



Barbara M. Schellenberg
Town Attorney

John K. Wetmore
Special Counsel

Fernando F. de Arango
Valerie Maze Keeney
Aamina Ahmad
Abby R. Wadler

LAW DEPARTMENT

Town Hall • 101 Field Point Road • P.O. Box 2540 • Greenwich, CT 06836-2540
Tel: (203) 622-7876 Fax: (203) 622-3816

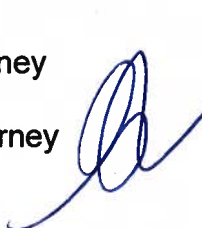
MEMORANDUM

TO: Lauren Rabin, Selectwoman
cc: Barbara Schellenberg, Town Attorney

FROM: Abby Wadler, Assistant Town Attorney

DATE: August 20, 2021

RE: Eugene Morlot Memorial Park/Veteran Memorial



The Law Department was asked to look into the history of the property referred to as Eugene Morlot Memorial Park ("EMMP"¹). The issue is whether the name EMMP identifies the 13.42 acres of park and open space near the old Byram School, or whether the name EMMP identifies the Veteran's Memorial grove which sits on a portion of the 13.42 acre space. The Law Department offers the following opinion and recommendations to clarify the issue.

As background, during World War II, Mr. Eugene Morlot was a custodian of Byram School (now McKinney Terrace) who wanted to honor former students of Byram School who died during the War. He raised funds to purchase and plant trees in a grassy area near the School to honor ten students who died during World War II. Some time later, three additional trees were added to honor students killed in the Korean War and in the Vietnam War. At some point, brass name plates in concrete bases were put at each tree. In 1978, the Byram School was closed and the trees and markers were set to be removed as part of the renovation of the area. The Byram Veterans Association and the 9th District Veterans of Glenville petitioned the Town to save the memorials. Mr. Frank Keegan, Director of Parks and Recreation at the time, worked with the veteran associations to clean up the area and to install a flagpole and a memorial plaque. On November 11, 1989, the Eugene Morlot Memorial Park was dedicated in a ceremony led by Mr. Keegan.

¹ References to EMMP include any indication of Eugene Morlot, Morlot Park, or any other combination.

There are no ordinances, meeting minutes, deeds or related documentation which give a definitive answer to the question of what comprises EMMP. There is, also, some contradictory information, primarily from local newspapers. In analyzing the issue, I reviewed all available documents, but reference only the following in this memorandum:

1. There are no restrictive covenants to the 13.42 acres of park and open space other than "to rights of burial, if any, by virtue of a reservation in a deed from Gilbert Lyon to Abraham Lyon, dated October 5, 1807 (Greenwich Land Records, Book 16, page 205, Appendix D). It appears that when the Town acquired the land, the burials were moved to Putnam Cemetery.
2. Municipal Improvement #231, (6/19/79): Identifies 12.52 acres of land at the Byram, School site as "dedicated park land".
3. Letter from James Sandy, Town Planner to First Selectmen Rebecca Breed (11/17/83): "At the November 15, 1983 meeting of the Planning and Zoning Commission, the Commission granted your request to formally designate the 'park land' boundaries at the Byram School site subject to the following modification: That the area indicated as 'Hamill Rink' be clearly designated as 'park and open space land' as was shown on the M.I. approval." This addition brought the park and open space land to 13.42 acres.
4. Memo from Francis Keegan, Dir. of Parks and Recreation to Roger Pearson, First Selectmen (9/23/85): "1. The area where the placques are located has been dedicated as permanent park land and is not part of the housing on the former Byram School site. 2. The placques were placed next to the 12 sycamore trees as living memorials in memory of the young men who gave their lives in World War II from the Byram-Pemberwick-Glenville area."
5. Greenwich News, November 9, 1989, p. 14: "Frank Keegan, Commissioner of Parks and Recreation, will be emcee for the event, which will include the dedication of this park area, adjacent to the old Byram School and the Dorothy Hamill Skating Rink in memory of Eugene Morlot, who for many years was custodian of the Byram School."
6. National Register of Historic Places (8/2/90): "An elevated knoll with outcroppings of granite ledge is found to the northeast of the school. Further to the east is a 17-acre area with playing fields, a skating rink and a playground. Thirteen acres of this latter section were set aside as open space in 1979. Included in this dedicated open space is the gradually sloping areas to the immediate south of the school. It contains mature memorial trees planted to commemorate the war dead of the community (Photograph #3)." There is no reference to EMMP.

7. Planning and Zoning Commission -- Resolution re Site Plan #1511-C, M.I. # 374 and 375 (9/9/91): Finding: “[w]hen dedicated parkland of 13.423 acres was formally defined, the skating rink and parking lot were included, and the Law Dept. has concurred that expansion of a paved parking lot in parkland does not represent a taking of dedicated parkland and open space as per state statutes, and the Commission notes that the Director of Parks and Recreation has agreed that there would not be any future further encroachment onto the grassed area of the dedicated parkland and the children’s playground equipment will be relocated and the Byram Vets dedicated tree area will be left undisturbed , and therefore the expansion of the parking lot area does not significantly impact the parkland or its functional use for local residents and would provide for a more safe and adequate on-site parking area for all Greenwich residents to use the skating rink for the 10-11 months of operation, and . . .” (Emphasis added).
8. RTM Minutes (1/21/92): “A resolution authorizing the Director of Parks and Recreation to accept a gift of \$12,000 for improvements to the hardball field at Eugene Morlot Memorial Park was adopted.”
9. Board of Selectmen Minutes (3/15/12): “a. Community Request, i. Proposal to rename the Byram School Baseball Field the Salvatore J. Strazza Sr. Memorial Field. Dave Theis motioned to rename Byram Baseball Field the Salvatore J. Strazza Memorial Baseball Field. Drew Marzullo seconded the motion. The motion passed unanimously.” There is no reference to EMMP.
10. Board of Selectmen Minutes (6/29/15): “Peter Tesei clarified that in 1979, an MI was approved for the dedication of 12.52 acres of open space around the Byram School to be parkland.” There is no reference to EMMP.
11. “History of The Eugene Morlot Memorial Park” (undated, source unknown): “As the Director of Parks and Rec. Mr. Keegan designated that area [“the grassy area”] to be a Town Park. Together the Byram Veterans and the 9th District Veterans cleaned up the area, planted flowers, installed a flag pole with a memorial placque and on November 11, 1989 the Eugene Morlot Memorial Park was dedicated.”
12. Newspaper article (undated, source unknown): “Earlier in the morning, a ballfield that once belonged to the former Byram School was renamed Eugene Morlot Memorial Park . . .”

Clearly, the parkland area has been referred to inconsistently over the years.

The conclusion is that the area designated 13.42 acres of parkland was never formally named for Mr. Morlot. There is no evidence that there was ever an intent by the Town to do so. Rather, the grove area, containing the 13 trees,

plaques, and flagpole, was dedicated to Mr. Morlot in an informal process by Mr. Keegan. That is, the dedication, while facilitated and supported by the Town, was not brought before the Board of Selectmen for approval, as was the Strazza Field naming in 2012.

I suggest that the matter of the specific area to be named as the Eugene Morlot Memorial Park be considered by the Board of Parks and Recreation as one of its responsibilities under the Town Charter. On its recommendation, the matter should be brought before the Board of Selectmen for a formal approval of the name. The delineation of the property comprising the EMMP should be clarified in that approval. Given the confusion and controversy, I recommend that a map identifying the EMMP be presented to the Board of Selectmen at that meeting.