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The regular meeting of the Board of Representatives of the City of Stamford was held on Monday, June 6, 1955, at the Walter R. Dolan Jr. High School Cafeteria. The meeting was called to order by the President, Mr. George V. Connors at 8:20 P.M.

Invocation was given by Rev. Bertrand Parent of St. Mary's Roman Catholic Church.

Roll Call was taken by the Clerk. There were 34 present and 6 absent. Those absent were: Joseph Caputo, Samuel M. Picciallo, Frank LiVolsi, Barbara Winsor, Edward G. Ryba and Thomas M. Killeen. Mrs. Winsor arrived later, changing the roll call to 35 present and 5 absent.

MRS. ZUCKERT MOVED that the Minutes of the special meeting held May 12th be accepted. SECONDED by Mr. Marshall and CARRIED Unanimously.

JOINT COMMITTEE - Legislative & Rules and Planning & Zoning

Mr. William D. Murphy, Chairman of the Planning & Zoning Committee, read the following report of his Committee:

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Application of the Estate of Helen W. Smith for a change in the Master Plan.

The Committee doesn't consider approval of this amendment, which would allow a more intensive use of the site than is now recommended for it in the Master Plan, to be in the best interest of the City of Stamford. We believe that this amendment will not promote, with the greatest efficiency or economy, the coordinated development of the City, and it would be detrimental to the general welfare and safety of the people.

William D. Murphy
P. Wardham Collyer
Patrick Fortunato
Joseph Iacovo

MR. MURPHY MOVED to reject the proposed amendment to the Master Plan. SECONDED by Mr. Iacovo.

MR. ALANSON FREDERICKS read from Section 522.4 of the Charter re Zoning Board and said Mr. Murphy's motion should be more specific and should follow the exact language of the Charter.

Mrs. Winsor arrived at this time.

MR. SNYDER MOVED that we hear from the Corporation Counsel who is present in regard to a ruling on this. SECONDED by several voices.

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MR. HANRAHAN stated that the decision of the Board to whom the plan was proposed does not become final until after the Board of Representatives has had a chance to act.

Discussion followed in regard to how Mr. Murphy's motion should be worded and Mr. Iacovo offered a re-wording.

MR. IACOVO MOVED that the Planning and Zoning Committee of the Board of Representatives REJECT the amendment to the Master Plan of the Planning Board of the City of Stamford from RMP low density to RMP medium density in that area known as the Helen Smith Estate. SECONDED by Mr. Fredericks.

Discussion followed on Mr. Iacovo's motion.

Mr. Fredericks asked a question of Mr. Hanrahan, the Corporation Counsel, as to whether the Board should authorize the Legal Department to draft a motion, so that it would have the proper wording. Several expressed disapproval of this being done.

Mrs. Bromley stated that it would appear that Mr. Iacovo's motion was adequate.

MR. MULREED said "I would like it known that when we vote on this, it be worded correctly."

Mr. Murphy withdrew his MOTION.

MR. MULREED said that we are now faced with the decision of the Planning Board, that this is a plan for the future of Stamford, not a plan for immediate action and the question has been raised as to whether this area is suitable for this type of building.

MR. FREDERICKS said "There has been a considerable amount of discussion about this matter. There has been an effort made to remove from the Board of Representatives the right to appeal from the decision of the Planning Board. Our Charter was amended so that the Planning Board could make it's over-all decision, based on the right of the people of Stamford to make an appeal from their decision. There can be an appeal from the Planning Board to the Court of Common Pleas. If the Board of Representatives should reject this, it can then go to the Court of Common Pleas. This is known as a 'trial de nouveau'."

MR. SNYDER spoke in behalf of Mr. Iacovo's motion and said "Are we going to throw to the winds the investment that the property owners made in their homes? They thought they had some security in their home ownership. They are entitled to the protection offered in the motion as presented".

MR. HUIZINGA MOVED to AMEND Mr. Iacovo's motion to read "by secret ballot".

MR. FREDERICKS stated that this cannot be done by secret ballot as this is a privilege motion.

MR. LEWIS said "While we are investigating the proper procedure, I am

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going to vote against this proposed amendment. It is the duty of the Board of Representatives to act on this publicly. Coercion has been placed on members of the Board who are afraid to vote and want a secret ballot."

MR. PLOTKIN said "If we cannot vote unless we vote secretly, it would seem to me that we cannot hold a very high place in the minds of the community and do not have the right to represent our constituents."

MR. FREDERICKS read from the Rules of Parliamentary Practice and stated that such motions are undebatable.

MR. HUIZINGA withdrew his amendment to Mr. Iacovo's motion.

MR. LONGO MOVED in favor of a roll call vote. SECONDED by Mr. Kelly.

Mr. Jack McLaughlin asked to be disqualified from voting, explaining that he is employed by a firm who has an interest in the Smith property transaction.

MR. MULREED said "It is an expression of weakness for any Board member to ask to be disqualified from voting".

VOICE taken on having a roll call vote. 28 in favor, 5 opposed, one abstention. CARRIED.

MR. KAMINSKI stated that he felt that each and every member of the Board should have the good conscience to vote.

MR. PLOTKIN said "Just for the sake of the record -- this is a very serious thing -- is there anyone here who has not read the transcript of the testimony taken at the public hearing?" There was no dissenting voice on this.

MR. TOPPING: "We should support the citizens who believe that their homes are being protected. If we go along with this so-called 'spot zoning' we are not doing our duty to those we represent."

MR. COLLYER stated that he agreed with Mr. Mulreed. He said "There is no justification in thinking that the Planning Board erred in permitting the change in zoning. It is hard to justify in my mind the decision of the Planning Board."

MR. COULTER: "I have had many letters asking that the Board reject the decision of the Planning Board. I would like to state for the record that the property owners are overwhelmingly against the amendment to the Master Plan."

MR. MULREED: "Mr. President, I also have had numerous calls in regard to the decision of the Planning Board, yet I still believe this should be upheld. We have many multi-family dwellings near this particular area under discussion. I am opposed to any action which would disapprove the decision of the Planning Board."

MR. KAMINSKI: "We have only the testimony in our transcript of those interested in preventing this property being used for multi-family

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dwellings. We may expect several other appeals. We are concerned with a lack of reasoning on the part of the Planning Board for rendering their decision."

MR. FREDERICKS: "Mr. Mulreed and Mr. Kaminski have the advantage of knowing that there will be further appeals. However, there is no definite way of knowing whether there will be an appeal from our decision." He MOVED the QUESTION.

ROLL CALL vote taken on Mr. Iacovo's MOTION, with one abstention, Mr. Jack McLaughlin. There were 30 in favor and 3 opposed. CARRIED. The three who voted to uphold the decision of the Planning Board were: Martin H. Cash, Sr., Alphonse C. Jachimczyk and James N. Mulreed.

MR. FREDERICKS MOVED the Clerk take all legal steps necessary to inform the Planning Board of their decision. SECONDED and CARRIED Unanimously.

Fiscal Committee

MR. LEWIS MOVED that these items be clarified and asked the President to hold up any action until these can be clarified.

MRS. BROMLEY spoke in the absence of Mr. Picciallo and said they had requested the heads of the various departments interested to be present at this Board meeting for this very reason - to clarify any questions the Board might have.

MR. TOPPING: "As Chairman of the Public Works Committee, I think some of these should have been referred to our Committee for discussion and recommendation."

In the absence of Mr. Picciallo, the Chairman of the Fiscal Committee, the President ruled that they hold up the Fiscal Committee report until his arrival.

Legislative & Rules Committee

(a) Lease, First Church of Christ Scientist. Mr. Plotkin, Chairman stated that this lease was for a period of five years at an annual rental of \$1.00 for property in the rear of the church, to be used for parking purposes - the church to have an option of future leases and the church to level and grade the property. Mr. Plotkin MOVED for approval of the lease. SECONDED by Mrs. Huben. CARRIED unanimously.

Mr. Plotkin brought up a point. He said the Legislative and Rules Committee were working on rules and needed a special meeting for this purpose. He MOVED for a special meeting to be held before the end of the month, in two weeks.

The President said he would send out a "Call". CARRIED unanimously by a voice vote.

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(b) File No. 1230, substitute for House Bill No. 2043 "An Act Concerning the Charter of the City of Stamford" (regarding power of Board of Representatives to act on appeals regarding rezoning). Mr. Plotkin read from the Charter as to the powers of the Board of Representatives on these matters.

MRS. BROMLEY stated that she would like to speak against this Bill, and said "This move is a move to take all powers from the Board of Representatives, and this is one of the only ways for the citizens of Stamford to be heard. To give this power to the Courts is to take away from the City of Stamford what power should be rightfully their's. This Bill was submitted long after the deadline for submitting Bills to the Legislature had passed." She MOVED that the Board go on record as against File No. 1230, substitute for House Bill No. 2043, amending the Charter of the City of Stamford, giving the powers of the Board of Representatives to the Court of Common Pleas. SECONDED by Mrs. Huben.

General discussion followed.

MR. FREDERICKS said he was opposed to the action taken and thinks this Bill should have been submitted to the Board before taking action and he is opposed to the Bill.

MR. SNYDER asked Mrs. Bromley if she would accept an amendment as follows: "If there is any question on the part of this Bill it should be referred to a referendum".

MRS. BROMLEY stated she would not accept this amendment as time was of the essence and Wednesday was the deadline.

MR. HUIZINGA echoed the sentiments of Mrs. Bromley, saying he also will oppose this Bill.

MR. INOADES said he would vote in favor of Mrs. Bromley's motion.

MR. PLOTKIN spoke in reference to the way other states handle matters of this kind, saying he had done some research on this Bill and that Connecticut and Washington, D.C. were the only places where a Board adopts amendments to a zoning plan and that in other places this is delegated by the State to the various cities and towns planning and zoning commissions and that the Planning Commission recommends to the Legislative body of the city or town who, in turn, adopt the Master Plan map. He said he thought the idea of having the legislative body act was a good way of doing things.

MR. MULREED objected to Mr. Plotkin's statements, saying that the speaker should speak of things pertinent to the motion and that they were not interested in history.

MR. PLOTKIN stated he would like to propose that the Board vote on the Bill by separating it into segments and voting on these separately.

There was vigorous objection to this by several members and a general discussion followed.

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MR. KAMINSKI asked if it were possible to separate the various portions of the Bill so that they could be voted on separately.

MR. SNYDER MOVED under a privilege motion that a telephone call be placed to Senator Grant and ask his opinion as to whether the Board could vote on separate portions of the Bill.

MR. MULREED stated that action on this Bill would take place sometime during the following afternoon and that the Senator was out of town in Hartford and it would be impossible at this late date to have a substitute Bill introduced.

MR. LEWIS asked for an immediate vote on Mrs. Bromley's motion. Mr. Jachimczyk MOVED for a standing vote.

MR. LEWIS MOVED that the President of the Board send a telegram to Senator Grant notifying him of the Board's action.

MRS. BROMLEY MOVED that Mr. Mulreed's signature go on the telegram.

VOICE taken on Mrs. Bromley's MOTION that the Board go on record as being against File No. 1230, substitute for House Bill No. 2043. It was voted 31 to 3 to oppose this Bill. CARRIED.

MR. HUIZINGA MOVED that the Board immediately send a telegram to Senator Grant and to Milton Rhinehart, Chairman of Cities & Boroughs Committee, as follows:

"At a meeting of the Board of Representatives of the City of Stamford, held on June 6, 1955, it was voted 31 to 3 to oppose Stamford Bill No. 2043 and we, as the elected Representatives of the City of Stamford will appreciate anything which you will be able to do to defeat this Bill."

UNCONDEED and CARRIED, 33 voting in favor and 1 against.

Public Works Committee

MR. TOPPING, Chairman, said he did not know whether to ask for suspension of rules in order to discuss the building lines on Broad Street.

MR. MULREED said that the Board has already done everything that they can do on this matter.

MR. TOPPING withdrew the request.

MR. MULREED was excused at this time to send the telegram.

Appointments Committee

MR. WILLIAM KAMINSKI, Chairman, read a letter from Mayor Thomas F. J. Angley, offering the name of Mr. Herbert C. Rice as his nomination to the Personnel Commission for the term expiring December 1, 1955, and apologized to the Board for not being present at the last meeting when the discussion of the appointment of Mr. Herbert C. Rice to the Personnel Commission took place. He stated that he might have been

incorrect in his statements made at the April Board meeting, when Mr. Rice's appointment was first brought up, when he stated he thought Mr. Rice was opposed to the strict eligibility requirements for the position of Personnel Director. He stated that Mr. Rice had made many contributions to charitable drives for the City of Stamford and in many ways had done a great deal for Stamford. He MOVED that the Board approve the appointment of Mr. Herbert C. Rice. SECONDED by Mr. Kelly. A secret ballot was taken on the appointment, with the ballots being handed out, collected and counted by the Tellers. CARRIED by a vote of 18 in favor and 17 opposed.

Mrs. Huben and Mr. Coulter asked to be excused at this time.

MR. KAMINSKI offered the name of Mr. Patrick J. Fortunato as a new member of the Personnel Committee Appeals Board, of the Board of Representatives, to take the place of Mr. Patrick Scarella, and MOVED for approval. SECONDED by Mrs. Bromley and CARRIED unanimously.

PETITIONS

MR. STEPHEN KELLY, Chairman, submitted the Committee report, recommending the granting of permission to the following petitions and so MOVED, SECONDED by Mr. Jachimczyk.

Petition No. 194: A Permission granted to the North Stamford Congregational Church to hold a block dance on June 11th from 7:30 P.M. to 11:30 P.M. on section of North Stamford Road in front of John Saunder's store. CARRIED.

Petition No. 195: A Permission granted to the San Manghese Social Club to commemorate Feast of St. Theodore on August 26, 27 and 28th, with procession with music on Saturday and Sunday, August 27th and 28th and illumination of the Club. CARRIED.

A request from Mrs. Wm. P. Marts, Regional Manager of the Presidential Management Corporation for the tenants of the Sylvan Knoll Apartments, to hold a "sing" and block party for tenants only, to be held on June 24th at one of their parking lots, was referred to Chief Kinsella, as this does not require permission from the Board.

Petition No. 196: A request was received from the Lions Club for permission to use the Magee Avenue show grounds for the Hunts Three Ring Circus for July 12th for one afternoon and evening performance.

MR. HUIZINGA spoke against having a Circus come to Stamford and said: "It is time for our Board to decide whether or not we are going to have Carnivals and this sort of thing here or not and I do not think it does our young people any good. These shows that come here are not the kind we want our young people to see and I don't think we, as a Board, should approve shows of the type that the Lions Club had two or three years ago."

MR. SNYDER also spoke in opposition to this application and said that permission has always been granted because it is a worthy cause, but these shows come in and take more money out of the Community. He said

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he would support a Carnival or show being conducted by and for the people of Stamford and asked: "Has Hunt's Circus been here previously?" He was informed that they had been in Stamford. He stated: "I do not feel that it is in the best interests of the community to have these shows come into Stamford."

MR. LEWIS brought up the question of re-location and asked if this interfered with the heliport. General discussion at this point.

MR. MULREED said: "This Board gave approval for a Carnival recently and the Police Department had to close it. We should specify that no indecent show be contained in their list of amusements."

MR. KELLY read the following letter from the Lions Club:

May 24, 1955

Mr. Stephen Kelly
Board of Representatives
Stamford, Conn.

Dear Mr. Kelly:

The Stamford Lions Club is planning on July 12th to bring to Stamford the Hunts Three Ring Circus, for one afternoon and evening performance, and would like permission to use the Magee Avenue show grounds on the above date.

Hunts Circus has a policy of playing for Clubs interested in raising money for the good of the community. They have all new equipment, and all tents are fireproof, many of the acts have been seen on the Arthur Godfrey, Ed. Sullivan, Garry Moore, the Big Top and other TV shows. Hunts do not carry on any form of gambling, obscene or suggestive material and they also carry One Million Dollars worth of insurance for the public's safety and welfare.

We would appreciate your earliest action on this request, since the time is short for making arrangements.

Thank you for a prompt reply.

Very truly yours,

/s/ Joseph W. Poultney,
Pres. Elect
STAMFORD LIONS CLUB
243 Bridge Street
Stamford, Conn.

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MR. RUSSELL spoke against having Carnivals and Circuses come to town. He said the equipment is dangerous to our children and these Carnivals and shows should be looked into.

There was general discussion at this point.

MR. COLLYER spoke in defense of the Lions Club, but said he did not think the Board should be in favor of all types of shows coming to Stamford.

MR. FREDERICKS MOVED the QUESTION and said he objected to this informal discussion of things that are not on the Agenda and said he thought the Public Welfare and Recreation Committee should draw up some rules to govern Carnivals and Circuses. Several spoke in favor of this being done.

MR. LEWIS MOVED to AMEND Mr. Kelly's motion that "permission be granted under the supervision of the Chief of Police."

MR. KAMINSKI MOVED the QUESTION on the Circus. SECONDED by Mr. Vitti. CARRIED unanimously.

MR. KAMINSKI MOVED for suspension of rules to discuss Carnivals at this time. SECONDED by Mrs. Bromley.

MR. KAMINSKI MOVED that this be referred to the Committee on Welfare and Recreation to solicit the impression of the individual members of the Board, to be submitted at the next meeting. SECONDED by Mr. Longo and CARRIED unanimously.

Fiscal Committee

MRS. BROMLEY, in the absence of the Chairman of the Fiscal Committee, MOVED that the matters over \$2,000. be taken care of at our Adjourned Meeting. SECONDED by Mr. Kaminski.

MR. LEWIS MOVED to ADJOURN this meeting and that an Adjourned Meeting be held on Tuesday evening, June 21st at the Glenbrook Fire House. SECONDED by many voices.

After discussion, Mr. Lewis withdrew his motion to enable Mr. Plotkin to first move that the Agenda be amended in order to hold over all unfinished business on the Agenda for an adjourned meeting. Mr. Plotkin so MOVED. SECONDED by several voices and CARRIED by a rising vote of 30 in favor and 2 opposed.

MR. LEWIS MOVED these matters be held over for discussion at a meeting to be held on June 21st at the Glenbrook Fire House. SECONDED by Mr. Krizinga. VOTE taken on Mr. Lewis' motion. 28 opposed, 4 in favor. LOST.

MRS. BROMLEY restated her previous MOTION that matters over \$2,000. be taken care of at the June 21st adjourned meeting, after referral back to the various Committees concerned and that all items under \$2,000. be considered at this time. SECONDED by Mr. Murphy and CARRIED unanimously.

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- (a) Mrs. Bromley MOVED the adoption of additional appropriation of \$250.00 for Planning Board to cover cost of stenotypist services for public hearings. SECONDED by Mr. Murphy and CARRIED, 27 in favor and 5 opposed.
- (b) Mrs. Bromley MOVED the adoption of additional appropriation of \$300.00 for Planning Board, Code 520.4, Advertising, Public Hearings. SECONDED by Mr. Murphy and CARRIED unanimously.
- (c) Mrs. Bromley MOVED the adoption of additional appropriation of \$100.00 for Bureau of Accounts and Records, Code GG 482.3, Stationery and Postage. SECONDED by Mr. Kelly and CARRIED unanimously.
- (d) Mrs. Bromley MOVED the adoption of additional appropriation of \$2,000.00 Code GG 488 Employees' Hospital and Medical Account.

MR. HUIZINGA questioned this item and asked if these were hospital and medical bills that were incurred during the course of the employees' work. Mrs. Bromley explained this and MOVED this item be approved. SECONDED by Mrs. Peatt and CARRIED. 28 in favor and 4 opposed.

- (c) Mrs. Bromley MOVED the adoption of additional appropriation of \$200.00 for Probate Court, Code 830.4 Printing. SECONDED by Mr. Kelly and CARRIED unanimously.
- (j) Mrs. Bromley MOVED the adoption of additional appropriation of \$1,500.00 for Department of Public Welfare, Code 462.18, Building Maintenance. SECONDED by Mr. Kelly.

MR. LEWIS MOVED that this item be referred to the Committee on Welfare and Recreation for study and recommendation.

VOTE taken on Mrs. Bromley's MOTION and CARRIED unanimously.

- (L) Mrs. Bromley MOVED the adoption of additional appropriations of \$1,557.00 for the Fire Department; broken down as follows:

Code 440.6C	General Supplies.....	\$ 532.00
Code 440.7A	Janitor's Supplies.....	150.00
Code 440.15C	Water for Engine Houses....	175.00
Code 440.18	General Repairs, Building..	500.00
Code 440.26	Laundry.....	200.00
		<u>\$1557.00</u>

SECONDED by Mr. Murphy and CARRIED unanimously.

Mr. Jachimczyk, Mrs. Bankowski, and Mr. Cash were excused at this time.

- (n) Mrs. Bromley MOVED the adoption of additional appropriation of \$700.00 for Police Department, Code 430.5, Telephone, Teletype & Telegraph. SECONDED by Mr. Murphy.

MR. LEWIS MOVED that this item be recommitted for consideration by the Fiscal Committee. When it was explained that this was a fixed item he withdrew his motion.

VOTE taken on Mrs. Bromley's MOTION and CARRIED unanimously.

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- (o) Mrs. Bromley MOVED the adoption of additional appropriation in amount of \$346.88, Pension for Captain Russell E. Hart of the Fire Department, beginning May 11, 1955, based on annual pension of \$2,497.50, or 50% of his present annual salary. SECONDED by Mr. Murphy and CARRIED unanimously.
- (p) Mrs. Bromley MOVED the adoption of additional appropriation to amount of \$95.00 for Police Department, Code 430.12B, Traffic Light Power. SECONDED by several voices and CARRIED unanimously.

MR. RHOADES MOVED that items f, g, h, i, k, and m be held up until Mr. Picciallo, Chairman of the Fiscal Committee can report on them. SECONDED by Mrs. Bromley and vote taken. CARRIED, 14 in favor and 13 opposed.

MR. FREDERICKS spoke regarding item (f) on Agenda regarding the requested \$10,000.00 for the Department of Public Works for completion of the Bridge Street Bridge and stated that Mr. Scarella will have to come to the next meeting of the Board to explain the reason for this request.

MR. PLOTKIN MOVED that the Board express their apologies to those department heads who had been summoned to the meeting tonight only to find out that no action was to be taken. SECONDED by Mr. Huizinga and CARRIED unanimously.

MR. IACOVO MOVED that the Board reconsider the motion to hear from Mr. Scarella. SECONDED by Mr. Fredericks. DEFEATED by a vote of 10 in favor and 12 opposed.

MR. PLOTKIN MOVED that a letter of sympathy be sent to Mrs. J. Flemming Hildebrand because of the recent death of her husband. SECONDED by Mr. Huizinga and CARRIED unanimously.

MR. FREDERICKS MOVED the meeting be ADJOURNED until June 21, 1955, which meeting is to be held at the Glenbrook Fire House, Arthur Place, Glenbrook, at 8:00 P.M. Meeting adjourned at 11:45 P.M.

Respectfully submitted,

George V. Connors,
President