee had met with Corporation Counsel on this matter and they were informed that this procedure had been followed on occasion, but unfortunately the amounts of liquidated damages had been very low



and meaningless. He explained in great detail as to a specific project, which had been handled prior to this Board's discussion of the liquidated damage clause, which contract did contain such a clause in the amount of \$25 per day.

NEW BUSINESS:

Re: School bus transportation

Mr. DeForest brought up the subject of poor bus transportation for school children in the country, where they sometimes have to wait for extended periods for the bus and sometimes the bus fails to show up at all. He said it was his understanding that the contracts for renewal of the bus transportation would be coming up very soon.

MR. DEFOREST MOVED that this matter be referred to two committees - the Education, Welfare & Government Committee and the Health & Protection Committee, to report back to this Board at the next meeting. Seconded by Mr. McLaughlin.

After considerable discussion by several members, MR. DEFOREST changed his motion that this matter be referred to the Steering Committee for referral to the proper committees.

The President said he would check with the office of the Corporation Counsel before the next meeting of the Steering Committee to see what action, if any, that this Board can take on the question of school bus contracts.

VOTE taken on Mr. DeForest's motion. CARRIED.

Prompt starting of Board meetings:


MR. DEFOREST brought up the matter of late starting of meetings. He said he thought the Board, in deference to the sponsor, should try to start promptly at 8 o'clock.

Re: Snow plowing of private streets:

MR. BLOIS asked that the above matter be referred to the Steering Committee. Seconded by Mr. Ivler. CARRIED.


ADJOURNMENT:

On motion, duly seconded and CARRIED, the meeting was adjourned at 11:25 P.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

