

MEETING OF THE 10th BOARD OF REPRESENTATIVES
Minutes of July 1, 1968
Stamford, Connecticut

A regular monthly meeting of the 10th Board of Representatives was held on Monday, July 1, 1968 in the Board's meeting rooms, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

After a Caucus by the two respective parties, the President called the meeting to order at 9.10 P.M.

INVOCATION was given by Reverend Stanley F. Hemsley, St. John's Episcopal Church.

PLEDGE OF ALLEGIANCE TO FLAG: The President led the members in the pledge of allegiance to the Flag.

MOMENT OF SILENT PRAYER - IN MEMORY OF CAPTAIN THOMAS R. MORRIS, SON OF
THOMAS A. MORRIS, MINORITY LEADER

THE PRESIDENT said it is with great emotional strain that we meet this evening, and as all must know, the City of Stamford suffered a great loss in the death of the son of Thomas A. Morris, our Minority Leader, who lost a son in Vietnam. He requested a moment of silent prayer in memory of Captain Morris, which the members observed at this time.

MR. BROMLEY, Assistant Minority Leader, spoke at this time. His remarks appear below:

"I know that all the members of the Board of Representatives present in this room tonight, as well as all those people of Stamford who have had any personal contact with Tom Morris, Representative from 15th District, all share the feeling of profound sadness and extend their sympathies to Tom Morris, who has just lost his son.

What can one say - what can one do? His son has died and left a bereaved family behind. Many may question this war - many may have doubts, but this we know: A man who has given his life for his country has not died in vain. It is for Tom Morris' friends now to come to him and his family in their hour of need, to comfort them and to do honor to the memory of their dead son".

MR. HEINZER MOVED that in view of Tom Morris' long service on this Board and almost perfect attendance, that until and unless it affects the carrying of a motion, that he be counted present. Seconded.

THE PRESIDENT said the Chair will not rule on the propriety of the motion, but will accept the motion and will not rule, unless the count may be

Minutes of Meeting July 1, 1968

decided by his absence. He called for a vote on the motion. CARRIED.

ROLL CALL was taken by the Clerk. There were 32 present (counting Mr. Morris present) and 8 absent at the calling of the roll. However, Mr. Alwanger arrived shortly thereafter, changing the roll to 33 present and 7 absent. The absent members were:

Edward Dombroski (D) 3rd District
 Robert Durso (D) 5th District
 Edward Scofield (R) 10th District
 William Caporizzo (R) 15th District
 Daniel Russbach (R) 17th District
 Booth Hemingway (R) 19th District
 Watson Horner (R) 19th District

The Minutes were accepted, with the following corrections in the Minutes of June 3, 1968:

Page 5457 - 5th line from bottom of page, after the words: "..... City of Stamford", change the word "who" to "which".

Page 5462 - Proposed Ordinance - AMENDMENT TO CHAPTER 14 OF THE STAMFORD CODE OF GENERAL ORDINANCES, ENTITLED: "GARBAGE AND TRASH"

Beginning with second paragraph, change: "Section 14-B" to read: "Section 14-8".

Page 5473 - Mr. Miller said he would like to make an addition to the Minutes under the report of the Education, Welfare and Government Committee, wherein he made some lengthy comments about the establishment of new boundary lines for Stamford's voting Districts, which appear to have been omitted. He said he does not recall his exact remarks, but would like to have it noted that he spoke in support of this as a Democratic member of the Education, Welfare & Government Committee.

PAGE BOY - TED HERT:

THE PRESIDENT announced the presence of the above Page Boy - a graduate of Rippowam High School, who will be attending Brown University in Providence, Rhode Island in the fall.

MAYOR'S ANNUAL MESSAGE - 1967-1968 fiscal year

MAYOR BRUNO GIORDANO presented his annual message for the 1967-1968 fiscal year to the Board of Representatives, as required by Section 303.1 of the Charter.

Copies of the Mayor's message were presented to all Members of the Board and a copy given to Mrs. Farrell for the records of the Board, to be kept on file. Because of their length, these remarks are not contained in the Minutes.

Minutes of Meeting July 1, 1968

MR. ALSWANGER arrived at 9.40 P.M., changing the roll call to 33 present (counting Mr. Morris) and 7 absent.

COMMITTEE REPORTS:

The reading of the Steering Committee Report was waived and entered in the Minutes and appear below.

STEERING COMMITTEE REPORT
Meeting held Monday, June 17, 1968 .

A meeting of the Steering Committee was held on Monday, June 17, 1968 in the Board of Representatives' meeting rooms, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by the Chairman and President of the Board, John C. Fusaro at 8.10 P.M.

All members were present, with the exception of: Frank Coperine, Robert Durso, Ted Boccuzzi, John Boccuzzi, George Russell and Booth Hemingway.

The following matters were discussed and acted upon:

(1) APPOINTMENTS:

The appointment of John Thomas Brown, Jr., being a second submission from the Human Rights Commission, was ORDERED ON THE AGENDA under APPOINTMENTS COMMITTEE, pending answer from the Corporation Counsel.

The appointment of Bertram L. Winston, Architect, as a member of the Building Committee has been withdrawn. However, the name of Louis Bacco was ORDERED PLACED ON THE AGENDA under APPOINTMENTS COMMITTEE.

There was some discussion regarding the final adoption of the Ordinance concerning establishment of a Housing Site Development Agency coming on the agenda after the appointment of members of that Agency. In order to avoid conflict, the matter of final adoption of the Ordinance, which usually would come later on the agenda, was ORDERED MOVED UP to come before the Appointments Committee, so there would be no question of the appointment of this Agency coming before the adoption of the Ordinance creating it. It was noted that one more name is to be added later.

(2) ADDITIONAL APPROPRIATIONS:

All appropriations approved by the Board of Finance at their meeting held June 13, 1968 were REFERRED TO THE FISCAL COMMITTEE and ORDERED ON THE AGENDA, with all items in excess of \$2,000 referred to a secondary committee.

Minutes of Meeting July 1, 1968

- (3) Mayor's letter (dated 6/17/68) submitting two Resolutions concerning WAIVER of payment in lieu of taxes, making rent reductions possible on MODERATE RENTAL PROJECTS - Under Section 19 (b) of P.A. #522 - Also see P.A. 760 and 768, 1967 Session of General Assembly)

Above referred to LEGISLATIVE & RULES COMMITTEE and C-DAP COMMITTEE - ORDERED ON AGENDA.

- (4) Proposed resolution, authorizing Department of Health to file an application with the Commissioner of Community Affairs, State of Conn., in an amount not exceeding \$110,000 in order to undertake a PROGRAM OF COORDINATED HOUSING CODE ENFORCEMENT, pursuant to P.A. 522, 760 and 768, 1967 Session of General Assembly.

Above matter, previously referred to both Legislative & Rules Committee and the Health & Protection Committee, awaiting approval of the Board of Finance, given 6/13/68 - ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE.

- (5) APPEAL from decision of PLANNING BOARD in the matter of JOSEPH PASQUINO'S proposal for a change in the Master Plan, approved by Planning Board 5/23/68, filed with Board of Representatives 6/13/68

Above matter REFERRED TO LEGISLATIVE & RULES COMMITTEE and PLANNING & ZONING COMMITTEE - ORDERED ON AGENDA under Legislative & Rules Committee.

- (6) Four requests for TAX ABATEMENT on low and moderate income housing was ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE - Previously deferred.
- (7) Final adoption of PROPOSED AMENDMENT TO SEWER CODE when available Sewer facilities may be overtaxed - (Proposed by Thomas Morris, Minority Leader - New version adopted for publication 6/3/68; published 6/6/68)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (8) Concerning Creation of a DESIGN REVIEW BOARD - (Per Mayor's letter of 3/11/68 referring back to letter dated 5/1/67 to 9th Board, from Stearns Woodman, requesting Ordinance creating this Board, to review architectural drawings and site plans on proposed non-residential structures, etc., prior to issuance of Building Permit - Held in Committee 6/3/68)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (9) PROPOSED AMENDMENT TO BUILDING CODE - (Requested by Building Inspector, James Sotire, for repeal of paragraph 3 of Bldg. Code, entitled "Inspector", being Sec. 300 of Heating & Air Conditioning portion of Code, to place Heating & Air Conditioning Inspectors in same category as Electrical and Plumbing Inspectors. (Adopted for publication 5/6/68; published 5/10/68 - Held in Committee 6/3/68)

Minutes of Meeting July 1, 1968

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (10) Ordinance for final adoption concerning "AMENDMENT TO CHAPTER 14 of CODE OF GENERAL ORDINANCES, ENTITLED: "GARBAGE & TRASH" - (Adopted for publication 6/3/68; published 6/6/68)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (11) Ordinance for final adoption concerning "ESTABLISHMENT OF RATES CONCERNING LAND FILL PROJECT AT DYKE PARK" - (Adopted for publication 6/3/68; published 6/6/68)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (12) Proposed Ordinance Concerning Method of PROTECTION AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP ON BUILDING CONSTRUCTION PROJECTS IN CITY OF STAMFORD - (Presented 5/20/68 by Thomas Morris and William Caporizzo, 15th District Representatives)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (13) Final adoption of Ordinance "CONCERNING THE ESTABLISHMENT OF A HOUSING SITE DEVELOPMENT AGENCY" - (In compliance with Sections 16 and 17 of Public Act 522 - Adopted for publication 6/3/68; published 6/7/68)

ORDERED ON AGENDA before Appointments Committee, under LEGISLATIVE & RULES COMMITTEE.

- (14) APPEAL from ZONING BOARD'S DECISION, approving Application 68-007 - LONG RIVER DEVELOPMENT CORPORATION AND DeLEO REALTY, INC. by petition signed by owners of 20% or more of the privately-owned land located within 500 ft. of the borders of the area involved - LAND LOCATED ON EAST SIDE OF TURN-OF-RIVER ROAD TO R-20 property now in RA-1 - (Approved as to form by Legislative & Rules Committee on 6/3/68)

ORDERED ON AGENDA under PLANNING & ZONING COMMITTEE

- (15) Concerning DISPOSITION OF GLENBROOK SCHOOL

Above REFERRED TO PUBLIC WORKS COMMITTEE - Not on agenda

- (16) Concerning United Oil Company's Proposal to Release St. John's Low Cost Housing Project from pending lawsuit against URC

ORDERED ON AGENDA under URBAN RENEWAL COMMITTEE

- (17) Letter (dated 6/13/68) from Paul Kuczo, 8th District Democratic City Committeeman, requesting an investigation of the Urban Redevelopment Commission

Above noted and filed.

Minutes of Meeting of July 1, 1968

There being no further business to come before the Committee, on motion, duly seconded and CARRIED, the meeting was adjourned at 9.30 P.M.

John C. Fusaro, Chairman
Steering Committee

vf.

LEGISLATIVE & RULES COMMITTEE:

Final adoption of Ordinance No. 148 Supplemental "CONCERNING THE ESTABLISHMENT OF A HOUSING SITE DEVELOPMENT AGENCY" - (In compliance with Sections 16 and 17 of Public Act 522 - Adopted for publication 6/3/68; published 6/7/68)

MR. BROMLEY, Chairman, said his Committee had some questions regarding the proposed ordinance. He presented the following letter at this time:

CORPORATION COUNSEL'S OPINION AS TO LEGALITY OF ESTABLISHMENT OF A NEW AGENCY AND MEMBERS OF SUCH AGENCY

July 1, 1968

John C. Fusaro, Esq., President
Board of Representatives
Municipal Office Building
Stamford, Connecticut.

Dear Mr. Fusaro:

I have been asked to render an opinion concerning the following two questions:

1. Can the Mayor of the City of Stamford create a new Agency under Section 16 of the P.A. 522 of the 1967 Session of the General Legislature which is known as "An Act Concerning Community Development?"
2. Is it legal for members of another Agency - i.e., the Housing Authority, to serve as members of the new Agency?

As to the first question - I have consulted with the Attorney General Of the State of Connecticut concerning his interpretation of the Act as well as the experts of other communities, since as of this date, there has been no judicial interpretation of the Act.

I attach a copy of a letter from the Assistant Attorney General of the State of Connecticut giving his interpretation of the section.

Since Section 16 of the Act leaves the designation of such an agency in the hands of the "chief executive officer", it would appear that the Mayor does have the power to designate such an agency whether or not it is existing or is created by the Mayor's act.

Minutes of Meeting of July 1, 1968

Furthermore, Section 304 of the Stamford Charter provides that:

"...the Mayor shall have authority to perform such acts and duties as may be prescribed herein or by other laws of the state...."

It is my opinion the Mayor does have the power to create such an agency by designation. (I would also call to your attention the fact that this is the method utilized in other communities throughout the state, for example, Bridgeport.)

As to your second question concerning the legality of members of the Housing Authority serving as members of the new agency. While Section 707.1 of the Charter speaks of "dual office holding", it states:

"No member of the Board of Representatives or Board of Finance or Board of Education shall, during the term for which he is elected, hold any other office or appointment in or under the municipal government."

The Housing Authority of the City of Stamford, however, is not a creature of the municipal government, but rather was created by state statute. Sections 8-40 and 8-41 of the General Statutes are the basis upon which the Housing Authority was created. Therefore, a member of the Housing Authority does not hold a municipal office and Section 707 of the Charter does not apply.

However, a member of the Housing Authority is disqualified to serve as a member of the Housing and Site Development Agency because of Section 8-41 of the General Statutes. This Section, under which the Housing Authority was created, provides:

"No commissioner of an authority may hold any public office in the municipality for which the authority is created."

For this reason, no member of the Housing Authority can be appointed to the Agency which is to be created by the Mayor.

I trust that this answers the questions which you have raised.

Very truly yours,
(Signed) Paul D. Shapero,
Corporation Counsel

Copy of enclosed letter from Benson A. Snaider, Assistant Attorney General Counsel of State of Connecticut Department of Community Affairs, Hartford, Connecticut;

June 27, 1968

Paul Shapero, Esq.
Corporation Counsel
City of Stamford
429 Atlantic Street
Stamford, Connecticut.

Dear Mr. Shapero:

Recently, you requested my opinion regarding Section 16, Public Act 522, 1967 Regular Session, specifically, whether the Chief Executive Officer of a municipality may create a new agency to be the municipality's designated housing site development agency, or must the Chief Executive Officer designate a pre-existing agency to fulfill that function.

Please be advised that there is no restriction in Public Act 522 preventing the Chief Executive Officer of a municipality from creating an agency to administer the housing site development program. The Chief Executive Officer may, at his discretion, designate an existing agency to administer a housing site development program or create a new agency as the "housing site development agency." In my opinion, it is the intent of Public Act 522 to allow the Chief Executive Officer of a municipality the discretion to act in the most appropriate manner to accomplish this particular program, subject to the approval of the governing body. The housing site development agency would, therefore, best conform to the needs of the particular municipality.

Very truly yours,
(Signed) Benson A. Snaider
Assistant Attorney General/Counsel.

MR. BROMLEY said the Legislative & Rules Committee voted to approve the following ordinance for final adoption and he SO MOVED. Seconded by Mr. Murphy.

MR. GUROIAN MOVED TO AMEND the proposed Ordinance as follows:

"The Housing Site Committee is instructed to look for 100% open land suitable for housing sites in all geographical areas of Stamford."

Mr. Guroian's motion was seconded by Mr. Joss, Mr. Lockhart and Mr. Kuczo.

THE PRESIDENT asked Mr. Bromley if the proposed amendment would substantially change the Ordinance so that it would have to be re-published.

Minutes of Meeting of July 1, 1968

MR. BROMLEY said he believes everybody here know the rather ambiguous language in the Public Act (522) which created this and does refer to "open land" in many places. He said, from what the Mayor has said in his annual message tonight that if land is zoned for multiple dwelling use - open land - then, unless there is a zoning change, the multiple housing cannot be located in that land. He said if we are talking about the Housing Site Committee looking for land where it is zoned for acre or half acre, single family dwellings, then, he would suppose the agency, because of the zoning, could not look in these areas. And, if they looked in those areas with the idea of down-zoning, then perhaps that is another thing. He said he does not see any great objection to this amendment, but also does not see that it adds very much, but he agreed to accept the amendment.

MR. RICH said he believes this Board would be well advised to recall what the Act says and that it may be ambiguous to a point, but is not ambiguous as to requiring 100% vacancy in the land - but refers to predominantly open or undeveloped land. He said naturally it anticipates that land will not be chosen in densely built up areas, which is the job of Urban Renewal. He said on the other hand it does not mean that land should be chosen in a TOTALLY undeveloped area. He said he feels we would be unnecessarily restricting the agency by this amendment.

MR. CONNORS asked if this will be confined in areas within the City of Stamford. He asked Mr. Bromley if this is true.

MR. BROMLEY said he was not quite sure of the speaker's meaning, but thinks under the Ordinance as published, the agency must use certain guide lines - one being existing zoning. He said he believes the Mayor has acquainted the Board with that fact this evening. Also, he said there are some other guide lines.

THE PRESIDENT inquired of Mr. Guroian if the words "substantially open land" cover his amendment.

MR. GUROIAN said that ~~he~~ wishes to stick with the wording of his amendment of 100% open land.

After considerable further discussion a VOTE was taken on the amendment as offered by Mr. Guroian. The Chair called for a division of the house. The amendment was LOST by a vote of 11 in favor and 21 opposed.

MR. RICH MOVED the main motion. Seconded and CARRIED.

A VOTE was taken on the adoption of the following Ordinance and CARRIED, with one "no" vote (Mr. Connors):

Minutes of Meeting of July 1, 1968

ORDINANCE NO. 148 SUPPLEMENTAL

CONCERNING THE ESTABLISHMENT OF A
HOUSING SITE DEVELOPMENT AGENCY

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

SECTION 1. Pursuant to and in conformity with Sections 16 and 17 of Connecticut Public Act No. 522 concerning community development, the City of Stamford hereby establishes a housing site development agency, for the purpose of preparing a housing sites development plan directed toward possible undertaking of housing site development projects to provide housing solely for low or moderate income persons and families and other community facilities to serve the occupants of such housing.

SECTION 2. That, upon approval of said housing site development plan or modifications thereto by said agency, it shall submit the same to the Board of Representatives for their adoption.

SECTION 3. For said purposes, and subject to the approval of the Mayor and the Board of Representatives, the agency may make such contracts and commitments and may undertake such obligations as are necessary to acquire financial assistance of the State of Connecticut, which is available under provisions of said Public Act No. 522.

SECTION 4. Said agency shall consist of seven (7) members, not more than four (4) of whom shall be members of any one political party and shall be so selected as to be broadly representative of the physical, social, and economic activities of the City who shall be appointed by the Mayor, subject to the approval of the Board of Representatives.

SECTION 5. Initially, the Mayor shall appoint three members for a term of one (1) year; two members for a term of two (2) years; two members for a term of three (3) years; and thereafter, each new members shall be appointed for a term of three (3) years and serve until their successors shall have been appointed and qualified.

SECTION 6. The Mayor may remove any member for cause and any vacancy occurring in such agency shall be filled for the unexpired portion of the term by the Mayor, subject to the approval of the Board of Representatives.

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

Minutes of Meeting of July 1, 1968

APPOINTMENTS COMMITTEE:

MR. THEODORE BOCCUZZI, Chairman, said a meeting of his Committee was held Friday, June 28th in the Board Rooms. Present were: Lynn Farmer, John Boccuzzi and George Georgoulis, and the Chairman.

The Tellers distributed the ballots and the results of the vote on each appointment are recorded below:

HUMAN RIGHTS COMMISSION, Executive Director:

JOHN THOMAS BROWN, JR. (2nd submission) VOTE: 25 yes
7 no

BUILDING COMMITTEE:

LOUIS J. BACCO (Ind.) Licensed Engineer VOTE: 27 yes
172 Fifth Street 5 no
(Term coincides with that of the Mayor)

Note: James J. Sotire, Building Inspector, is automatically a member of the Building Committee under the provisions of Resolution #142 and the State Statutes.

ZONING BOARD OF APPEALS:

CHESTER L. LEWANDOWSKI (D) - Term ending Dec. 1, 1970
78 White Birch Lane (2nd submission)
(Replacing John H. Griffin III VOTE: 26 yes
who resigned) 6 no

PATRIOTIC & SPECIAL EVENTS COMMISSION:

MRS. DONALD (ELFRIEDE) BROCKLEHURST (R) - Term ending 12/1/68
97 Interlaken Road
(Replacing Robert W. Armstrong III, VOTE: 32 yes
who resigned) (Unanimous)

HOUSING SITES DEVELOPMENT AGENCY: (Under provisions of Ordinance #148)

EDWARD L. GLENN (D) Term Ending: 6/30/71
39 Adams Avenue VOTE: 28 yes
4 no

Minutes of Meeting of July 1, 1968

ARTHUR WHITE (D) ----- Term Ending: 6/30/71
121 Four Brooks Road

VOTE: 21 yes
11 no

WILLIAM BUCHANAN (R) ----- Term Ending: 6/30/70
Idlewood Place

VOTE: 29 yes
3 no

REV. FRANK L. WHITLOCK (D) ----- Term Ending: 6/30/69
82 Ralsey Road

VOTE: 23 yes
9 no

Two other appointments to the Housing Sites Development Agency, which were on the agenda, were not acted upon - namely, Joseph Slavinsky (D) and John J. Keenan (R). Also, another name is to be presented for the Board's approval at a later date, as the Agency is composed of seven members.

NOMINATIONS TO BOARD OF FINANCE (To replace Judge Louis Iacovo (R) who resigned to become Judge of Probate)

MR. BROMLEY said it is his understanding that since Judge Iacovo who resigned is a Republican, that a Republican must replace him. Therefore, as the Acting Minority Leader, he offered the name of GEORGE ARETAKIS (R), 15 Robin Hood Road, Springdale, to fill out the unexpired term of Judge Iacovo. He said Mr. Aretakis has been unanimously approved by the Republican Town Committee.

Mr. Aretakis was unanimously elected to fill out Judge Iacovo's unexpired term as a member of the Board of Finance, the Secretary being instructed to cast one ballot. (Applause)

FISCAL COMMITTEE:

MR. JOHN BOCCUZZI, Chairman, said the Fiscal Committee met on June 27, 1968 and approved all items on the agenda.

- (1) \$12,698.12 - DEPARTMENT OF PUBLIC WORKS - Code 602.0108. Salary differential in Public Works Administration account
(Mayor's letter of 5/3/68)

MR. BOCCUZZI said this item was referred back to the Committee last month. He said the Committee had Mr. Canavan and Mr. Loglisci in to discuss this and the Committee approved it. HE MOVED FOR APPROVAL of the request. Seconded by Mr. Rybnick.

MR. HEINZER said the Public Works Committee concurs in approval. CARRIED.

Minutes of Meeting of July 1, 1968

- (2) \$5,000.00 - DEPARTMENT OF PUBLIC WORKS - Code 653.0000, Repairs
(REDUCED by Board of Finance from \$10,000 6/13/68)
(Mayor's letter of 6/5/68)

MR. BOCCUZZI MOVED for approval of the above request. Seconded by Mr. Heinzer, who said the Public Works Committee also approves this item. CARRIED.

- (3) \$29,000.00 - DEPARTMENT OF PUBLIC WORKS, as follows:
(Mayor's letter of 6/5/68)

Code 624.0617 - Bureau of Sanitation, Division of
Collection, Land Fill ----- \$25,000.00

Code 606.0601 - Bureau of Highways and Maintenance,
Division of Highways,
General Materials & Supplies --- \$ 4,000.00*
\$29,000.00

*REDUCED by Board of Finance 6/13/68 from \$8,000 requested, to \$4,000.

MR. BOCCUZZI MOVED for approval of the above requests. Seconded by Mr. Heinzer, who said the Public Works Committee concurs in approval. CARRIED.

- (4) \$200.00 - DEPARTMENT OF PUBLIC WORKS - Code 629.1902, Tool Allowance,
Division of Buildings and Grounds - (Mayor's letter of
5/20/68)

MR. BOCCUZZI MOVED for approval of the above request. Seconded by Mr. Kelly and CARRIED.

- (5) \$144.00 - DEPARTMENT OF PUBLIC WORKS - Code 622.0101, Salaries,
Bureau of Sanitation, Pumping Stations - (Being reclassification from Pumping Station Mechanic II, W-17, Step "E" to Master Mechanic, Pumping Stations, W-19, Step "D" retroactive to 12/4/67 (Approved by Personnel Commission)
(See Mayor's letter of 5/24/68)

MR. BOCCUZZI MOVED for approval of the above request. Seconded by Mr. Kelly and CARRIED.

- (6) \$270.00 - DEPARTMENT OF PUBLIC WORKS - Code 629.0802 Car Allowance,
Division of Buildings & Grounds - (For City's Electrician, inadvertently omitted from the new 1968-1969 Budget)
(REDUCED by Board of Finance from \$540.00 requested, to \$270.00 on 6/13/68 - (Mayor's letter of 5/24/68)

MR. BOCCUZZI MOVED for approval of the above request. Seconded by Mr. Kelly and CARRIED.

Minutes of Meeting of July 1, 1968

- (7) \$5,000.00 - DEPARTMENT OF PUBLIC WORKS - Code 629.0101, Salaries - Division of Land and Buildings Maintenance - Covering 26 people - (Mayor's letter of 5/2/4/68)

MR. BOCCUZZI MOVED for approval of the above request. Mr. Heinzer seconded the motion and said the Public Works Committee concurs in approval. CARRIED.

- (8) \$200.00 - TAX COLLECTOR - Code 146.0101 Salaries - Being reclassification of Assistant Cashier to Clerk-Typist II approved by Personnel Commission on 4/22/68 - For fiscal year 1968-1969 - (Mayor's letter of 6/4/68) - (\$34.02 previously approved by Board of Representatives 6/3/68 for end of fiscal year 1967-1968)

MR. BOCCUZZI MOVED for approval of the above request. Seconded and CARRIED.

- (9) \$20,194.82 - REGISTRARS OF VOTERS, covering: (Mayor's letter of 6/5/68)
- | | |
|--|--------------------|
| Code 102.5108 - Town Committee | |
| Primaries ----- | \$19,612.82 |
| Code 102.5105 - Democratic Primary ----- | 582.00 |
| | <u>\$20,194.82</u> |

MR. BOCCUZZI MOVED for approval of the above request. Mr. Rich seconded the motion, saying his Committee - the Education, Welfare & Government Committee, also approves this item. CARRIED.

- (10) \$540.00 - HUMAN RIGHTS COMMISSION - Code 192.0802 Car Allowance for 1967-1968 fiscal year - To meet contractual obligations for one qualified employee, at \$45 per month, using own car on City business. (Mayor's letter of 5/31/68)

MR. BOCCUZZI MOVED for approval of the above request. Seconded by Mr. Kelly and CARRIED.

- (11) \$2,210.00 - DEPARTMENT OF PARKS & TREES - Code 710.0107, Emergency and Overtime, per contractual obligations - For 1967-1968 fiscal year - (Mayor's letter of 5/24/68)

MR. BOCCUZZI MOVED for approval of the above request. Mr. Kelly seconded the motion, saying the Parks & Recreation Committee also concurs.

MR. CHIRIMBES said the Personnel Committee also approves this request. CARRIED.

- (12) \$500,000.00 - Resolution No. 565, amending 1968-1969 BOARD OF EDUCATION Capital Projects Budget, by adding thereto Project to be known as "ADDITION TO THE JULIA A. STARK SCHOOL", and appropriation therefor - Mayor's letter of 5/16/68, replaced by letter of 5/21/68, correcting first letter)

Minutes of Meeting of July 1, 1968

MR. BOCCUZZI MOVED for approval of the following resolution, which was read by Mrs. Pont-Briant at this time. Mr. Joss seconded the motion, which was CARRIED unanimously:

RESOLUTION NO. 565

AMENDING 1968-1969 CAPITAL PROJECTS BUDGET
OF BOARD OF EDUCATION TO INCLUDE AN ITEM TO
BE KNOWN AS "ADDITION TO THE JULIA A. STARK
SCHOOL" AND \$500,000.00 APPROPRIATION THEREFOR

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, to amend the 1968-1969 Capital Projects Budget to include an item to be known as "ADDITION TO THE JULIA A. STARK SCHOOL" to contain eight classrooms, an auxiliary all-purpose room for physical education activities, toilet facilities and an additional heating unit, in accordance with the provisions of Section 611.5 of the Stamford Charter, by adding thereto the sum of \$500,000.00 and the appropriation of the aforesaid sum for said Project.

- (13) \$60,745.15 - CONTROLLER - Concerning the following: (Mayor's letter (Approved by Board of Finance 6/13/68, of 6/13/68) under suspension of the rules)

Code 160.0000 - Social Security Account -----	\$35,000.00
Code 132.0000 - Employees Medical and Hospital Account -----	\$25,745.15
	\$60,745.15

MR. BOCCUZZI MOVED for approval of the above request. Seconded by Mr. Rich, who said the Education, Welfare & Government Committee concurs in approval. CARRIED.

- (14) \$12,000.00 - RESOLUTION NO. 566 AMENDING 1967-1968 CAPITAL PROJECTS BUDGET BY ADDING TO PROJECT KNOWN AS "MAINTENANCE-GARAGE BUILDINGS", PARK DEPARTMENT, THE SUM OF \$12,000.00 AND APPROPRIATION THEREFOR - (Mayor's letter of 5/24/68)
(Approved by Board of Finance at a Special Meeting held for that purpose on Saturday, June 22, 1968)

MR. KELLY asked FOR SUSPENSION OF THE RULES in order to bring the above matter on the floor, as it was acted upon by the Board of Finance too late for it to appear on our agenda this evening.

MR. BOCCUZZI MOVED for suspension of the rules to consider this matter. Seconded by Mr. Kelly and CARRIED.

Minutes of Meeting of July 1, 1968

MR. KELLY read the following resolution and MOVED for its approval.
Seconded by Mr. Bobcuzzi and CARRIED with one "no" vote:

RESOLUTION NO. 566

AMENDING 1967-1968 CAPITAL PROJECTS BUDGET BY
ADDING TO PROJECT KNOWN AS "MAINTENANCE-GARAGE
BUILDINGS", PARK DEPARTMENT, THE SUM OF \$12,000.00
AND APPROPRIATION THEREFOR

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, to amend the 1967-1968 Capital Projects Budget by adding to the project known as "MAINTENANCE-GARAGE BUILDINGS", PARK DEPARTMENT, in accordance with the provisions of Section 611.5 of the Stamford Charter and the appropriation of \$12,000.00 therefor.

LEGISLATIVE & RULES COMMITTEE:

MR. BROMLEY said the Legislative & Rules Committee met on Tuesday evening, June 25, 1968 in the Board of Representatives' meeting rooms and present were Messrs. Plotnick, Rich, Murphy, Wechsler and Horner.

MR. BROMLEY announced that the next meeting of his Committee will be held the night of Tuesday, July 30, 1968.

- (1) Resolution No. 567 authorizing Department of Health to file an Application with the Commissioner of Community Affairs, State of Connecticut, in an amount not to exceed \$110,000.00 in order to undertake a PROGRAM OF COORDINATED HOUSING CODE ENFORCEMENT, pursuant to Public Acts 522, 760 and 768, 1967 Session of General Assembly - (Approved by Board of Finance 6/13/68, who changed the amount from \$100,000 to \$110,000 -- See letter to Dr. Gofstein, Health Director, dated May 8, 1968 from Corporation Counsel, enclosing resolution -- Referred by Steering Committee on 5/20/68 to the Legislative & Rules Committee, pending approval by the Board of Finance.) (Also see Mayor's letter of June 27, 1968)

MR. BROMLEY said his Committee voted to adopt the following resolution and he SO MOVED; seconded:

RESOLUTION NO. 567

AUTHORIZATION FOR FILING OF APPLICATION FOR STATE
ASSISTANCE IN ORDER TO UNDERTAKE A PROGRAM OF COORDINATED
HOUSING CODE ENFORCEMENTS

WHEREAS, pursuant to Public Acts 522, 760 and 768, 1967 Regular Session,

Minutes of Meeting of July 1, 1968

the Commissioner of Community Affairs is authorized to extend financial assistance to local housing authorities, municipalities, human resource development agencies, and non-profit corporations; and

WHEREAS, Section 4-114a of the General Statutes, as amended, provides that any party contracting with the State of Connecticut shall agree not to discriminate nor to permit discrimination, in the performance of such contract, against any person or group of persons, on the grounds of race, color, religion, or national origin in any manner prohibited by the laws of the State of Connecticut, or of the United States, and that such party shall agree to provide the Commission on Human Rights and Opportunities with such information requested by the Commission concerning the employment practices and procedures of such party as relate to said section; and

WHEREAS, it is desirable and in the public interest that the CITY OF STAMFORD make application to the State for ONE HUNDRED TEN THOUSAND (\$110,000.00) DOLLARS in order to undertake a program of coordinated housing code enforcement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD;

1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Public Acts 522, 760 and 768, 1967 Regular Session, especially the requirement of a Community Development Action Plan in Section 9(b) of Public Act 522.
2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the CITY OF STAMFORD in an amount not to exceed ONE HUNDRED TEN THOUSAND (\$110,000.00) DOLLARS is hereby approved, and that the MAYOR is hereby authorized and directed to execute and file such additional information and to execute such other documents as may be required by the Commissioner, and to act as the authorized representative of the CITY OF STAMFORD.

MR. MILLER said what he has always felt was needed is enforcement of the Code we have. He said one organization has been doing a great deal in this area, namely the Citizens for the Improvement of the South End, of which he is a member. He said he knows that the members of this group have been very energetic in trying to get enforcement - that we have problems in some areas of irresponsible landlords, and sometimes irresponsible tenants, too, but this is something we really need in Stamford. He urged approval of the resolution.

MR. CHIRIMBES spoke against the resolution. He said he thinks this is too important, and he just received this - the date being June 27th. He said as

Minutes of Meeting of July 1, 1968

far as he is concerned he did not have enough notification either as a member of the Committee concerned with action on this matter, (being the Health & Protection Committee) and did not even attend a meeting on it. He said it is over 40 pages - a very important program - another program like the housing sites, one that C-DAP adopts. He opposed acting on it without prior time for study. He said he is not against this program, but wants more time to look it over.

MR. WECHSLER said the Health & Protection Committee did meet on this matter and that the application itself was reviewed and the reason for delaying the meeting was in order that they could have the application in front of them to review, and not just vote on a resolution not knowing what the application was for. He said it was delivered by the Police Department to every member of this Board late last Thursday and the members of the Health & Protection Committee voted to come out in favor of this resolution.

MRS. PONT-BRIANT said she understands that we need the addition to the Code Enforcement Task Force in our own Budget; however, with the other C-DAP program that we authorized, all funds coming in will be disbursed without any strings attached by the Board of Representatives -- the \$100,000 which is coming from the State is true, but it gets back to the State through the citizens of Stamford. She said \$77,000 of this \$110,000 is salaries - \$10,000 is contractual services and there is about \$14,000 for our contingencies. She said she thinks we could put additional help on in our own Stamford Budget and do some things here ourselves without having a load of a \$77,000 salary increase, even though money for this is not coming DIRECTLY from the City of Stamford for this.

MR. CHIRIMBES asked, through the Chair, of Mr. Wechsler, just when the Health & Protection Committee met with Mr. Cabana, because he never had the pleasure of meeting him, or Dr. Gofstein, and he is a member of the Health & Protection Committee.

THE PRESIDENT informed the speaker that he could ask this after the meeting.

MR. CHIRIMBES said he wants the record to show that there was no meeting.

MR. HEINZER said, first, he would like to support Mr. Chirimbés' contention about Committee meetings - that he thinks the Board itself must have 72 hours notice of a pending meeting and he thinks Committees ought to have

THE PRESIDENT asked the speaker to please speak to the merits of the motion on the floor.

MR. HEINZER said that during the discussions the only talk was about C-DAP and the application to the State and during these discussions it came up that this had to be done right away and that many of the programs under C-DAP would come to us and we would have ample time to study them and make determinations. He said he favors rushing through legislation

Minutes of Meeting of July 1, 1968

when we are bound by time limits and there is no other way, and it is a real emergency, but this is not an emergency and he, personally, has not had sufficient time to study this. HE MOVED TO TABLE for one month. Seconded by Mr. Chirimbes.

THE PRESIDENT called for a vote on the motion to TABLE. LOST.

MR. CHIRIMBES said he wants to ask a question - what will be the cost of the personnel in the Administrative Services.

MR. KAPLAN said just opening up to Page 1 under "Budget" shows a figure of \$135,779.00 which he would assume to be a gross total of this, being the City of Stamford and the State and would apparently be a proportionate share from the City which would be the answer to Mr. Chirimbes' question. He said it is his understanding that this is going to be run as our present Code Enforcement is - under the direction of Dr. Gofstein. He said anyone living in Stamford knows that we have never had such a rigorous program of Code Enforcement as has been the case in the Health Department. He said for a long time people have been saying that they want a "do something" administration and "let's not sit back and just let things deteriorate", and things are now being done in the City of Stamford right now and this is an appropriation which will enable the expansion of our task forces so that it will not only reach into a few selective places, but reach deep into many of the ailments which have been troubling this City. He said people have been saying for a long time "let's enforce Ordinance 65" but one of the problems we had was that we had a few members of the Task Force and after all, there is a limit to just how many details they can investigate. He said he knew this was in the offing when we first started to explore C-DAP, and one of the things we knew was that we must get an expanded Task Force and he is delighted to see that something is being done about it.

MRS. PONT-BRIANT said she wants to correct Mr. Kaplan on one point and in the papers before us which she DID read, it states that the Director shall have chief administrative responsibility for the coordinated Code Enforcement Program, although he will receive SOME direction from the Director of Health, but he is definitely UNDER the supervision of the Director of Health. She said this is in essence, forming another City agency whether you like it or not - that we will have twelve people that are going to operate independently and you are going to have an Agency responsible to no one. She said she would rather see more money going into our own budget and place it under our supervision and direction and build up our own Task Force which we now have in our Budget.

After considerable further debate, MR. LOCKHART MOVED THE QUESTION, which was seconded and CARRIED.

VOTE taken on the adoption of Resolution No. 567 and CARRIED with one "no" vote (Mrs. Pont-Briant).

- (2) APPEAL FROM DECISION OF PLANNING BOARD IN THE MATTER OF JOSEPH PASQUINO'S PROPOSAL FOR A CHANGE IN THE MASTER PLAN, approved by Planning Board 5/23/68; filed with Board of Representatives 6/13/68 (one copy only)

The above matter was held in Committee, pending the Corporation Counsel's opinion as to the validity of the petition.

Items Nos. 3, 4, 5, and 6 concerning various requests for TAX RELIEF AND/OR ABATEMENT on low or moderate income housing developments - (See agenda for specific descriptions)

MR. BROMLEY said these items have to do with tax abatement and this Board has passed the TAX ABATEMENT Ordinance which has created a TAX ABATEMENT COMMITTEE and we are very hopeful that they will meet, set up their guidelines and pass on, as soon as possible, the various requests for tax abatement embodied in the contracts to the Board of Finance and then to this Board for their approval.

- (7) Final adoption of PROPOSED AMENDMENT TO SEWER CODE when available sewer facilities may be overtaxed - (Proposed by Thomas Morris, Minority Leader - New version adopted for publication 6/3/68 and published 6/6/68)

There was some discussion on the above matter, as to whether it should be acted on tonight, but for the reason that the author of this particular legislation is absent and there was considerable disagreement as to its merits, a motion was made to REFER THIS BACK TO COMMITTEE, which was seconded and CARRIED with several "no" votes.

MR. GEORGIOULIS said he would ask the Committee to clarify a point, namely, responsibility - the designated authority - and is it proper for the City to give power to a department which comes under the jurisdiction of the Commissioner of Public Works - should not he have this power? He said also, maybe we should delete reference to the City Engineer and in its place put the Commissioner of Public Works, and perhaps at the same time also include the Sewer Commission. He said he would like to have the Committee review these for next month and report this out.

MR. HEINZER said all the questions which Mr. Georgoulis is bringing up have all been asked, discussed, put into the Ordinance at one time or another, and later on, removed - we have many opinions from the Corporation Counsel, changing the Ordinance back and forth, from one version to another, removing certain agencies and people from it, and later on, putting them back again and we have now arrived at what we think and hope is an Ordinance which is, above all, legal. He said at this particular point he does not believe it can stand any more changes, for the reason that it has had a long and hard history and more amendments will only go over the same old ground that has already been covered many times.

Minutes of Meeting of July 1, 1968

- (8) Concerning Creation of a DESIGN REVIEW BOARD - (Mayor's letter of 3/11/68 referring back to letter dated 5/1/67 to 9th Board, from Stearns Woodman, requesting adoption of an Ordinance creating this Board, to review architectural drawings and site plans on proposed non-residential structures, etc. prior to issuance of a Building Permit - held in Committee 6/3/68)

Mr. Bromley said his Committee had distributed around tonight, copies of the proposed Ordinance creating a Design Review Board, which Mr. Kaplan prepared after consultation with the rest of the Committee. For the reason that the Committee would like to give everyone a chance to study the proposed Ordinance, it was held in Committee for another month. He said the Committee hopes to be able to bring this Ordinance out for publication next month. For all those interested, he said the next meeting of the Legislative and Rules Committee is scheduled for Tuesday, July 30th and we do have something now in writing which we can discuss and debate.

- (9) PROPOSED AMENDMENT TO BUILDING CODE - (Letter of 4/5/68 from James Sotire, Building Inspector) - For repeal of paragraph 3 of Building Code, entitled: "Inspector" being Section 300 of Heating & Air Conditioning portion of Code, to place the Heating & Air Conditioning Inspector in the same category as the Electrical & Plumbing Inspectors in the Building Department. (Adopted for publication 5/6/68; published 5/10/68 - Held in Committee 6/3/68)

MR. BROMLEY said the above matter is being held in Committee, pending an agreement between interested parties.

- (10) Proposed Ordinance (for final adoption) concerning "AMENDMENT TO CHAPTER 14 OF CODE OF GENERAL ORDINANCES, ENTITLED; "GARBAGE AND TRASH" -----
(Adopted for publication 6/3/68; published 6/6/68)

MR. BROMLEY said the Legislative and Rules Committee met with the Commissioner of Public Works on this and with some change in language, wish to move for adoption of the Ordinance. He pointed out the various changes in the Ordinance and MOVED for approval of the Ordinance, as amended. Seconded by Mr. John Boccuzzi and CARRIED unanimously:

ORDINANCE NO. 149 SUPPLEMENTAL

AMENDMENT TO CHAPTER 14 OF THE STAMFORD CODE OF GENERAL ORDINANCES, ENTITLED; "GARBAGE AND TRASH"

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 14 of the Code of General Ordinances of the City of Stamford is hereby amended by adding the following sections thereto:

Sec. 14-12 - Any person who has obtained a written permit as provided in Section 14-8 of this Code and who shall pay the fee required by

Minutes of Meeting of July 1, 1968

Section 14-13, shall obtain a license for the purpose of depositing appropriate materials at the City Incinerator, said license to be issued by the Department of Public Works of the City of Stamford.

Section 14-13 - An Incinerator License shall cover the period of one year from the date of its issuance and shall be required for each vehicle used in depositing said materials. The fee for such license shall be computed as follows:

Empty Vehicle Weight up to 4,000 pounds -----	\$ 20.00
Empty Vehicle Weight 4,000 to 10,000 pounds -----	\$ 75.00
Empty Vehicle Weight 10,000 to 20,000 pounds -----	\$ 125.00
Empty Vehicle Weight 20,000 pounds and up -----	\$ 200.00

Section 14-14 - No person shall deposit or dump materials at the City Incinerator except as above provided. However, nothing herein shall be construed to prevent private persons who are residents of the City of Stamford, from being allowed to deposit appropriate materials in the City Incinerator pursuant to the regulations of the Department of Public Works.

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

- (11) Proposed Ordinance (for final adoption) concerning "ESTABLISHMENT OF RATES CONCERNING LAND FILL PROJECT AT DYKE PARK" - (Adopted for publication 6/3/68; published 6/6/68)

MR. BROMLEY said the Committee met with the Commissioner of Public Works on this proposed Ordinance and have a few changes. He presented the various changes in the language of the Ordinance and MOVED for approval of the Ordinance as amended. Seconded by Mr. Kaplan and Mr. Heinzer.

MR. HEINZER suggested another amendment to the Ordinance, saying he has discussed this with the Commissioner, who said he would like to have the words "DYKE PARK" deleted, because he anticipates that there will be other land fill projects in the near future and he would like to have this apply to any of these projects also. HE MOVED for deletion of the words "Dyke Park" from the Ordinance. Seconded and CARRIED as amended, Mr. Bromley having agreed to this amendment.

MR. CHIRIMBES asked if this Ordinance also applies to the URC.

THE PRESIDENT informed the speaker that it applies to any debris in the City of Stamford. He then called for a VOTE on the major motion, as amended. CARRIED unanimously. The Ordinance as given final approval is as follows:

Minutes of Meeting of July 1, 1968

ORDINANCE NO. 150 SUPPLEMENTAL
CONCERNING ESTABLISHMENT OF RATES FOR LAND FILL PROJECTS

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Anyone desiring to participate in and use the facilities of any sanitary land fill operation, by dumping demolition material and other debris therein, which material and debris originated in the City of Stamford, shall apply to the Commissioner of Public Works of the City of Stamford for permission to do so. Whereupon the Commissioner shall issue such permits.

Any person who obtains such a permit, shall pay a fee which shall be based upon the cubic yards of material actually dumped, and such fee shall apply equally to any person who has obtained such a permit.

The material to be dumped shall, at all times, be under the supervision of the Commissioner, who shall specify the nature and content of all such material which may lawfully be dumped, and it shall be his responsibility to oversee and regulate all dumping operations and shall exercise due care to protect adjacent waterways from debris emanating from such operation.

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

- (12) (See previous Legislative & Rules Committee report as it concerns the adoption of Ordinance No. 148, which was taken up earlier in the meeting)
- (13) Two Resolutions submitted with the Mayor's letter of 6/17/68 Concerning WAIVER OF PAYMENT IN LIEU OF TAXES. MAKING RENT REDUCTIONS POSSIBLE ON MODERATE RENTAL PROJECTS - Under Section 19(b) of Public Act #522 -
(See letter of 6/13/68 from Housing Authority to Corporation Counsel - Also see P.A. 760 and 768, 1967 Session of General Assembly)

MR. BROMLEY said the above items are being held in Committee, pending further study.

- (14) Proposed Ordinance Concerning Method of PROTECTION AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP ON BUILDING CONSTRUCTION PROJECTS IN CITY OF STAMFORD - (Presented 5/20/68 by Thomas Morris and William Caporizzo, 15th District Representatives)

MR. BROMLEY said the Committee, after working over the language of this, decided to approve it for publication. HE MOVED for publication of the follow-

ing proposed Ordinance. Seconded by Mr. Plotnick and CARRIED:

PROPOSED ORDINANCE

CONCERNING METHOD OF PROTECTION AGAINST DEFECTS IN
MATERIALS AND WORKMANSHIP ON BUILDING CONSTRUCTION
PROJECTS IN CITY OF STAMFORD

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

No contract by or on behalf of the City of Stamford concerning the construction or repair of any city structure or other public facility, shall be entered into, unless such contract shall contain a clause to the effect that all architects, engineers, general contractors and/or sub-contractors, inspect said construction or repair work within thirty (30) days before the guarantee or bond covering such construction or repair work shall expire.

Immediately following the inspection, said architects, engineers, general contractors and/or sub-contractors, shall submit to the contracting officer of the City of Stamford a notarized affidavit, setting forth either an acceptance of said construction and repair work, or an itemized list of work to be corrected, repaired or replaced, and no bond or guarantee shall be released until this Ordinance shall have been complied with.

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

PUBLIC WORKS COMMITTEE:

Concerning Discontinuance of use of GLENBROOK SCHOOL and Disposition of same - (Letter dated 6/27/68 from Dr. Porter, Supt. of Schools to Chairman of Public Works Committee, enclosing copy of Corporation Counsel's Opinion.)

MR. HEINZER said the School Board has discontinued the use of the Glenbrook School, which was partially destroyed in a fire. He presented the following letter from the Office of the Corporation Counsel:

CORPORATION COUNSEL'S OPINION RE: GLENBROOK SCHOOL

June 14, 1968

Dr. Joseph B. Porter
Superintendent of Schools
151 Broad Street
Stamford, Connecticut

Dear Dr. Porter:

In reply to your letter of March 20, 1968 requesting that the deed for

Minutes of Meeting of July 1, 1968

for the Glenbrook School be checked for limitations as to site use and to let you know of any other known restrictions concerning the use of this property for other than school use, we wish to advise you of the following:

After a search of the land records, we wish to advise you that the property upon which the Glenbrook School is situated was conveyed to the City by John G. Leeds on April 10, 1897, and up to the present date there are no restrictive covenants on this property. We further checked the abutting land owners so as to make a determination as to whether or not there exists any possible equitable restriction which would give any abutting land owner any right to the subject property. No such equitable restrictions were found on the land records.

As a matter of history, we have determined that the school was built in 1897 with an addition to the rear of the building constructed in 1912. The only other usual encumbrances are that the property is subject to any rules and regulations established by the City of Stamford and any and all provisions of any Ordinance or Public or Private law.

There is also a sewer resolution by the City of Stamford concerning Crescent Street, dated August 14, 1964, and recorded in Book 1023 at page 278 of the Stamford Land Records.

We trust that this information will adequately answer your questions.

Very truly yours,

(Signed) Ronald M. Schwartz
Assistant Corporation Counsel

MR. HEINZER said the School Board has complied with all matters in connection with the disposition of the Glenbrook School, and as everyone on this Board knows, according to our new Ordinance No. 144 in order for them to transfer this property to the Public Works Department, they need the approval of this Board and he is asking for that approval now.

MR. KELLY said he thinks it is all right to do this, provided that they leave everything in the school INTACT in the school property before they turn it over to the City of Stamford. He said, whatever is left, whether it be chairs or anything else that is left in there, it must be left INTACT, AS IS.

THE PRESIDENT asked Mr. Heinzer if the School Board has complied with this.

MR. HEINZER said the School Board has complied with this.

24

Minutes of Meeting of July 1, 1968

MR. RUSSELL said he would also like to include that the proper protection be given whether it be by a private police agency or some sort of proper Custodian, so that we will not experience another "Cloonan School incident".

THE PRESIDENT said he is sure that the Commissioner of Public Works will see that the property is protected.

MRS. PONT-BRIANT said she has a question - if this is turned over to the Public Works Department, who has the authority to see that this building is protected from vandalism, etc.

THE PRESIDENT said this will be the responsibility of the Commissioner of Public Works - and if something is to be done with the building, such as sale, or what-have-you, it will have to come back to this Board.

MR. HEINZER MOVED that the Board of Education give permission to transfer the property of the Glenbrook School to the City of Stamford, under the jurisdiction of the Department of Public Works. Seconded by several and CARRIED.

PLANNING & ZONING COMMITTEE:

MR. RUSSELL, Chairman, said the Planning & Zoning Committee held an open meeting in the Board's meeting room on Wednesday, June 26th at 8 P.M. and the meeting closed at 11.15 P.M. The members present were: Mr. Guroian, Mr. Russbach, Mr. Scofield and Mr. Russell. Absent were Mr. Durso and Mr. Loglisci.

APPEAL FROM ZONING BOARD'S DECISION, approving Application 68-007 - LONG RIVER DEVELOPMENT CORPORATION AND DeLEO REALTY, INC., by Petition signed by owners of 20% or more of the privately-owned land located within 500 ft. of the borders of the area involved - LAND LOCATED ON EAST SIDE OF TURN-OF-RIVER ROAD TO R-20 property now in RA-1 - (All but transcript of testimony filed 5/8/68; transcript of testimony filed 5/15/68) (Approved as to form by the Legislative & Rules Committee on 6/3/68)

MR. RUSSELL read his Committee report at this time as follows:

"Since this was an open meeting, the public attending were notified that the meeting, as far as presenting testimony, pro or con, on this application, would be heard in similar manner as done at Zoning Board hearing.

The proponents for the application and against the appeal were represented by Attorney Donald Zezima and Mr. Frank DeLeo. The summary

Minutes of Meeting of July 1, 1968

of their presentation was similar to that presented at the Zoning Board hearing and in transcript of same submitted to this Board. Emphasis was made on private test which indicated the area to have good drainage, the fact that the homes would be in the \$50,000 range, that this application involved only approximately three acres of the builder's seventeen acres and the fact that the remaining fourteen acres were to be developed as single acre plots, which application was just recently heard by the Planning Board for subdivision approval. Also, they emphasized that this application would be for five homes as against a previous allowance of three.

The opponents who spoke for the appeal and against the application, were approximately six residents and representatives of residential associations, as well as attorney Julius Kuriansky. A summary of their various presentations also included what was in the transcript, with emphasis on the possible chances of a serious flooding from the Mill River on to their properties, if this area was so developed, the breaking down of the original master zoning map plan which used the Mill River as a natural boundary between one acre and less than one acre zoning, the possibility of contamination of the Stamford Water Company's well from possible contaminated flood waters, if such occurs.

Attorney Kuriansky emphasized legal questions in his mind concerning the right of the Zoning Board's action after hearing this application, saying that he felt the laws governing zone changes were not followed at this hearing.

After public presentations, the open meeting was closed and the Committee went into discussions on the facts presented, as well as reviewing the Zoning Map, discussing the transcript and reviewing the findings, which were too few, of the Zoning Board's Executive Committee action.

The Committee then voted. Three of the members voted to uphold the appeal and one member voted against the appeal. The members voting to support the appeal did so because they felt the application was "creeping down-zoning, breaking across a natural zoning line -- the Mill River -- and piece-meal zoning". The member voting to support the appeal felt the evidence presented on the possibility of flooding, which was, in his opinion, the basic main argument given, was not strong enough to reverse a four-to-one decision of the Zoning Board.

The Committee, by its action, recommends that this appeal be APPROVED and so reverses the decision of the Zoning Board on this application No. 68-007.

Minutes of Meeting of July 1, 1968

The Committee also wishes to point out to the Board that an affirmative 21 MAJORITY VOTE OF THE ENTIRE BOARD is required to support the Committee's recommendations, as spelled out in Section 556.1 of the Stamford Charter."

George E. Russell,
Chairman
Planning & Zoning Committee

MR. RUSSELL MOVED for approval of the appeal. Seconded by Mr. Rich.

MR. KAPLAN said for the reason that Mr. Kurlansky is a member of his law firm, he wishes to abstain.

MR. FARMEN said he thinks a little more emphasis should be placed on the resident's fears of "creeping down-zoning". He said this application for the entire seventeen acres came up in 1962 and the change was denied, and in 1966 it came before the Planning Board and they O.K'd a change for three acres out of the seventeen. He said the people who live in that area are concerned as to what is going to happen to the balance of the land if an approval is given for just one small three acre piece.

MR. PLOTNICK said he would like the record to show that he took no part in the discussion and no vote on this appeal because of a possible conflict.

MR. BROMLEY said those of us who live in the 20th District are familiar with the problem although it is not in their District, but it does border on their District. He said we have seen for many years the evidences of "creeping down-zoning" or call it what you will, but this is a classic example of what is happening. He said you have natural boundary lines - a river, the Parkway, and the first step is always to come in and ask for - you know - four, five or six acres, and after that's approved, the next step is to come in and ask for more and more and MORE. He said the cumulative effect of this is that you have a whole area, eventually, down-zoned. He said it would seem evident that the Board of Representatives, especially with such a strong recommendation from its own Planning & Zoning Committee, would vote to uphold the Committee in its decision and vote to uphold the appeal of the residents, which appeal is supported by so many of the property owner's Associations in Stamford.

MR. RICH said he would like to make several points on this appeal which the Chairman of the Committee has not touched on, which he believes should receive more emphasis. He said one of the major concerns of the residents of that area is what will happen to that little stream which can become a

Minutes of Meeting of July 1, 1968

mighty flood and overflow its banks, if the land in question is re-zoned. He said the developer of that land will need to fill in the land which will then become a little river, which at flood time will not be able to flood over the existing undeveloped land, but will back up and push over on to the other side and flood into the land which is presently developed. He said that is a most serious and practical concern. He said there is no way to develop that land across the way in smaller than one acre plots, unless additional fill is put in there.

Another concern, he said, is the health factor, and it is interesting to note that only last week Stamford's Health Director requested that the State Director of Sanitary Engineering in the Department of Health at Hartford, if that Department would come into this matter and render its opinion - in other words, they have not rendered an opinion, and the City Health Department is concerned.

A third point he said he would like to present, is the one made by the dissenting faction on the Zoning Board, and that was, very simply, the question of the necessity for this change - there was no real need shown for this change in the Zoning for these few acres, and why, then, break the Master Plan? He urged the Board for these reasons to uphold the appeal.

MR. CONNORS said, through the Chair, he would like to ask Mr. Russell a couple of questions. He asked Mr. Russell if, at the present time, this is zoned for one acre - and is this correct?

MR. RUSSELL said this is true - yes.

MR. CONNORS said, so they can now build on the presently existing seventeen acres. He was corrected, that this is now a balance of fourteen acres. He said why can't they build on the other three acres?

MR. RUSSELL replied that the reason being that they went to the Zoning Board and asked for the three acres to be changed to one-half acre, and that is what is before this Board right now.

MR. CONNORS said suppose they let it remain at one acre.

MR. RUSSELL said they can build on the three acres.

MR. CONNORS said, then, in other words, they CAN build on the seventeen acres.

MR. RUSSELL replied, "of course".

MR. CONNORS said if they can build on these seventeen acres - and just a while ago Mr. Rich mentioned the word "contamination" -- why can't there be contamination from the existing three acres with three houses built on it?

MR. RUSSELL said that is not for him to answer, but is within the scope of the Health Department.

Minutes of Meeting of July 1, 1968

MR. CONNORS said another thing to remember - is that right across the river are homes that are built on only a quarter of an acre - is this correct?

MR. RUSSELL said he believes this to be true.

MR. CONNORS said so if they are not creating a problem of contamination, how could this three acres create it? He said that is what he can't solve after listening to the Committee's report.

MR. RUSSELL said in their arguments they said in certain flood conditions, they feel that contamination does get into the river.

MR. CONNORS said he thinks that if they always had flooding in the past, he can't see any reason why the additional three homes, built on three acres can make it any worse than it always has been.

MR. RUSSELL said he presented the facts as they were given to the Committee and does not believe it is up to him to debate on these facts.

MR. CONNORS said he is a member of the Board and he wants to know what he is voting on.

MR. RUSSELL said one of the arguments presented to the Committee is that they are going to build five homes instead of the three which they would have been allowed.

MR. CONNORS said, then, in other words, just two homes changed the decision of his Committee?

MR. RUSSELL said this and other facts.

MR. CONNORS said he is trying to find out the facts - just what are they?

MR. RUSSELL said the members who voted to uphold the appeal felt that this was "creeping down-zoning" breaking across a natural boundary line in the Mill River and is so-called "piece-meal" zoning.

The debate continued for some time, after which MR. COPERINE MOVED THE QUESTION. Seconded and CARRIED.

THE PRESIDENT explained the voting procedure. He said a "yes" vote upholds the appeal, thereby reversing the decision of the Zoning Board, and a "no" vote sustains the Zoning Board and DeLeo Realty.

MR. BROMLEY requested a ROLL CALL VOTE. The correct number of members requesting there be a roll call vote, one was taken.

Minutes of Meeting of July 1, 1968

THE PRESIDENT reminded the members that a vote of 21 affirmative votes will be necessary under the provisions of Section 556.1 of the Charter.

THE CLERK called the roll. The motion failed to carry and the decision of the Zoning Board was UPHELD, by a vote of 15 yes, 11 no and three abstentions, the President not voting as is customary. A vote of 21 affirmative votes being necessary to carry. The vote follows:

THOSE VOTING IN FAVOR:

BROMLEY, Robert (R)
 CALDER, Otto (D)
 DEUTSCH, Chester (D)
 FARMEN, Lynn (R)
 GEORGOULIS, George (D)
 GRISAR, Richard (D)
 GURDAN, Armen (D)
 HEINZER, Charles (R)
 JOSS, James (D)
 MILLER, Frederick (D)
 MURPHY, William (D)
 PONT-BRIANT, Lois (R)
 RICH, John (R)
 RUSSELL, George (R)
 WECHSLER, Robert (D)

THOSE VOTING AGAINST:

ALSWANGER, Herman (D)
 BOCCUZZI, John (D)
 BOCCUZZI, Theodore (D)
 CHIRIMBES, Peter (R)
 CONNORS, George (D)
 COPERINE, Frank (D)
 KELLY, Stephen (D)
 KUCZO, Paul (D)
 LOGLISCI, Joseph (D)
 PALMER, Jack (R)
 RYBNICK, Gerald (D)

ABSTAINED:

KAPLAN, Howard (D)
 LOCKHART, Ralph (D)
 PLOTNICK, Paul (D)

MR. TRUGLIA was excused earlier in the meeting.

CONCERNING NEED FOR PLANNING BOARD TO REVIEW THE MASTER PLAN

MR. RUSSELL said the Planning & Zoning Committee discussed the so-called "chopping away" at the Master Plan and agreed unanimously to recommend for consideration at the meeting of the Steering Committee a resolution which would request the Planning Board to immediately undertake a review of the Master Plan which is now fifteen years old, and bring it up-to-date to Stamford's present and future needs. He said his Committee will have such a resolution ready for the next meeting of the Steering Committee.

URBAN RENEWAL COMMITTEE:Concerning United Oil Company's Proposal to Release St. John's low cost Housing Project from pending lawsuit against URC

MR. CALDER said the matter appearing on the agenda tonight under his Committee has not developed as they had hoped it would. He said they had been hoping they would have something to report tonight that would indicate

Minutes of Meeting of July 1, 1968

that this parcel of land was going to be released from the lawsuit. However, all that has happened to date, has been an offer from the United Oil Company to enter into a separate contract between the City, the Urban Redevelopment Commission, and the St. John's Urban Development Corporation, which would, since it would be a new contract, involve a whole new set of local and Federal approvals. He said this could not be done under the existing master contract, which has been approved.

He said this would place the St. John's Urban Development Corporation in a position of financial jeopardy, because it would have to assume the large obligations and risk which have already been undertaken by the developer and the Diocese of Bridgeport rejected this type of a contract. Therefore, he said, the building on St. John's Towers has been completely stopped, as he is sure everyone knows.

He said this delay has now forced the developer to re-process the Federal Housing commitment which he had for the building of this project. He said increase in construction and interest costs have made a new FHA application necessary and, of course, the most unfortunate part of this will be that the new commitment will be at a higher cost than the original one, which will have to be passed on to the eventual tenants and the low rents which had been hoped for in the original commitment will have to be increased.

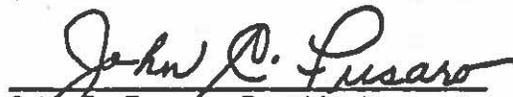
ADJOURNMENT:

There being no further business to come before the meeting, on MOTION, duly seconded and CARRIED, the meeting was adjourned at 12.25 A.M.



Velma Farrell
Administrative Assistant
(Recording Secretary)

vf



John C. Fusaro, President
10th Board of Representatives

NOTE: The above meeting was
broadcast over Radio
Station WSTC until 11.00 P.M.

VF