

MAY 1, 1950

A regular meeting of the Board of Representatives of the City of Stamford was held at the Burdick Junior High School on Monday, May 1, 1950. The meeting was called to order by the President, Samuel F. Pierson, at 8:15 p.m.

Rev. Almeda Vickery, of the Union Memorial Church, Glenbrook, gave the invocation.

Roll call was taken with 35 present and 5 absent. The final attendance was 37 present, 3 absent.

Mr. Pierson then presented the minutes of the March meeting. It was MOVED, seconded and PASSED that the minutes be accepted.

PETITIONS

1. Petition #58 A

John J. Mulkerin regarding the use of City property at Bedford Street and Hoyt Street for gardening purposes.

Mr. Pierson explained that at the Steering Committee meeting it was decided that this be delegated to the Commissioner of Public Works.

Helen Bromley, 20th District, said that the clause "preference be given to previous users" should be included.

Leon Staples, 7th District, MOVED, seconded by Robert Shepherd, 9th District, that permission be granted, with the above provisions, and it was PASSED.

2. Petition #59

Glenbrook Business Association regarding the erection of a memorial flagpole on the Douglas Northrop Memorial Playground.

Babette Ransohoff, 15th District, MOVED that permission be granted, seconded by Robert Shepherd, 9th District.

Leon Staples, 7th District, MOVED the motion be amended in that the flagpole be limited to 50 feet, seconded by Helen Bromley, 20th District.

The amendment as proposed was voted and PASSED.

The motion as amended was voted and PASSED.

3. Petition #60

American Legion Drum and Bugle Corps, Oscar H. Cowan Post #3 requesting permission to use Cummings Park on Wednesday evenings and Sunday afternoon for their rehearsals.

James N. Mulreed, 4th District, MOVED this be classed as an emergency, seconded by Edward J. Wojciechowski, 2nd District, and PASSED.

James W. Harrington, 9th District, MOVED that permission be granted, which was duly seconded.

Helen Bromley, 20th District, questioned whether or not this would interfere with the activity at the park.

Babette Ransohoff, 15th District, said that it would be a good policy to consult the Board of Recreation before turning over any recreational areas to other groups. She suggested it be accepted subject to the approval of the Board of Recreation.

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Michael Wofsey, 1st District, MOVED that the motion be amended to read "subject to the approval of the Board of Recreation", seconded by Sewell Corkran, 18th District, and PASSED.

The motion, as amended, was voted and PASSED.

COMMUNICATIONS

1. PERSONNEL DIRECTOR

Concerning the mental and physical requirements for appointees to the Super-numerary fire force.

Mr. Pierson stated that the Steering Committee had gone over this communication and wrote to Mr. George Wise, Corporation Counsel, on April 26, 1950, requesting an opinion since it was the thought of the Steering Committee that Section 441, under which approval is requested, no longer is pertinent in that it is in conflict with the merit provisions of the Charter.

George Wise, Corporation Counsel, in giving his opinion orally, said that in regard to Section 441 of the Charter--this particular inquiry has created a very serious question in his mind, and frankly whatever opinion he expressed must be prefaced by saying it isn't free from some legal doubt. In his opinion the last sentence in the Civil Service chapter seems, in one swoop, to do away with many other sections. He pointed out that Chapter 58 sets forth the various steps by which the Board of Public Safety functions and the method by which it can act on disciplinary matters. And then there is the section that governs the Board of Representatives, vesting in the Board the power and the obligation, the duty to Create an appeals board. It sets forth power to the Board of Public Safety in such detail as what is required for an actual expulsion from either the fire department or police department. "It is very hard for me to wipe all that out by merely turning a page or two and letting a sentence which says that anything inconsistent or contrary to the provisions of the civil service act does not apply to Stamford. I would rather hold that that should be construed--in trying to figure the overall intent of the charter--that those men and women who labored to produce this instrument, seems to me, would not have labored so much in detail and with such care because nowhere else in the charter is it so provided, so carefully and so much in detail and apparent clarity, as those provisions that apply to the fire department and to the police department. I must say that I would rather place great weight to the overall intent than be inclined to read into that last sentence of the civil service section that any provision, unless specifically provided, that may be contrary to the provisions of the civil service act or so inconsistent that it fall by the wayside, and that the civil service provisions take priority. If that premise has some merit--and I say that to rule or to express opinion--that one sentence in the charter can do away with so much bulk of the charter as applies to many other provisions in the charter, would seem to me to be a very drastic step, and to hold merely by an opinion that that in fact does away with the bulk of the charter. So, which ever way I were to express an opinion, there would be serious legal doubts as to its intent or ability by any judication or court. It was my thought to suggest to this board that since this is so important--since which ever way an opinion is rendered will create perhaps many problems either way and much uncertainty either way--that we seek advice or a court so that we could get a judicial determination--so that at least we would be able to be guided by a decision based on an opinion rendered by the court of law. Also, it is my suggestion, that very serious thought be given to the clarification of this very point to the end that when the legislature meets in January 1951, that it be appropriately amended. I would suggest that until it is clarified that the provisions under Chapter 58, and those provisions governing the Board of Representa-

tives as to appeals and as to prescribing the regulations and the requirements for supernumeraries to qualify--that they should prevail."

Patrick J. Hogan, 10th District, asked if that meant we have no authority to question the recent promotions in the police and fire departments. He maintained in some instances the actions of the Board of Public Safety were upheld in many new appointments and new promotions prior to the civil service, and at other times Mr. Wise opposed it.

Mr. Wise, in replying to Mr. Hogan, made reference to an opinion he expressed in a letter to Representative Robert G. Shepherd, dated March 6, 1950: "I maintain that I have not been inconsistent. When the Board of Public Safety made the appointments of Smith and Densky, and I said that those appointments or any appointments could not be made unless there was an appropriation for it, they were made at a time many many months before the hiring of a personnel director. It is my feeling that the mere appointments of a director doesn't mean anything. Nothing becomes effective until such time as he, with the consent of the Personnel Commission, enacts rules or regulations or standards. There is nothing I can find in the charter, until such time that that is done, that would prohibit the head of any department to function in his department. If he needs another employee, that is his inherent right to the operation of any particular department of a municipality. If you were to ask me if the Board of Public Safety could do it now, my answer would be no--on the assumption that Mr. Weathers has promulgated rules and regulations, and since the appointments come from the three highest on the eligibility list. You have in function the set-up of your civil service requirements. I have ruled, insofar as supernumeraries are concerned, that they must take examinations and be graded and appointed from the eligibility list from the highest three. That, in my opinion, isn't inconsistent."

Robert Shepherd, 9th District, said there were two basic points that he still didn't think had been answered clearly: (1) Why in the period between the effective date of consolidation and the present time should the appointments be permanent? Before that, if they were a year and a half old they were not permanent?

(2) Jobs were created by the Board of Public Safety for which no appropriation had been made. As the charter has been interpreted, this was prohibited without going through the Board of Finance and the Board of Representatives.

Mr. Wise asked Mr. Shepherd if he were referring to Section 707. That section, he said, says that no extra pay could be given to the same person or to the same job.

Robert Shepherd said that no money should be spent for a purpose for which no appropriation was made at the time of the budget.

Louise Seeley, 1st District, stating that the opinion of the Corporation Counsel, insofar as what the law states in our town, is the one which carries, went on to say that Chapter 73, regarding the merit system, was added to the charter in 1947. All of the sections of the charter which refer to the Board of Public Safety, Board of Appeals, and Board of Representatives were completed in 1945. They were part of the original structure of the charter. Chapter 73 was put in in the spring of 1947 with a "saving" clause. This is only one of the many places in which Chapter 73 is inconsistent with other provisions because it was not a part of the original charter. Section 414 was put in in the same way--at the end of a proposed section of the state constitution. She felt that anything inconsistent with the two sections doesn't count. The second thing, Mrs. Seeley said, was the matter of Section 707 in which it states very clearly that "no allowance or compensation in addition to the salary or compensation prescribed in the appropriation shall be paid...". There actually was no appropriation for

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those two officers in the police department. In November the Board of Public Safety went to the Board of Finance and asked for a transfer. Two policemen had been appropriated for twice in the Budget last June--once in the police department and also for parking meters. From the first of June to the first of January they were charged to the police department, and there was an unexpended balance in the parking meters. In November the Board of Public Safety, or the Mayor, went to the Board of Finance and asked for the transfer of that fund to pay for the salaries of these two policemen. The Board of Finance never did approve it, so that in the balance appropriations as of January first, there was quite a large balance in the parking meters consisting of the unexpended salaries of those two policemen that had been paid for out of the policemen salary appropriation. We suggested to the Mayor that he use some of this for the repair of parking meters. However, in January the Finance Department discovered it made a very bad mistake and that the two policemen should have been charged against parking meters. So, the salaries until the first of July to the first of January, were correctly charged to the parking meters account. The intent of Section 707 was not to prevent promotions, but if new positions were created, it was to give the new fiscal bodies the privilege of passing on the increased pay for any newly created offices. Mrs. Seeley further considered that Section 707 was violated and thought it was the intent that the last "savings" clause in the civil service chapter nullifies all of those provisions in the charter that have to do with personnel.

Mr. Pierson said that until such time as this is tested in the courts, the Corporation Counsel's opinion will be the one upon which we will rule.

Michael Wofsey asked the Corporation Counsel: "Do we or do we not have the right to establish such rules as we wish regardless of the opinion of the Corporation Counsel to the matter?" For an example, he pointed out, suppose the opinion of the Board did not agree with the opinion of the Corporation Counsel on a specific issue...

Mr. Wise replied: "The best that anyone can do is to attempt to get an honest and unbiased inception of the law. If the Board feels that they would like to have some judicial action in any way they see fit, and I speak for the record, I have no personal feelings whatsoever. I respect anyone's opinion whether contrary to mine or not, and I will endeavor to solve a question as I honestly see the answer. It may be wrong--I only weigh the pros and cons of the whole thing. There is no personal feelings insofar as I am concerned of any action the Board may want to take in opposing, or following, or disregarding. I do think, however, that if a situation arises--and I speak for the office--whereby any opinion rendered by the Corporation Counsel can be subject to all sorts of questions and doubts and hesitations, then it does not lend itself to an orderly functioning of a municipality. Naturally, there is difference of opinion. You have judges of our supreme court splitting on decisions. When I render an opinion to the Board on any question whatsoever, that is as I honestly see it--As God is my judge--as I honestly see it unbiased and unprejudiced.

Michael Wofsey, 1st District, said that perhaps his question had been misinterpreted, since there was no question in his mind as to the validity of the opinion or opinions rendered by the Corporation Counsel. He made reference to the various discussions and clauses regarding the merit system which had been brought before the Board and said he would feel happier for the opportunity to discuss that with greater detail in perhaps a smaller meeting where the various opinions could be subjected to scrutiny. He thought that perhaps at the moment it ought not to be laid down as an absolute ruling. He asked specifically whether the opinion of the Corporation Counsel as stated was necessarily "binding in all matters relating to the actions of the Board".

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Mr. Wise made reference to the qualifications as submitted for the approval of the Board noting that there was no personal conflict between the Personnel Director and the Board except to arrive at a fair set of standards. He quoted from the Charter that portion which outlines the duties of the Corporation Counsel, and, in replying to Mr. Wofsey said that if there was an honest difference of opinion, he would say the question will never be answered by an opinion. He noted that some day there would probably be something of sufficient importance to test it and there would be a long drawn out legal contest. He thought that could be eliminated "by a group such as has been suggested to remove those inconsistencies. That is only a matter of months because the General Assembly meets next January, and there will be no controversial issues on the amendment. Which ever way an opinion is rendered, it is bound to create a doubt whether it is right or wrong".

John L. Cameron, 20th District, gave his opinion on the matter. He said he thought it would be a very dangerous procedure if we ask the Corporation Counsel for an opinion and after getting it, question it. If we ask for an opinion, get it, and then proceed to do something exactly the opposite, he could hardly see how we could expect the Corporation Counsel to defend the Board. If any member of the Board questions the opinion of the Corporation Counsel, then it is up to that member to start the judication to get it settled. Once we had the opinion of the Corporation Counsel, he didn't think the time should be spent asking whether it is correct or not. He recommended that in asking for an opinion of the Corporation Counsel in most things, the matter should be referred to the Legislative and Rules Committee to confer with the Corporation Counsel, and then get the opinion.

Michael Laurenno, 3rd District, pointed out that the last paragraph in the merit system is law, and that the intent of the men who promoted the merit system was as definite as those who formulated the forepart of the Charter.

Mr. Pierson asked if anyone had any comments concerning the qualifications as submitted by Mr. Weathers, the Personnel Director. At this point he read the entire letter, consisting of three pages of qualifications, mental and physical, for supernumararies of the Fire Department.

Michael Wofsey, 1st District, MOVED that we adopt the qualifications, seconded by Daniel Miller, 16th District.

James Mulreed, 4th District, stated that he did not believe anyone at the meeting was qualified to state whether those conditions are necessary. He gave an example of a man now on the police force who would not be able to meet the qualifications, but pointed out that that person is "one of the finest cops we have ever had".

Stephen Kelly, 12th District, thought if we had to live up to all those qualifications, we wouldn't have any police or firemen.

Babette Ransohoff, 15th District, MOVED that Mr. Weathers be allowed to speak to the group to explain how these qualifications were arrived at. It was seconded and PASSED.

Mr. Weathers, the Personnel Director, stated that the qualifications were adopted from the National Association of Police and Fire Surgeons and Medical Directors of Civil Service Commission of the United States and Medical and Physical Standards for Members of the Police and Fire Departments adopted at the Fourth Annual Convention of the Association, Grand Rapids, Michigan, October 6 and 7, 1925.

Mr. Mulreed: Is it possible that a man could not meet these qualifications and still be appointed?

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- Mr. Weathers: The man who could meet these qualifications would be the most satisfactory.
- Mr. Wofsey: Are these in effect in other cities?
- Mr. Weathers: I believe they have been adopted by other cities, but I do not know which ones.
- Mrs. Bromley: Do you think there would be any young men who could meet these requirements?
- Mr. Weathers: I think we will get enough applications to meet our needs.
- Mr. Harrington: Are there any clauses to include veterans?
- Mr. Weathers: They must also meet the physical requirements.
- Mr. Kelly: There are some veterans who did not complete their high school education before the war, would that bar them?
- Mr. Weathers: Men who joined the armed forces before the completion of their high school education who have since returned and received the equivalent of a high school diploma, are accepted.
- Mr. Cameron: May I ask if the Chief of the Fire Department knows about these rules?
- Mr. Weathers: I have not taken them up with the Fire Department. I have taken them up with the Board of Public Safety.
- Mr. Cameron: If we table it 30 days, would it hinder you?
- Mr. Weathers: Yes. We would like to train these men by July 1st.
- Mr. Wofsey: If these qualifications should cause some difficulty or make it impossible to get enough candidates, can the Personnel Commission modify them?
- Mr. Weathers: If this Board will give us the right.
- Mr. Connors: Why wasn't this taken up with the fire chief?
- Mr. Weathers: It was a matter of time. It had to be rushed to get to the Steering Committee on Monday night.
- Mr. Lockwood: Do you still have an eligibility list of supernumeraries?
- Mr. Weathers: There is a list of 19. The 56 hour week makes a need for 15 more men.
- Mr. Kaminski: I always understood under the civil service that men who have been working for the city two years couldn't be fired, unless there was a definite reason. Are you going to have them examined again?
- Mr. Weathers: No. These qualifications do not affect any present members of the Fire Department.
- Mr. Scarella: Do you mind if an amendment was made that some of the requirements could be waived wherever necessary?
- Mr. Weathers: No.

Leon C. Staples, 7th District, spoke in favor of the qualifications. He suggested they be referred to a committee for review and report, with as little delay as possible.

James Mulreed, 4th District, made the amendment that the matter be referred to the Health and Safety Committee for approval, and that action be deferred until the meeting in June, seconded by John Cameron, 20th District.

Michael Wofsey, 1st District, pointed out that if we are ready, we should act at the proposed meeting of May 10th.

Sewell Corkran, 18th District, said that we ought to amend the motion so that we are assured sufficient men under these strict requirements.

Michael Wofsey asked Mr. Mulreed if he would agree to putting the matter on the calendar for May 10th.

James Mulreed replied only if the committee will be ready to submit a report.

Babette Ransohoff, 15th District, spoke against the amendment, as setting a precedent. She felt the matter was a technical one to be decided by the Personnel Director and the Commission.

William Adriance, 18th District, agreed.

Patrick Hogan, 10th District, pointed out that when you have such strict qualifications for any job or position, arbitrary action might possibly be engaged.

George Lockwood, 14th District, said he didn't see where the need was so urgent since we already have 19 supernumeraries.

John Cameron, 20th District, said he saw nothing wrong with the procedure in referring anything that comes in to one of our committees. He said that probably they are not as well equipped to set up standards as others, but certainly it is reasonable to send the recommendations to them before they come to the Board. He thought, in this particular instance, the Committee was better equipped to make recommendations than perhaps other members of the Board.

Babette Ransohoff withdrew her objection.

The motion that we adopt the qualifications which was AMENDED to refer the matter to the Health and Safety Committee for approval, and that action be deferred until the meeting in June or the proposed meeting of May 10th, provided the Committee was ready to give a report, was voted and PASSED. .

REPORTS OF COMMITTEES

Fiscal Committee

Louise T. Seeley, Chairman, read the report of the Fiscal Committee, copy of which is attached.

Louise T. Seeley, 1st District, MOVED that the transfer of \$350.00, as recommended by the Board of Finance from Account No. 412G Snow Removal to Account No. 300.5, Telephone, Mayor's Office, be approved, seconded by Robert Shepherd. It was voted and PASSED.

Appointments Committee

Daniel Miller, Chairman, read a report of the Committee regarding the recommendation of the Mayor that Fred M. Lione be reappointed for a three year term to serve on the Public Welfare Commission. The Committee reported that Mr. Lione was qualified, and a vote was taken by ballot. Result: 35 in favor - 1 opposed.

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Daniel Miller, Chairman, read a second report regarding names submitted for consideration to serve on the Board of Representatives to fill the 17th District vacancy. The names were: Harold R. Clark, Hilda Clarke, and Robert S. Frisbie. Mr. Miller said the committee examined the qualifications of each of these candidates and felt Mrs. Hilda Clarke the most ably qualified to fill the vacancy, and recommended that she be approved. The report was not signed by George W. Lockwood and George W. Connors, both members of the Appointments Committee.

George W. Lockwood said he did not sign the report because he felt that no one candidate was more qualified than the other.

George W. Connors said he felt the same as Mr. Lockwood, and for that reason did not sign the report.

James W. Harrington, 9th District, nominated Mr. Robert S. Frisbie. The nomination was seconded.

John Cameron, 20th District, nominated Mrs. Hilda Clarke. The nomination was seconded.

John Cameron, 20th District, MOVED that nominations be closed, seconded and CARRIED.

Walter F. Seely, speaking in favor of Hilda Clarke, said he felt obliged to go along with the 17th District Republican Club and also the town committee.

Hunt Sutherland, 17th District, MOVED that nominations be reopened, which was duly seconded. There was a rising vote, by James Mulreed, and the motion was DEFEATED.

The balloting for the two nominated candidates was:

<u>Hilda Clarke</u>	-	21
<u>Robert Frisbie</u>	-	16

resulting in the approval, by majority, of Mrs. Hilda Clarke as Representative of the 17th District to fill the vacancy created by the resignation of Jeanette L. Bell.

Michael Wofsey moved there be a five minute recess, duly seconded and PASSED. The meeting was again called to order by the President at 10:20 p.m.

Planning and Zoning Committee

Joseph Zdanowicz, newly elected chairman of the Planning and Zoning Committee gave his report. He MOVED that Kensington Road and Sanford Lane be accepted as public highways, duly seconded, voted and PASSED. His Committee felt that further study was required of Lawton Avenue in order that the new members of the Committee might be able to give a recommendation.

Hunt Sutherland, 17th District, MOVED that Lawton Avenue be accepted. He pointed out that it was prepared acceptable to the old town standards a year ago. The owner of that road has to oil it while the City is making up its mind. In August or September the Planning Board had its inspector go out and accept it. Through a confusion in the maps the Planning Board asked us to accept the 200 feet because that is what Mr. Tuttle specified. "He told me personally that it was his intention to approve the whole 700 feet". Mr. Sutherland said he thought it was time the owners and people living on it had it accepted. He explained they were not getting mail service and that the road is becoming dilapidated.

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James Mulreed, 4th District, seconded the motion "because I think this thing has been hanging fire too long. It was our intention to approve of the road in its entirety and to accept it in its entirety".

Joseph Zdanowicz, Chairman of the Planning and Zoning Committee, read some "official notes" given to him by Sherman Hoyt, the former Chairman of the Committee, as to why Lawton Avenue should not be accepted at this time. He pointed out that the grade on the steep hill on that road was 19 percent. According to the rules and regulations of the Planning Board, "the grade shall be no more than 12 per cent". He said he felt that up until the time the grade is improved to 12 per cent, the road should not be accepted.

Mr. Pierson asked Mr. Zdanowicz whether the former town also required 12 per cent, to which Mr. Zdanowicz answered they did.

Ralph Nau, 19th District, said that was the grade Mr. Bromfield gave Mr. Hickey when he blasted the road down. He said he thought it was a crime that the man who owns the road had to pay the town to dig up his own road. He said we told him if we oiled it, we would accept it.

The exact portion of the road still to be accepted was questioned and Mr. Pierson read a letter from the Planning Board dated February 17, 1950, which stated "we now request that the entire portion of this road be accepted".

Catherine Cleary, a member of the Planning and Zoning Committee, brought out that at the meeting of the Committee, Lawton Avenue was discussed to some extent, but there were some members who were not familiar with the part now up for acceptance. The members that were familiar with it, and who had been over it, felt that the steep grade and the siding was not up to specifications for acceptance by this Board. Inasmuch as it is up to the Committee to really give the matter some thought and study, it was felt that one month should be left to defer it so the Committee could go over it with the new members. The road apparently has not been oiled lately, she said, and it does not have the coat of asphalt as required in the specifications. Also, Mrs. Cleary noted, there is no turn-around at the end of the road.

Patrick Scarella, 3rd District, said he was trying to base it according to the rules of the town government, however, it was already pointed out that the grade is not up to standards set by that government.

Hunt Sutherland, 17th District, said that he had a letter from Mr. Bromfield certifying the portion of Lawton Avenue shown on Town Clerk's map #3384, from Lot No. 6, westerly to the end of the road, is in a position where the town government would have oiled the road.

James Mulreed, 4th District, reminded the Board that when we acted in the acceptance of Lawton Avenue we did discuss the fact that there was no turn-around at the end of the street, and that at that time Mr. Hickey hoped to continue the street, and therefore a turn-around was not necessary.

James W. Harrington, 9th District, said that in view of the fact that there were members who have not had a chance to see the road, he thought the recommendation of the Committee should be adopted and the motion should not be carried.

A vote was taken on the original motion and it was DEFEATED.

BUSINESS ON THE CALENDAR

Robert Shepherd, 9th District, said he wanted to make a few remarks regarding business on the calendar in connection with the acceptance of streets. He said he had occasion to compare two streets--one in Darien, and one in Stamford--

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that were contracted over the same period of time. One is a hilly sided terrain in Darien, and the other a flat piece in Stamford. Whereas the road in Stamford is full of holes, the Darien street does not have one single break. He said it was his opinion that something should be done by this Board and its Committee to investigate either our requirements or our future handling of streets so that this situation does not happen again. He said that he belongs to several organizations which include a lot of members of the Fairlawn Corporation, and he has been ashamed to explain that half of the streets that are accepted are built in accordance with city specifications. He thought it a disgrace to have an adjoining community doing a much better job.

Robert Shepherd, 9th District, MOVED that the Planning and Zoning Committee be requested to examine the performance bond covering the construction of Seaton Road and Standish Road to see whether the contractor is not responsible for reconstruction, duly seconded.

Catherine Cleary of the Planning and Zoning Committee, said she thoroughly agreed with Mr. Shepherd, and it was for that reason the Committee hesitated in making a recommendation on Lawton Avenue. She pointed out that after a road is once accepted, there isn't very much that can be done about it in the event it is not in good condition. In that connection, she mentioned an earlier letter from Mayor Barrett in which he suggested that roads be accepted only between June 1st and September 30th, at which time the roads could be conditioned properly. She reasoned that we should not take these bad risks.

Joseph Zdanowicz, Chairman of the Planning and Zoning Committee, said he thought that Mr. Shepherd's point was very good and that the Planning Board had the same idea since they were requiring in the approval of plans, in writing, a form of bond for the road so that it is in concurrence with the Planning Board. He said the Planning Board is the headquarters--that is one of their regulations. He also mentioned that he hoped the rules and regulations of that Board could be read before the Representatives for the benefit of all.

Michael Lauren, 3rd District, questioned the comparison made by Mr. Shepherd. The road in Darien has only about 15 homes, as compared to the one in Stamford where there are about 400 families. He thought that in fairness, Mr. Leeds, the builder of the roads, should appear at a meeting and tell his story. He said that Mr. Leeds would like to defend himself in this matter.

Robert Shepherd said he was not making a criticism of Fairlawn, or anyone else. His intention was to see this condition does not happen again.

Patrick Hogan, 10th District, pointed out that Ursula Place, which was accepted two months ago, is not passable.

The original motion as made by Mr. Shepherd was voted and PASSED.

Robert Shepherd, 9th District, MOVED that the following Resolution be accepted:

RESOLUTION #78

BE IT RESOLVED BY THE BOARD OF REPRESENTATIVES that the Board of Representatives assures the Commissioner of Public Works and the City Engineer of our complete support in seeing that new streets are built according to Planning Board specifications; further, that the Commissioner of Public Works and the City Engineer make certain that the specifications for Stamford roads in the new regulations call for at least as good construction as our neighboring communities.

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The motion was seconded by Edward J. Wojciechowski, 2nd District, and PASSED.

It was MOVED this matter be left to the Planning and Zoning Committee, duly seconded and PASSED.

ORDINANCES

Mr. Pierson read the following notice, published in the Stamford Advocate on Friday, April 21, 1950:

"The following ordinances were introduced at a meeting of the Board of Representatives of the City of Stamford on April 17, 1950, by Representative Michael Wofsey, and were ordered to be published.

"Notice is hereby given that these ordinances are to be acted upon at a meeting of the Board of Representatives of the City of Stamford to be held on May 1, 1950, at 8 P.M., at the Burdick Junior High School."

Michael Wofsey, Chairman of the Legislative and Rules Committee, MOVED that the ordinances be acted upon in accordance with Section 204.1 of the Charter. Since a copy of the ordinances was furnished to all members it would not be necessary to read the entire ordinance.

Robert Shepherd, 9th District, seconded the motion and it was PASSED.

(All ordinances acted upon and finally approved appear by title only. A complete copy of each ordinance is attached).

Ordinance #5

An ordinance concerning the description of the City flag.

Michael Wofsey, 1st District, moved that the ordinance be adopted, seconded by John Cook, 15th District, and PASSED.

Ordinance #6

An ordinance providing for penalty for violation of any ordinance, rule or regulation where no penalty is provided for such violation.

Daniel Miller, 16th District, moved that the ordinance be adopted, seconded by William Adriance, 18th District, and PASSED.

Ordinance #7

An ordinance providing for bonding of officers or employees before entering upon the duties of their respective offices or positions.

Helen Bromley, 20th District, moved that the ordinance be adopted, seconded by Robert Shepherd, 9th District, and PASSED.

Ordinance #8

An ordinance concerning depositing of the body of any dead animal or fowl in any street or public place.

Robert Shepherd, 9th District, moved the ordinance be adopted, seconded by Patrick Scarella, 3rd District, and PASSED.

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Ordinance #9

An ordinance concerning distribution of advertising matter.

Michael Wofsey, 1st District, moved the ordinance be adopted, seconded by Michael Laurenno, 3rd District,

Joseph Zdanowicz, 13th District, asked if this ordinance would cover the dropping of leaflets from airplanes.

Michael Wofsey said that it would.

The ordinance was voted and PASSED.

Ordinance #10

An ordinance concerning the issuance of licenses and permits, generally.

Michael Wofsey, 1st District, moved that the ordinance be adopted, seconded by Robert Shepherd, 9th District, and PASSED.

Ordinance #11

An ordinance concerning fumigators.

Daniel Miller, 16th District, moved that the ordinance be adopted, seconded by Helen Peatt, 16th District, and PASSED.

Ordinance #12

An ordinance providing for filling in abandoned openings.

Daniel Miller, 16th District, moved that the ordinance be adopted, seconded by Edward Hogan, 19th District, and PASSED.

Ordinance #13

An ordinance prohibiting maintenance of mosquito-breeding nuisances.

James N. Mulreed, 4th District, moved that the ordinance be adopted, seconded by John Cook, 15th District, and PASSED.

Ordinance #14

An ordinance concerning hunting within the limits of the City of Stamford.

Helen Bromley, 20th District, MOVED that the ordinance be adopted, seconded by Edward C. Hogan, 19th District.

Patrick Scarella, 3rd District, questioned Section (d) of the ordinance in that it could curtail a man from using a .22 rifle on his own property.

John Cameron, 20th District, said it was reasonable to do away with rifles unless they are used on a rifle range or for the destruction of verminous animals on a person's private property.

Walter Seely, 6th District, said it was questioned whether this ordinance would protect a family from marauders.

Michael Wofsey, 1st District, replied that such action would not be classed as "hunting", but any person has the right to defend his own home.

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Robert Shepherd, 9th District, MOVED, seconded by Babette Ransohoff, 15th District, that the ordinance be amended so that the words "...not legally posted by the owner...." contained in Section (d) be stricken out. It was PASSED.

The motion as amended was PASSED.

Ordinance #15

An ordinance prohibiting BB and air propelled rifles or pistols.

Sewell Corkran, 18th District, opposed the ordinance, referring primarily to the amount of enjoyment received by the use of a BB gun by the young people.

Hunt Sutherland, 17th District, remarked that if anyone wanted some idea of the amount of damage that could be done by a BB gun, he should go to the corner room of the Burdick School and see how many windows need replacing as a result.. at \$15 a window.

James Mulreed, 4th District, confirmed Mr. Sutherland's remarks and pointed out that the loss to the tax payers in Stamford through the use of these BB guns is terrific. Also, there has been loss of eye sight as a result of the BB gun.

Helen Peatt, 16th District, said that she didn't want to take any pleasure away from children, but she favored the ordinance.

Leon Staples, 7th District, spoke in favor of the ordinance, as did Michael Wofsey, 1st District.

A vote was taken on the ordinance, but since it was not unanimous Hunt Sutherland pointed out a roll call vote be taken.

John Cameron, 20th District, MOVED that the vote be made unanimous, seconded by Edward Hogan, 19th District. It was voted and PASSED.

Ordinance #16

An ordinance concerning loitering of any child under 15 years of age on streets, theaters, or other public places after 10:30 p.m.

Hunt Sutherland, 17th District, MOVED the ordinance be amended to read 9 p.m. instead of 10:30 p.m. The amendment was seconded.

John Cook, 15th District, suggested we use 9 o'clock Eastern Standard Time, which was accepted by Mr. Sutherland.

Leonard DeVita, 5th District, said he would like to ask each member to vote against the ordinance. He pointed out that there is a state statute which prohibits disorderly conduct which would give policemen adequate authority to pick up loitering by anybody. He considers this a curfew ordinance going back at least two generations. Also, under this ordinance it is still within the power of any policeman to bring in a child for what he himself may consider as loitering.

Helen Bromley, 20th District, agreed with Mr. DeVita. She felt that if a child is brought in, it becomes a case for the juvenile court. She asked why it couldn't be handled under state statute.

James Mulreed, 4th District, said all this ordinance does is prohibit loitering, and, he pointed out, if a policeman can't determine the difference between loitering and travelling to the grocery store and home, he didn't belong on the police force.

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John Cameron, 20th District, spoke against the ordinance.

George Lockwood, 14th District, pointed out that it is not necessarily so, that if a child is picked up by the police for loitering or any other crime, he will be taken in and given a police record. In such cases the juvenile officer is immediately called.

John Cameron, 20th District, MOVED that we vote on this ordinance separately, seconded by Michael Wofsey, 1st District, and PASSED.

A roll call vote was taken, with the result of 9 opposed, and 25 in favor. The motion was PASSED.

Ordinance

An ordinance providing single purchases in which the expenditure is estimated to exceed \$200 to be let by sealed bids.

Babette Ransohoff, 15th District, moved that the ordinance be approved, seconded by James Harrington, 9th District, and PASSED.

Ordinance

An ordinance concerning explosives.

Ralph Nau, 19th District, MOVED that the ordinance be adopted, seconded by Michael Laurenno, 3rd District, and PASSED.

Ordinance

An ordinance concerning noises.

Michael Wofsey, 1st District, MOVED the ordinance be adopted with the deletion of the following words in Section 2(h) "...in the interest of public safety...". The section would then read: "2(h) - The erection (including excavation, demolition, alteration or repair of any building in a residential or business district) other than between the hours of 7:00 a.m. and 6:00 p.m. on week days, except in cases of necessity, and then only with permission from the Commissioner of Public Works or his deputy."

Mr. Wofsey explained that, with the deletion of those words, he had in mind the great number of people who do work around their own houses, could do it so long as they get permission from the Commissioner of Public Works. The public safety aspect doesn't enter into the question at all.

The motion was seconded by Helen Peatt, 16th District.

James Harrington, 9th District, read a letter from a Mr. Haywood in his district, in which he disapproved of section 2(h).

Walter Seely, 6th District, said this paragraph means that nobody in the city of Stamford could work any time on Sunday on his own place--that is considered a noisy act.

Helen Bromley, 20th District, MOVED the deletion of the entire paragraph, seconded by Patrick Scarella, 3rd District.

Robert Shepherd, 9th District, said it was his understanding that it would be construed to prohibit the operation of steam shovels and things of that sort. He suggested an amendment to refer it to our Legislative and Rules Committee to

change it so it would include steam shovels and other noises which are objectionable, duly seconded.

Helen Bromley, 20th District, said she didn't see why the Public Works Commissioner had to be bothered with it.

Patrick Scarella, 3rd District, said it wasn't the fact that it is a steam shovel or anything else. First of all, he objected to the hours set in the paragraph. It is not something that pertains specifically to a big construction job, but penalizes individuals.

The amendment that the section be referred back to the Legislative and Rules Committee for redrafting was voted and PASSED.

William Adriance, 18th District, MOVED that in section 2 (n) the words "or any gathering where admission is charged", be inserted after "business establishment". He said that in his district there are picnics that go on to 2:30 in the morning, and he thought it could be controlled where admission was charged.

It was proposed the wording be changed to "or any gathering where admission is charged for private gain".

Stephen Kelly, 12th District, pointed out that some noises can't be helped. He gave as an example the operations of the Connecticut Power Company at South End, and if such noises, existing seven days a week, were discontinued, a lot of people would be put out of work.

Patrick Scarella, 3rd District, said the hours should be extended. In regard to picnics, they should be extended to 10 p.m.

William Adriance, 18th District, MOVED that Section 2 (n) be referred to the Legislative and Rules Committee for further study.

James N. Mulreed, 4th District, MOVED the balance of the ordinance be approved, which was duly seconded.

Sewell Corkran, 18th District, questioned if we should pass a part of an ordinance, or perhaps table the entire ordinance.

Michael Wofsey, 1st District, MOVED the entire ordinance be tabled until the report of the Legislative and Rules Committee, seconded by Leonard DeVita, 5th District, and PASSED.

Ordinance

← An ordinance concerning smoke abatement.

James N. Mulreed, 4th District, said it had been pointed out to him by a former member of the Mayor's committee to investigate smoke nuisances that the ordinance as drafted here does not cover a very serious health menace--namely gases which are liberated along with the smoke. He MOVED that Mr. William Lynch be allowed to speak, seconded by George Lockwood, 14th District, and PASSED.

Mr. William Lynch spoke regarding the ordinance as introduced.

Mr. Lynch brought out that the major smoke nuisance was caused by shops and industries which burn soft and other types of coal. The smoke of soft coal, he said, "could be so full of the worst kinds of poisonous gases". He said the smoke from certain kinds of coal burned by shops drifts for miles both in the city and throughout the countryside. He also mentioned that in certain neighborhoods industries have large piles of soft and other type coal lying in the open. He

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thought that too should be stopped. Mr. Lynch pointed out that it was a good idea to mention the building inspector in the ordinance, but he should be concerned with the building only while under construction. After completion, the problem should be one for the health department.

Mr. Lynch concluded by telling the members that the smoke problem is one which is bothering every big city today, as well as soot and ashes. It was his opinion that the ordinance as presented was obsolete and should be redrafted.

John Cameron, 20th District, MOVED the ordinance be resubmitted to the Legislative and Rules Committee, which was duly seconded and PASSED.

Ordinance

An ordinance concerning auctions and auctioneers.

Helen Bromley, 20th District, MOVED that the ordinance be adopted in order to put it before the Board, which was duly seconded.

William Adriance, 18th District, MOVED the ordinance be resubmitted to the Legislative and Rules Committee for further study because certain things were not included. He said he received a letter from Mr. F. J. Moeller, an auctioneer in Stamford for 17 years, who suggested the City adopt a license fee of \$25 for local auctioneers and \$50 for out of town auctioneers. It was pointed out that in other cities auctioneers pay as much as \$200 for an auction and have to register a bond for \$500. In the past they have had a flat rate for local auctioneers and a higher rate for those out of town.

In regard to Section 4 which reads in part "...at public auction in the City of Stamford before 8:00 a.m. and after 6:00 p.m. of any day..." In one of the early sections, those times do not hold if it is for an estate on order of the court, Mr. Adriance said. On the other hand, if you have household furnishings where a person is moving out of town, that will include some silverplate and china--a great many are held all day long and extend into the evening. This would mean they couldn't sell any of the silverplate, china, or items mentioned in the ordinance after that time.

The motion as made by Mr. Adriance was seconded by Sewell Corkran, 18th District, and PASSED.

Ordinance

An ordinance concerning taxi cabs.

Michael Wofsey, Chairman of the Legislative and Rules Committee, said that since the advertising of this ordinance he received a communication from the Public Utilities Commission. Mr. Wofsey read the letter to the Board and MOVED that the ordinance be again referred to the Legislative and Rules Committee for further action with the Public Utilities Commission. Seconded by Sewell Corkran, 18th District, and PASSED.

George Lockwood, 14th District, said he has also been in contact with the Public Utilities Commission and was given a booklet covering the rules for taxi cabs. He MOVED the booklet be placed of file for possible future reference by members, seconded and PASSED.

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Michael Wofsey, 1st District, pointed out that we are carrying over some material for action on May 10th. If in the opinion of the Corporation Counsel that meeting cannot be a regular meeting, it be a special meeting and that it include such matters which were deferred at this meeting.

Michael Wofsey, 1st District, MOVED that the meeting be adjourned until May 10, 1950, at which time the budget, as well as other matters on the calendar, will be discussed. The motion was seconded and PASSED.

The meeting was adjourned at 12:20 a.m.

Respectfully submitted,
Babette S. Ransohoff, Clerk

NOTES:

- Legislative and Rules Committee - 1. Ordinance concerning noises.
2. Ordinance concerning smoke abatement.
3. Ordinance concerning auctions and auctioneers.
4. Ordinance concerning taxi-cabs.
5. Letter from Frederic S. Greene
- Health and Safety Committee - 1. Mental and Physical requirements for appointees to the supernumary force of the Fire Department.
- Planning and Zoning Committee - 1. Regarding acceptance of Lawton Avenue as a public highway.
2. Resolution from Stamford Community Council re housing.
- Fiscal Committee - 1. Letter from Mayor re Chemical Bank & Trust Company.
2. Ltr. from Mayor regarding proposed issue of permanent improvement bonds.
- Corporation Counsel - 1. Opinion as to whether the City must pay for condemning property in the process of establishing building lines.
- Appointments Committee 1. Mayor's ltr of March 27 regarding appointments to Town Housing Authority, Board of Recreation, Board of Taxation, Public Welfare Commission.