

DECEMBER 1, 1952

The regular meeting of the Board of Representatives was held on Monday, December 1, 1952 at Burdick Junior High School.

The meeting was called to order at 8:20 P.M. by John L. Cameron, President.

Invocation was given by Rev. W. Keith Chidester of the St. Francis Episcopal Church.

Roll call was taken. Those absent at the time of roll call were Theodore Donohue, Paul Plotkin, Clifford Waterbury, Aage Feldtmose, Michael Holahan, John Canavan, William Murphy, John Sandoz, Vito Longo, Joseph Carlin, George Russell, Edward Hogan. Reporting late were Paul Plotkin, George Russell and Edward Hogan, making an attendance of 30 present, 9 absent, and one vacancy.

It was noted by the president that Edith Johnson, secretary to the Board, was in the Stamford Hospital. Upon motion by Helen Peatt, seconded by Helen Bromley, it was voted that the Clerk send a note with the wishes of the members for a speedy recovery.

FISCAL COMMITTEE

Upon recommendation of the fiscal committee, it was MOVED by Helen Bromley, chairman, seconded by Walter Seely, that the emergency appropriation for \$1,256.25 for pension for Fireman Lawrence J. Hogan for the balance of the fiscal year, be approved. UNANIMOUSLY CARRIED.

LEGISLATIVE AND RULES COMMITTEE

1. Status of Seasonal Employees under Social Security

James Mulreed MOVED, seconded by Helen Peatt, that the assignment to the Legislative & Rules Committee to prepare a resolution re the Social Security status of seasonal employees, be absolved since the status has been satisfactorily established by Mr. J.E. Wahlberg, Supervisor of Retirement accounts. Mr. Mulreed then read Mr. Wahlberg's letter. The motion was CARRIED.

2. Smith Property

The committee feels that in all matters involving the sale of city-owned property the action should be initiated by the Mayor and approved by the Board of Finance before any action by this Board is required.

3. Grand List

The Committee recommended that, at the advice of the Corporation Counsel, the matter of whether a charge can be made for copies of the Grand List be held in abeyance until the question of the need for printing the Grand List, raised by the Board of Taxation, has been resolved.

4. Resolution #126 - re incorporation in the Rules of the Board of Representatives.

The Committee recommended no action.

➤ 5. Validation of the Capital Budget

The Committee has been informed by the Corporation Counsel that Mr. Warren Carley of Boston will be in Stamford in the near future, at which time legislation will be prepared.

6. Ordinances

The Committee recommended that action be taken immediately to remove any doubt as to the legality of ordinances #7, #15 and #16. The vote by yeas and nays was

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not recorded in the minutes at the time of passage.

Action was deferred until later in the meeting on the adoption of these ordinances in order to permit the Corporation Counsel time to draft the proper motion.

7. Resolution #145 - intent to establish building lines

The legality of the adoption of this resolution has been questioned because of the failure of the resolution to contain a declaration that a part or all of the costs of improvement is to be assessed against property benefited thereby. The committee is of the opinion that Sec. 641 of the charter calls for two separate procedures (1) a resolution calling for a survey to determine the cost of the contemplated action and the benefits to be derived by the adjacent property owners and (2) a resolution which will indicate what portion, if any, of the cost shall be levied against property benefited thereby.

James Mulreed MOVED, seconded by George Connors, that the Clerk attempt to secure a clarification from the Attorney General on whether our general declaration of intent fulfills the requirements of the charter.

The chair ruled the above motion out of order.

James Mulreed appealed the ruling of the chair, stating that the Attorney General's sole function is to clarify State Acts, of which our charter is one.

In answer to a question to the chair by Helen Bromley on the reason for overruling the motion, Mr. Cameron explained that the proper procedure is to secure clarification from our Corporation Counsel, who may refer to the Attorney General if he so chooses or is so ordered.

James Mulreed then read the August 17, 1952 letter from John Hanrahan which raised the question of legality if our resolution did not include the method of assessing benefits and damages, according to Sec. 641 of the charter. He then restated that the committee feels there are two procedures to be followed and therefore sought an outside opinion.

The vote was taken on sustaining the ruling of the chair and was CARRIED by a vote of 18 in favor, 10 opposed, one member abstaining by request.

Helen Bromley and Catherine Cleary raised the question of why Sec. 641 was not observed, as per the Corporation Counsel's letter of August 17th at the November meeting. James Mulreed explained that in the action taken at the November meeting in adopting ordinances establishing building lines, the Board was exercising its police power to prevent further construction until Sec. 641 could be complied with. It was further explained that in July we passed a resolution requesting the Mayor for information necessary to establish building lines, which action was not rescinded when the ordinances were passed at the November meeting. This information requested of the Mayor has not as yet been received by the Board.

At the request of Edward Hogan, John Hanrahan was heard.

In answer to questions by George Russell and Joseph Zdanowicz as to how we can obtain the information from the Mayor necessary for us to take the proper steps, Mr. Hanrahan stated that the Board should not work in a vacuum but in coordination with the Planning Board and others.

James Mulreed MOVED, seconded by Patrick Hogan, that Resolution #145 be amended as follows (the proper wording to be drafted by the Corporation Counsel): assessment of 50% of the cost of the proposed action against the adjacent property owner.

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Robert Lewis MOVED, seconded by Edward Hogan, that the motion be referred back to the Legislative & Rules Committee for report at the next meeting.

The motion to recommit was CARRIED by a vote of 18 in favor, 11 opposed.

John Cook MOVED, seconded by Robert Lewis, to accept the remainder of the report of the Legislative & Rules Committee. CARRIED.

PLANNING & ZONING COMMITTEE

Joseph Zdanowicz, chairman, reported for the committee.

1. Joseph Zdanowicz MOVED, seconded by Stephen Kelly, that Cambridge Road be accepted. CARRIED.

2. Joseph Zdanowicz MOVED, seconded by Stephen Kelly, that in connection with acceptance of Nichols Road as recorded at the previous meeting, the word "Avenue" be substituted for the word "Road" in view of the fact that other sections of Nichols Avenue than the portion accepted at the November meeting, are named "Nichols Avenue."

Heien Bromley, Karl Young, Patrick Scarella and James Mulreed spoke to the need for solving the problem of accepting the rear end of roads when the front portion is not a public highway. Karl Young stated the need for preventing loopholes by which developers evade their responsibility in properly fixing the roads for acceptance

Re the front portion of Nichols Avenue, which was under dispute, Mr. Zdanowicz pointed out that the Wellington Development Corp. was not required to post a bond by the former Town Plan Commission.

The motion was CARRIED.

3. Joseph Zdanowicz MOVED, seconded by Paul Plotkin, the following substitution to its report of November 10, 1952: "In paragraph 8 of the Planning & Zoning Committee report dated Nov. 10, 1952 the following statement, 'The committee wishes to have on record the purchase of an easement by Mr. Mead from J. Raymond on that portion of Nichols Road,' should read, 'The committee wishes to have on the record the purchase of an easement by Mr. Mead from Mr. J. Raymond on that portion of Nichols Ave. as shown on a map entitled, "Map showing sub-division of Property owned by Ella P. Rifkin, Stamford, Conn., situated in A Zone, Block 359, and signed by Walter K. Goodhue, Civil Engineer, New Canaan, Conn., Feb. 7, 1949" and approved by the Town Planning Commission and signed by L. Bromfield, Jr. dated February 15, 1949." CARRIED.

*Change
to
Nichols
Ave
per
minutes
1/15/53*

HEALTH & PROTECTION COMMITTEE

Robert Lewis, chairman, had no formal report, but requested that the Clerk request the Board of Public Safety to adhere to the policy agreed upon, of reporting the progress of the training program in the police and fire departments.

Peter Somma MOVED, seconded by Leon Staples, that the Health & Protection Committee study the advisability of police or Civilian Defense protection in front of the Palace Theatre, and that the attention of the Mayor be called to the problem. CARRIED.

Harold Clark MOVED, seconded by Catherine Cleary, for Suspension of the Rules to consider the matter of the condition of police department automotive equipment. CARRIED by a vote of 19 in favor, 7 opposed.

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Following complaints by Helen Peatt, John Cook and George Russell, re inadequate equipment on patrol cars in Precinct II, substantiated by Robert Lewis for Precinct 1 also, Robert Lewis MOVED, seconded by George Russell, that the Health & Protection Committee be asked to review and report on the availability and condition of automotive equipment of the Police Department.

Helen Bromley read letters from the Police Dept. requesting more funds, also a letter from Mr. Morrissey, Commissioner of Finance, both of which are before the Board of Finance for emergency appropriation consideration.

The motion was CARRIED.

WELFARE & RECREATION COMMITTEE

There was no formal report from this committee but the chairman, Helen Peatt, pointed out that the Lockwood Avenue Firehouse had been renovated for C.D. use despite the previous recommendation of the committee that the building be torn down. She raised the following question: "Why take the time to have committee meetings when the recommendations are ignored?" George Connors pointed out that the renovation was accomplished at little cost to the city since materials and labor were provided at cost and in some cases, without cost, by merchants and individuals.

STEERING COMMITTEE REPORT

The report was read by John Cameron, chairman.

A letter from Frank E. Jamrozy, which had been referred to the Planning & Zoning Committee was discussed. This was a request by Anthony Wujcik, Inc., re acceptance of Loveland Road, Silver Hill Lane and White Birch Lane.

Joseph Zdanowicz MOVED, seconded by Edward Hogan, that a letter be sent to the petitioner explaining that the deadline for the acceptance of streets had passed and that the matter would be taken up in the Spring. CARRIED.

James Mulreed MOVED, seconded by George Connors, that the Steering Committee report be accepted. CARRIED.

COMMUNICATIONS FROM THE MAYOR

A letter from the Mayor was read, suggesting that Mr. Frederick Hurd appear before the Board to give a resume of what he has recommended to date re Stamford traffic.

Helen Bromley MOVED, seconded by William Kaminski, that the Mayor be requested to ask Mr. Hurd to appear before the Board at its January meeting. CARRIED.

COMMUNICATIONS FROM OTHER BOARDS & INDIVIDUALS

1. A letter was read from Commissioner Morrissey in which he reported on income received by the City from investment of its idle funds in government securities.

Patrick Hogan commended Mr. Morrissey on his interest in investing these funds so successfully. He also stated that the people in the Cove area, however, want to know when the sewers, for which these funds were borrowed, will be completed.

Patrick Hogan MOVED, seconded by Patrick Scarella, to place this report on file, with the commendation to be incorporated in these minutes. CARRIED.

2. Long View Park

A letter was read from Sherman Hoyt, chairman of the Planning Board, in answer to a letter directed to his Board re the advisability of 5 year performance bonds to developers. This letter had been forwarded to the Septic Tank Committee, Catherine Cleary chairman. Mrs. Cleary stated that, despite the strong recommendations made by her committee following their study last Spring, developers were still not being forced to assure proper drainage.

Catherine Cleary MOVED, seconded by Helen Bromley that the Legislative & Rules Committee consult with the Planning Board to recommend shorter time limit on performance bonds, and to consider what legislation to that effect might be necessary, since the problem affects the health and public welfare of the people in Stamford. CARRIED.

George Russell pointed out that septic tanks are being installed by some developers despite advice by competent authorities that they will not be adequate.

3. John Hanrahan's letter re Crystal Lake Road, in answer to a question referred to him at the November meeting, was read.

SUSPENSION OF RULES

Patrick Hogan MOVED, seconded by Joseph Caputo, suspension of the rules to consider a question re the election of Michael Vitti to membership on the Board. CARRIED.

Patrick Hogan read a copy of his letter to the Corporation Counsel requesting a ruling on the legality of Michael Vitti's election to the Board to fill the vacancy in the 3rd district. Although Joseph Mancusi's resignation was accepted in September, the vacancy was not filled at the October meeting, as demanded by the provisions of the charter. The Corporation Counsel also raised the question of legality since the resignation was sent to the president of the Board, rather than to the Mayor.

Patrick Hogan MOVED, seconded by James Mulreed, that the Corporation Counsel provide the ruling for the January meeting. CARRIED.

ORDINANCES

The action deferred under Legislative & Rules report, was reconsidered.

James Mulreed MOVED, seconded by Joseph Caputo, adoptions of the following:

Be it ordained by Stamford that the requirements of Section 204.1 of the charter relative to the introduction of ordinances at a meeting at least five days prior to this meeting and the requirement of publication in an official paper be dispensed with and that an emergency be and is hereby declared by two-thirds of the entire membership of this board in order that ordinance #7 Supplemental (Concerning the Building Code, Appendices, and Amendments), #15 Supplemental (Concerning Excavations), and #16 Supplemental (To Correct Taxi-license Ordinance) adopted at previous meetings of this Board, may be re-enacted in order to permit the yeas and nays omitted on the previous action to be recorded.

The motion was CARRIED unanimously, all members present voting "yea", Paul Plotkin having left prior to the vote.

ORDINANCE #7, Supplemental (Concerning the Building Code, Appendices, & Amendments)

James Mulreed read Ordinance #7 Supplemental and MOVED its adoption, seconded by Patrick Scarella. The ordinance was ADOPTED by a UNANIMOUS vote, all members present voting "Yea".

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Ordinance No. 7 Supplemental
An Ordinance Concerning the Building Code, Appendices, and Amendments.

BE IT ORDAINED BY STAMFORD THAT:

Sec. 1. The Building Code Appendices and Amendments thereto for the City of Stamford are hereby ordained as a Building Code, and the same are hereby adopted as the Building Code of the City of Stamford.

Sec. 2. That all of the provisions of the Building Code Appendices and Amendments thereto hereby adopted as the Building Code of the City of Stamford shall be in full force and effect on and after the 1st day of April, 1951, and all building code regulations of the former Town and City of Stamford and of consolidated City of Stamford in force on February 13, 1951 and not contained in the said Building Code Appendices and Amendments are hereby repealed from and after the 1st day of April, 1951, except as hereinafter provided.

Sec. 3. That the repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty incurred before the 1st day of April, 1951, nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the 1st day of April, 1951.

This ordinance takes effect December 11, 1952

ORDINANCE #15, Supplemental (Concerning Excavations)

James Mulreed read Ordinance #15 Supplemental and MOVED its adoption, seconded by Stephen Kelly. The ordinance was ADOPTED by a UNANIMOUS vote, all members present voting "Yea".

ORDINANCE No. 15 Supplemental
An Ordinance Concerning Excavations

BE IT ORDAINED BY STAMFORD THAT

Chapter 17 of the Code of General Ordinances of Stamford be amended by adding a new section as follows:

Section 22. Pursuant to Sub-Section 43 of Section 40 of the Stamford Charter excavations which have become hazardous, unsightly and a source of breeding place for insects and mosquitoes, because of neglect or non-use are hereby declared and defined to be nuisances. For the purpose of this act any open excavation which shall have been neglected or unused for a period of six months shall be considered "abandoned" and a "nuisance" for the purpose of this ordinance.

Pursuant to Section 416.1 of the Stamford Charter the building inspector may require, by written notice, the owner of any property on which there is such an excavation which, in his opinion, constitutes a danger to the health or safety of the community, to fill, cover or grade such excavation in a manner sufficient to eliminate such danger. In the event any such property owner shall fail to comply with the provisions of such notice within thirty days after the receipt of the same, the building inspector may cause such excavation to be filled, covered or graded, by the department of public works or such other means as the commissioner of public works may authorize, and the expense thereof certified to the Commissioner of Finance and the same become a debt and a lien upon the property where said excavation was located. It shall be levied, enforced and collected in the same manner, by the same proceedings and under the same penalties as an assessment for a public improvement, or otherwise collected as a debt. The notice may be served on the owner either personally or by leaving the same at his residence, or, if he be a nonresident, by mailing the same to him at his last known place of residence, or if the name of the owner or his last-known place of residence cannot be

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ascertained after due diligence, by posting the same in a conspicuous place upon the premises.

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

Dated this 11th day of December, 1952

ORDINANCE #16 Supplemental (To Correct Taxi-license Ordinance)

James Mulreed read Ordinance #16 Supplemental and MOVED its adoption, seconded by Stephen Kelly. The ordinance was ADOPTED by a UNANIMOUS vote, all members present voting "Yea".

ORDINANCE NO. 16 Supplemental - ORDINANCE TO CORRECT TAXI-LICENSE ORDINANCE

Be it Ordained by Stamford that Chapter 26, Section 4 of the Code of General Ordinances of Stamford be and hereby is amended to read as follows:

Sec. 4. Number plates and badges. The license fees provided for in Section 3 of this Chapter shall cover the cost of the license and also the number plates and badges which are to be displayed on vehicles and the drivers thereof. Such number plates and badges shall be furnished by the city and remain the property of the city. When the number plates and badge or badges issued in connection with the operation of any vehicle are returned to the controller by any licensee, the sum of one dollar shall be paid by the city which sum shall be in return for all such number plates and badges issued in connection with the operation of said vehicle.

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

Dated this 11th day of December, 1952.

Karl Young MOVED the meeting adjourn, seconded by Edward Logan, and CARRIED. Adjournment was at 11:30 P.M.

Respectfully submitted,
Babette S. Ransohoff, Clerk