

Thursday, May 7, 1959

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A Special meeting of the Board of Representatives of the City of Stamford was held on Thursday, May 7, 1959 in the Glenbrook Fire House, Crescent Street, Glenbrook.

The meeting was called to order by The President Norton Rhoades, as soon as a quorum was present, at 8:55 P.M.

The President read the "Call" of the meeting:

May 5, 1959

I, NORTON RHOADES, President, of the Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives for

THURSDAY, MAY 7, 1959

at the GLENBROOK FIRE HOUSE,
Crescent Street, Glenbrook

at 8:00 P.M.

for the following purpose:

To reconsider the abandonment of the following
City streets on the site of the new Senior High
School:

HORAN AVENUE, LOVELAND ROAD, KIJEK STREET and WEINANT ROAD

(signed) NORTON RHOADES,
President
Board of Representatives

Note: Handed to each Board
member at special meeting
held on May 5, 1959.

N.R.

ROLL CALL was taken by John Macrides, Acting Clerk. There were 21 members present and 19 absent.

The absent members were: Thomas Roche, Joseph Milano, Vincent Vitti, George Georgoulis, Peter Robertucci, Michael DeVito, John Maffucci, Bernard Geronimo, Robert Lewis, Doris Zuckert, Joseph Cullen, William Murphy, Anthony Kolich, Jr., Edward Wynn Jr., Jack Cummings, Alanson Fredericks, Virginia Horner, Rutherford Huizinga and Jack McLaughlin.

Others present were representatives of the firm of George L. Hickey, Inc., contractor for the new Senior High School, the Superintendent of Schools, Reginald Neuwien, the

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Commissioner of Public Works, Walter Maguire, and the Corporation Counsel, Raymond Cushing.

The meeting started with an informal discussion by the Board members with the representative of the contractor, William Hickey, Jr., an attorney.

MR. RHOADES: "Let me say this first: I have said it before, it has been published in the paper and I shall repeat it. There is no one in this group who is either attempting to avoid this issue or to delay the construction of the high school. The people who are not here tonight, as far as I am familiar with the circumstances, all have the most legitimate reasons in the world for not being here, such as, for instance, being in Bermuda. This is another reason why I did not want to call another meeting on Saturday, which is what we thought at first would have to be done.

"Those who are opposing this issue - it isn't opposition - those who are making suggestions for amending the resolution in such a way as the people, in their opinions, in the area of the construction will be protected, are the most sincere people in the world.

"Personally, I know that I feel very strongly about this, but I have the most profound respect for the opinions of the people on both sides of this question and I feel sure that there will not be an impugning of motives on anyone's part.

"The situation now calls for a vote by this body to abandon the streets delineated in the "Call" of this meeting. I personally do not believe that we have any alternative. I think that this is probably the last opportunity that we will have to exercise our powers under the Charter in this matter, because I feel reasonably sure, and this is not a direct quotation, it is merely my opinion. I feel reasonably sure that if we do not act tonight, that in all probability the Mayor will find it necessary to act tomorrow morning under powers which the Corporation Counsel very definitely believes that he has.

"The Mayor wishes this Board to exercise its powers under the democratic process first, before he acts and he has given us plenty of opportunity to do so. We had a full meeting (May 7, 1959) at which we could have acted. We have this special meeting here tonight to give us another opportunity to act.

"I have another statement to make. I was called on the telephone this evening by Fred Loveland, who is Chief of the Belltown Fire Department, who went into the area, made an inspection and reported to me on the telephone so that I could present it tonight. These are almost the exact words he used: He said that there are two access streets to the site - White Birch Lane and Silver Hill - that they are ample for handling whatever traffic is necessary, that they each have fire hydrants at the site end of them, both of which can be used in emergencies by either the Turn-of-River Fire Company or the Belltown Company, depending on who can get there the quickest. He said to inform this Board that there is no problem whatever in regard to fire protection in the area. That is, there is no problem that did not heretofore exist."

The following resolution was presented by Mr. Baker, who MOVED for its adoption. Seconded by Mr. Connors:

RESOLUTION NO. 298

WHEREAS, the contract entered into by the City of Stamford for the construction of a new senior High School provides that the contractor will have complete control of the site of such construction; and

WHEREAS, such complete control requires the abandonment of all those public roads or portions thereof now located within the boundary lines of the property upon which said construction is to take place; and

WHEREAS, the Planning Board of the City of Stamford at a meeting, Tuesday, March 17, 1959 by unanimous vote, recommended approval of the abandonment of such public roads or portions thereof:

BE AND IT IS HEREBY RESOLVED that the Board of Representatives of the City of Stamford, assembled in special meeting called to consider this matter, on the 7th day of May 1959, does abandon as public thoroughfares the following listed streets, roads and avenues:

HOBAN AVENUE from High Ridge Road to the southerly boundary of the Temporary Veterans Housing Project,

LOVELAND ROAD from the easterly boundary of the Temporary Veterans Housing Project, to the northerly boundary of the Temporary Veterans Housing Project,

KIJEK STREET from the center line of Horan Avenue, to the southern boundary of the Temporary Veterans Housing Project,

WEINANT ROAD (also known as Weinant Street) from the center line of Horan Avenue to the center line of Loveland Avenue.

MR. RUSSELL: "As you know, we are particularly interested in the residents of this area and wish to protect their interests as far as it is possible. There are two sides to this story. It is definitely going to inconvenience the people living in this area. At this time I should like to present a petition signed by the residents of Loveland Road, White Birch Lane and Silver Hill Lane."

MR. RUSSELL presented the following petition from the residents of the above named streets, signed by 26 residents, as follows:

We, the undersigned property owners and residents wish to make clear our feelings that Loveland Road (private homes section) should have clear and reasonable access through Horan Avenue to High Ridge Road and oppose any move to close off this access.

This site project has been in working plans for several years. We feel that Horan Avenue could have been relocated with little effort, if properly timed by the City and its interested officials, many months back and the present situation would not be a problem today.

MR. RUSSELL: "I have pointed out that there are two problems here. There is a road problem and there is an access problem."

Mr. Russell went on to point out that children who attend public and private schools from this area, as well as elderly persons who must have access to High Ridge Road busses will be cut off from this area by the closing of the streets mentioned in Mr. Baker's resolution, and it will then be necessary for them to go a very round-about route to reach a bus line.

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MR. RUSSELL: "By asking for a temporary or a permanent road to be installed for the use of these residents, we did not think that we were asking for anything unreasonable until this whole thing blew up."

Mr. Russell showed a map on which was outlined the road he proposed be built for the use of the area residents, being 30 feet in width, and approximately 400 to 500 feet in length, costing approximately \$8,000 with curbing on two sides.

MR. RUSSELL: "In examination of the contract, we could find no mention of this road which is supposed to be built by the contractor. We did find mention of another road which would connect Unity with Loveland at High Clear. This particular road is not mentioned, except shown on the site plan map. So, legally it is hard to know where we stand - I am not a lawyer. It is certainly not mentioned in the contract.

"We are not trying to hurt anyone or to hold back the timing of the school construction, but there does seem to be ample room for the construction of a road for the use of the residents during the construction of the school, so they will not have to go a roundabout way to reach High Ridge Road. We certainly cannot see any harm to anyone by the creating of a small access area which would be open to the residents. There are no busses on Newfield Avenue, in fact the Springdale bus service has been almost cut in half. We know these busses are not there on weekends and they are not there in the evenings, so that this access road is very important."

Mr. Russell spoke at some length, outlining the location of the proposed road and pointing out on the map where the road could be placed. He said he did not feel the city should completely abandon the roads, without taking the step of providing other access to High Ridge Road.

He also stressed the fact that water lines and utility lines might be affected by the tearing up of these roads.

MR. RUSSELL: "I happened to live in an area like this that was shut off for a couple of years and I know the hardships it entails. You call a doctor or the fire department and they come in the wrong way or are unable to find out how to get through. In fact, I am not so sure that the people in this room would know how to get to the residents in this area if these roads were cut off and abandoned. I, myself, am quite familiar with it, and still I know I could get lost trying to find the way were the usual means of access cut off."

MR. KETCHAM: "I think that Mr. Russell has certainly covered extremely well the general situation. There is one possible misconception, however, that I would very much like to clear up, and that is any idea that this road that we suggest be built is something that just came up over night - that we are trying to delay anyone and anything of that nature.

"Last winter I had the opportunity to see one of the preliminary site plans of the proposed High School. My attention was drawn by the question of access into the private section of Loveland Road. I noted that this was proposed as a driveway to serve the school and not as a road. At that time I felt rather strongly that this was not proper. So, I followed it up to get further information. I spoke to the Chairman of the Public Works Committee, Tom Topping. At that time I thought there was no call for trying to take official action. I did think that by keeping this purely a driveway and not allowing the taxpayers and residents a substantial area for the district to maintain their legal access or easement over public roads would work a hardship on them and deprive them of their legal rights. I spoke to Tom about it, and asked him to take it up with the school authorities and bring it to their attention. I believe that he brought it to the attention of Mr. Neuwien (Supt. of Schools).

"My thought on this was, that in view of the fact that the Board would be called upon to abandon these roads, and we were the only ones who had the right to abandon these roads, that it would be much better to bring this to the attention of the school administration - point out the difficulties that would be encountered by the home owners and people living in this area and to get this straightened out before we came down to the decisive hassle that we have now gotten into.

"I believe I am correct in quoting Tom that it was he who brought this matter to the attention of the Superintendent of Schools. I myself also discussed this particular problem with several of the school authorities and pointed out the question of legal access to these streets by the residents involved - the possible fire hazard and health hazard and the general situation as has been outlined by George Russell.

"Believing in the good sense and the civic spirit and regard for the residents and voters in this town by the school authorities, I thought well now they have plenty of time in which to iron this matter out and we can get this thing set up so that no one will be hurt.

"Frankly, it was quite a shock to me when I got a call telling me that 'there is a barrier across the road down here'. I was upset and still am upset. I realize that Mr. Hickey has a legal right to insist on the execution of his contract. I also realize that this Board has nothing to do now but to follow out the abandonment of these roads.

"However I do object to the apparent disregard of the health and welfare and safety of the residents and their rights."

MR. RHOADES asked Mr. William Hickey if he intended to represent the contractor's views on this situation. He said that he would do so.

MR. WILLIAM HICKEY presented a plan of the proposed new High School and asked that everyone come forward and take a look at it.

At this point there was a great deal of informal discussion with several people speaking at once.

Mr. Hickey pointed out the reasons why the roads had to be abandoned and why it was impossible for the contractor to construct an access road for use of the residents at the point suggested by Mr. Russell.

MR. HICKEY: "When Mr. Hickey planned on the way he would build this job, and by the way, when he took out his insurance on the job, it was with the understanding that this road would be built and not traveled upon until the building was constructed. This was for the reason that you are using heavy equipment there, you will have a great deal of activity and a great deal of manpower in the area and there is always the very definite threat of a very serious accident - not only for his men, but for some of the people who might be using the road."

MR. RHOADES: "But it is a part of your contract to build this road, is it not?"

MR. HICKEY: "That's correct. That road will be constructed before the completion of the contract. But, it is not in Mr. Hickey's plans and the way he intends doing the job that this road be constructed after the building is up - actually, it is the only way that we can do the job. The way you want it done is for us to go ahead and construct this road, then go ahead and build the building, doing unavoidable damage to that road, and then reconstruct the road again when he is finished. This, I don't think is fair."

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MR. KETCHAM: "Is it my understanding that if Mr. Hickey builds this road before he starts work on the building that he will damage the road and then have to rebuild it? If he does not build that road, he has no road to travel upon and therefore how will he move his equipment?"

MR. HICKEY: "He can move his equipment without a road, but he does not want to have to move this equipment in and around pedestrians, in and out of vehicular traffic using that road. It's impossible for him to construct this job under those conditions - if that road is there and these people are using it. That's a simple statement and I can't say anything else."

MR. RYBNICK: "I believe I heard Mr. Hickey say that there was a contract to build this road. I also heard George Russell say that there was no mention in the contract of building this road. Now, Mr. Hickey tells us that they are going to build it."

MR. HICKEY: "But that road does not have to be completed until the date of completion of the job. I said that it was a part of Mr. Hickey's plans and that it would be built after the building is constructed."

MR. RYBNICK: "I understand that Mr. Hickey is representing the legal side of the question. Do we have a contractor here who can explain the actual way this will work from a construction viewpoint and not from a legal viewpoint?"

MR. RHOADES: "We have."

MR. CRAMER: "The road will be built exactly as shown in the specifications. It is in the contract."

MR. RUSSELL asked that this portion of the contract be shown him.

At this point several people spoke at the same time.

MR. CRAMER: "Because this road is shown on the plans, it would seem to be obvious that the road will be built prior to completion of the contract."

MR. RUSSELL: "Is that called a road, or is it called an access driveway?"

MR. CRAMER: "Whatever it is called on the plans - it is to be built at the discretion of the contractor - whenever he sees fit to build it."

MR. NEUWIEN addressed the members. He said the proposal for abandonment of these roads was originally made to the Planning Board by the Board of Education sometime in February of 1959, after having gone through the matter entirely with the Public Works Department. He said they had been advised at that time this was the proper approach to the problem. He said they had been advised that the section from High Ridge Road into Loveland Road would become a temporary access to the North Loveland Road property after the completion of the project, and they were not unmindful of the inconvenience that would certainly occur to residents in the meantime. Unfortunately, he said, they saw no way to avoid that.

MR. NEUWIEN: "In addition to pointing this out as a temporary access, we pointed out to the Planning Board that the North Loveland Road area -- that two portions of this are now...one is under a petition for subdivision, the second one has been under petition for subdivision for a long period of time.

"About 400 yards north of Horan Avenue, there is a city right-of-way - presently a 50 foot right-of-way, which comes in from High Ridge Road into the potential area for subdivision, and where rough fill is now being continuously applied. The

reason that was put that way to the Planning Board was so that when this subdivision took effect, that one of the requirements of the Planning Board would be of the subdivider, that he would have to provide this access, which is about 400 yards north of the existing entrance which is now Horan Avenue. So, there never was any intent upon the part of the Board of Education to ignore the rights of individuals. The Board did recognize that there would be a temporary inconvenience to the residents of that area."

Mr. Neuwien spoke at great length, explaining the situation from the standpoint of the Board of Education. He said they did not want children walking through the area under construction, as it would be too dangerous. He said they had made arrangements to pick up the Burdick High School pupils from Pepperidge Road; that five kindergarten children also live in this area who are now walking to Newfield School.

Mr. Neuwien suggested that some provision could be made to provide an access walk through the present owners of the undeveloped property to provide a foot path.

Mr. Neuwien also referred to the part of the city property which is on the southeasterly end of the furthest point toward Pepperidge Road, where it has been impossible to properly construct a road. He indicated that every phase of the problem has been gone into very thoroughly from all angles.

Mr. Hickey explained that the insurance policy had been written with a clause prohibiting any public travel through the construction site until completion of the job and if public travel were allowed, it would void the insurance policy.

Mr. Ketcham pointed out that it would be at least two years before the Contractor would allow people to have access in order to travel over the road that would ultimately be built.

Mr. Russell pointed out that it would not be practical to build a path through the swamp - that it would be dangerous for school children to traverse it in winter time when it got dark early.

Mr. Wilensky asked if it would be possible on the north end to build a foot path.

Mr. Hickey said it would be in the area where construction would be taking place.

Mr. Wilensky asked the Commissioner of Public Works for an on-the-spot estimate of the cost of putting in a footpath. He was told the cost would be in the neighborhood of \$2,000. He said this would solve the problem for people who "live in there and can't get out because they don't have cars - that at least they would be able to get to High Ridge Road to get the bus". He said: "Let's build that."

Mr. Connors pointed out that when the Thruway was being built that many people were inconvenienced also, but that it could not be helped, and that if people were allowed to trespass where the school was under construction someone would surely get hurt - that children especially would be likely to be injured. He said he thought a footpath would be the best solution to the problem of access to High Ridge Road.

Mr. Ketcham asked if they were going to construct an office building at the corner of Broad and Atlantic Street, would the contractor also consider it necessary to close down Broad and Atlantic Streets? He said construction goes on every day in New York City and the streets are not closed to traffic.

Mr. Fortunato said there were some private dwellings quite close to the proposed building line, and up to the proposed road that will finally be built by the contractor. He asked if it would be possible to get a temporary easement from these

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property owners for a footpath which would be in a good section where no swamp condition existed.

Mr. Neuwien said that was a matter that would have to be taken up with the Corporation Counsel.

MR. RUSSELL: "You're asking for a vote that will require a majority of 21."

MR. RHOADES: "No - just a simple majority of the members present."

MR. RUSSELL said it was his understanding from what was said tonight that if these roads are not abandoned by the Board tonight that the Mayor has the right to declare them abandoned by the City. He said: "I personally do not see, under the Charter, where the Mayor has the right to go ahead and order these roads abandoned if we do not act - the right to abandon roads is vested in this Board the way I look at it."

"I think that the word 'temporary' has been used very loosely here. When you talk about closing off a road for from two to ten years, the word 'temporary' has sure been stretched considerably. We have yet to get an answer as to when that road is going to become a public highway. We still don't know whether it's going to be a highway or a private driveway for the use of the school. You should give some consideration to the needs of the people in that area when they need a doctor in a hurry. Is that road going to be closed off by the school whenever they hold a football game or some other event just as if it were a private driveway? So, you still don't know whether this is going to be a highway or a private driveway. You all know that Mr. Hickey closed those roads without any authorization from this Board."

MR. RHOADES: "Mr. Russell, that is not germane to the subject."

MR. RUSSELL: "What I'm trying to say is that I feel that these people should not have been treated so arbitrarily. The bus does not go down Pepperidge Road. The bus still goes down High Ridge Road. The road is still blocked off. If those children want to get through to take the bus on High Ridge Road, they have to climb through and over barriers that suddenly appeared over night and no provision was made for them to get a bus some place else. As for the children who go to private schools, there is absolutely no provision been made. They still have to worry about themselves. No other bus has been provided for them - they will still have to use High Ridge Road for bus service. The only way for them to have access to High Ridge Road is to climb over barriers."

"When you built Newfield School you did not close the road down. You did not close off Broad Street when you put the school there. I fail to see why a temporary access road cannot be provided now. I cannot see why a developer would not allow access, and would just suddenly cut off the roads that people use every day. Until I can get the answers to these questions I cannot go along with the abandoning of these roads. It is not my District and they are not my people, but I still think their safety and welfare should be protected."

MR. TOPPING said he did not like having to abandon these roads either, but did not see what the Board could do about it. He said he saw nothing to be gained by continually hashing it over and over. He said: "You might say it is shaking a 'bag of bones'. I MOVE THE QUESTION."

MR. RHOADES: "Are you ready for the question, gentlemen?"

The President called for a rising vote.

MR. RUSSELL MOVED to AMEND the resolution by voting on abandoning all the roads with the exception of that section of Horan Avenue from High Ridge to the property and that section of Loveland Road from the south side of Horan to the private section of the property -- in other words everything but this section of the roads which would give the residents access to High Ridge Road.

MR. RHOADES: "You are aware, Mr. Russell, are you not, that Mr. Hickey has stated that he will not work on the project under those circumstances - are you?"

MR. RUSSELL: "I am aware of that."

MR. RHOADES: "That's all - I just wanted to be sure. Are you presenting that as an amendment to Mr. Baker's resolution?"

MR. RUSSELL: "Yes."

MR. RHOADES asked if Mr. Russell's amendment was seconded. There was no seconder.

RISING VOTE taken on Resolution No. 298 as offered by Mr. Baker.

CARRIED by a vote of 16 in favor, 2 opposed and 2 abstaining, the President not voting.

MR. RHOADES announced that an Ordinance would also have to be passed tonight in connection with the "Call".

MR. BAKER presented the following Ordinance. He explained that it would have the effect of making that end of Loveland Road which will remain east of the temporary Veterans Housing Project a part of High Clear Drive. He said this was the road referred to by Mr. Neuwien which would later be connected to a part of the project. He said: "This is necessary because you would have Loveland Road here and another part of Loveland Road there. I MOVE the adoption of the Ordinance with waiver of publication."

Seconded by Mr. Connors. Mr. Rhoades said this would require a two thirds vote. The following Ordinance was adopted, waiving publication, by unanimous vote of 21:

ORDINANCE NO. 81 SUPPLEMENTAL

AN ORDINANCE TO CHANGE THE NAME OF A PORTION OF
LOVELAND ROAD

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

So much of the present Loveland Road as lies between the easterly boundary of the temporary Veterans Housing Project and the intersection of said present Loveland Road with Turner Road is hereby changed to read High Clear Drive.

This Ordinance shall take effect upon its adoption.

MR. MARCIANO: "I'd like to say something. In regard to the footpath. I don't know whether it's in order or not, but I'd like to have the President to direct the Commissioner of Service to ask the Mayor for an appropriation for this walk to High Ridge Road."

Note: This was illegally passed - had to be passed at a later date.

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MR. RHOADES: "The work is 'request' and not 'direct'."

MR. MARCIANO: "O.K."

-Seconded by Mr. Longo and CARRIED by a voice vote.

Memorial Day Parade

MR. RHOADES: "There is something that must be mentioned, although it has nothing to do with the 'Call'.

"The Central Veterans Association is in trouble again. This happens every year, regardless. When I talked to Steve Kelly tonight he said 'Oh yes - the Memorial Day Parade - no permit.' And, with Memorial Day only two weeks away. They called me up today and said 'Now what are we going to do?' Steve will remember that a couple of times in the past we took the opinion of the Majority and Minority Leaders, issued the permit and then voted on it at our next meeting. It seems to be a ridiculous way of doing it, but I know of no other way to do it, so if no one here offers any objection, that is the way it will be done."

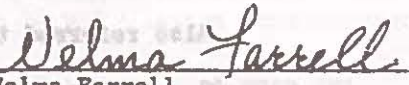
There being no objection to this procedure, it was agreed it be done the way the President suggested.

ADJOURNMENT:

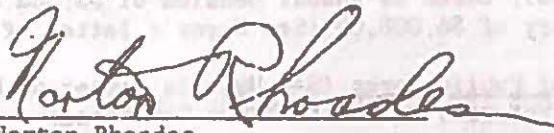
There being no further business to come before the Board, upon motion by Mr. Baker, duly seconded and CARRIED, the meeting was adjourned at 10:20 P.M.

Respectfully submitted,

vf


Velma Farrell
Executive Secretary

APPROVED:


Norton Rhoades
President