

*The Regular Meeting of the 25th Board of Representatives of the City of Stamford will be held Tuesday, September 5, 2000 p.m. in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, Stamford, Connecticut.*

# Minutes

The meeting was called to order at 9:30 p.m.

**INVOCATION:** By Rep. Loglisci

“God, in this season of high political drama and meaningless rhetoric, when your name is proclaimed loudly and often may the real meaning of ‘One Nation Under God’ truly be understood by all politicians and citizens of this great country. For surely we must acknowledge all the blessings you have bestowed upon us. You deserve our eternal thanks and undying praise. And, therefore, this evening, as we beseech your guidance in making the correct decisions for our tiny piece of real estate and its citizens, know we seek you with mind, heart and soul.”

**PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by President Carmen Domonkos.

**ROLL CALL:** There were thirty-seven representatives present and three absent. Absent were Reps. DePina, Gaztambide and Fortunato.

**MACHINE TEST VOTE:** The machine was tested by the administrative assistant prior to the meeting and was in good working order.

**PAGES:**

**MOMENTS OF SILENCE:** For the late:

Dorothy Rondano Miner, by Reps. Giordano, Corelli and Loglisci; Ann J. Boesen and Catherine C. Maida, by Reps. Giordano and Loglisci; Amelia Bottomly Keeley, Sylvia Benedetto, Dorothy J. Koczanski and Theresa Varricchio, by Rep. Giordano; Esther Bernstein, by Reps. Sherer and Giordano; Gino L. Rizzo, by Reps. Giordano and Fedeli; Anne Covell, by Rep. Mellis; Walter Bloom by Reps. Domonkos, Sherer and Giordano; Water G. Ryba, Jr., by Rep. Loglisci; Theodore R. Lionetti, by Reps. Loglisci and Corelli; Ralph D. Russo, by Reps. Loglisci and Imbrogno and Ronald Parente, by the 25<sup>th</sup> Board of Representatives.

## **STANDING COMMITTEES**

**STEERING COMMITTEE:** Meeting: Wednesday, August 16, 2000  
7:00 p.m. - Democratic Caucus Room

Upon motion duly made and seconded and approved by unanimous voice vote, the Steering Committee Report was waived.

**APPOINTMENTS COMMITTEE** Paul A. Esposito, Chair  
Annie M. Summerville, Vice Chair

**FISCAL COMMITTEE** David Martin, Chair  
Bobby E. Owens, Vice Chair  
Meeting: Monday, August 28, 2000  
7:00 p.m. - Democratic Caucus Room

The Fiscal Committee met on Monday, August 28, 2000. Present were Committee Member Reps. Martin, Owens, DeLuca, Nanos, Loglisci, Mellis, Green-Carter, Sherer and Giordano.

1. F25.282 \$7,765.00	ADDITIONAL APPROPRIATION (Operating Budget); Administration; Cost Sharing Grant; due to reduction in state allocation, funds will be transferred to Special Grants Fund. 07/31/00 - Submitted by Mayor Dannel P. Malloy 08/08/00 - Approved by Board of Finance 08/28/00 - No action taken	<b>ITEM WITHDRAWN</b>
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*Secondary Committee: Public Safety, Health & Welfare*

***No action***

2. F25.283 \$183,806.00	<p>ADDITIONAL APPROPRIATION (Operating Budget); Employee Benefits; Social Security; to fund social security expenses for classified Stamford Public Schools employees.</p> <p>07/31/00 - Submitted by Mayor Dannel P. Malloy 08/08/00 - Approved by Board of Finance 08/28/00 - Committee approved 7-3-0</p>	<p><b>APPROVED BY VOICE VOTE (Reps. Loglisci, Day, Imbrogno, DeLuca and Mobilio opposed)</b></p>
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*Secondary Committee: Personnel Committee  
Education Committee*

*Concur  
Concur*

Chair Martin reported that this is to pay for social security for Board of Education employees who are not teachers. The Board of Education employees (who are not teachers) have had their Social Security contributions paid for out of the City budget, although it is a Board of Education expense. Last year, the City did not provide funds in its budget nor was the funds provided for in the Board of Education budget. Therefore, the Social Security payments were made out of the City budget. At the end of the year, although there were surpluses in other accounts, they were insufficient to pay the entire \$330,000, and there is now a deficit of \$183,806 in that account. The funds are required to be paid, whether this appropriation is approved or not, and, at this point, these payments do not affect the statement of surplus. This item essentially makes an accounting adjustment that will draw the accounts in balance. The Committee voted 7-3-0. Chair Martin moved the item; said motion was seconded.

Rep. Loglisci stated he heard the explanation differently. First, while it does not affect the surplus because a shortfall was already anticipated, it takes away \$183,806 from what would have been in the surplus. Secondly, it is not that the Board of Education failed to set money aside and the City had thought it had done so, Mr. Hamilton knew that the Board of Education was not going to set the money aside, and they purposely did a shortfall because they thought there would be surplus monies from other accounts. Rep. Loglisci stated that the Board of Education had informed Mr. Hamilton that they were not going to put money aside, but yet the budget was set up knowing that it would be short. Rep. Loglisci stated he voted against paying this in both Fiscal and Personnel.

The item was approved by voice vote with Reps. Loglisci, Day, Imbrogno, Mobilio and DeLuca opposed.

3. F25.284 \$578,188.00	<p>ADDITIONAL APPROPRIATION (Capital Budget); Water Pollution Control Authority; Coachlamp Lane; to replace damages sewers in the Coachlamp development.</p> <p>07/31/00 - Submitted by Mayor Dannel P. Malloy 08/08/00 - Approved by Planning Board 08/08/00 - Approved by Board of Finance 08/28/00 - Committee approved 9-0-1</p>	<p><b>APPROVED ON CONSENT AGENDA</b></p>
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*Secondary Committee: Operations Committee*

*Waived*

Upon motion duly made and seconded and approved by unanimous voice vote, the Operations Committee report was waived.

4. F25.289      RESOLUTION; approving Exhibit A in connection with F25.284 above - Water Pollution Control Authority; to replace damages sewers in the Coachlamp development.  
07/31/00 - Submitted by Mayor Dannel P. Malloy  
08/28/00 - Committee approved 10-0-0      **APPROVED  
ON CONSENT  
AGENDA**
5. F25.285      ADDITIONAL APPROPRIATION (Capital Budget); Operations; Public Services; Solid Waste; additional funding to allow for purchase of a new rather than a used caterpillar wheel loader.  
\$100,000.00      07/31/00 - Submitted by Mayor Dannel P. Malloy  
08/08/00 - Approved by Planning Board  
08/08/00 - Approved by Board of Finance  
08/28/00 - Committee approved 9-0-1      **APPROVED  
ON CONSENT  
AGENDA**

*Secondary Committee: Operations Committee*

*Waived*

Upon motion duly made and seconded and approved by unanimous voice vote, the Operations Committee report was waived.

6. F25.288      RESOLUTION; approving Exhibit A in connection with F25.285 above - additional funding to allow for purchase of a new rather than a used caterpillar wheel loader.  
07/31/00 - Submitted by Mayor Dannel P. Malloy  
08/28/00 - Committee approved 9-0-1      **APPROVED  
ON CONSENT  
AGENDA**
7. F25.287      ADDITIONAL APPROPRIATION (Operating Budget); Land Use Bureau; Contracted Services; to cover consultant services by Abeles, Phillips, Preiss & Shapiro to prepare an Affordable Housing Plan.  
\$75,000.00      08/03/00 - Submitted by Mayor Dannel P. Malloy  
08/08/00 - Approved by Board of Finance  
08/28/00 - Committee approved 9-0-1      **APPROVED  
ON CONSENT  
AGENDA**

*Secondary Committee: Land Use*

*Concur*

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 3 through 7, was approved by unanimous voice vote.

**LEGISLATIVE & RULES COMMITTEE** Maria Nakian, Chair  
William MacInnis, Vice Chair

**PERSONNEL COMMITTEE** Randall Skigen, Chair  
Ralph Loglisci, Vice Chair  
Meeting: Wednesday, August 30, 2000  
7:00 p.m. - Democratic Caucus Room

Chair Skigen reported that the Personnel Committee met on Wednesday, August 30, 2000. Present were Committee Member Reps. Skigen, Boccuzzi, Fedeli, Fortunato, Loglisci and MacInnis. Reps. Cannady, Gasparrini and Spandow were excused. Also present were Rep. O'Neill; James Haselkamp; David Exline of the UAW; Sybil Richards of the Law Department; and Superintendent Anthony Mazzullo.

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| 1. P25.064 | PROPOSED ORDINANCE; <b><u>for final adoption</u></b> ;<br>providing a defined contribution plan for elected,<br>appointed and unclassified officials.<br>11/03/99 - Submitted by Rep. Skigen<br>02/07/00 - Held in Committee<br>02/16/00 - Held in Steering Committee<br>03/29/00 - Held in Committee<br>04/26/00 - Held in Committee<br>05/01/00 - Held in Committee<br>06/05/00 - Held in Committee<br>07/26/00 - Approved 7-0-0 to amend and republish<br>08/30/00 - Committee approved 6-0-0 | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 2. P25.082 | APPROVAL; of supplemental agreement between<br>the UAW and the City of Stamford regarding part-<br>time pension credits.<br>08/09/00 - Submitted by H. James Haselkamp, Jr.<br>08/30/00 - Committee approved 6-0-0   | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 3. P25.083 | APPROVAL; of contract for employment with<br>Robert S. Jenkins as Yacine Referral Center<br>Support Specialist.<br>08/11/00 - Submitted by Mayor Dannel P. Malloy<br>08/30/00 - No action  | <b>ITEM<br/>WITHDRAWN</b>                 |

4. P25.084      APPROVAL; of contract for employment with Robert J. McGrath as Fire Chief.  
08/15/00 - Submitted by Mayor Dannel P. Malloy  
08/30/00 - Committee approved 6-0-0 (as amended)
- \*APPROVED BY MACHINE VOTE (22-12-2) (as amended) (Reps. Alswanger, Biancardi, Day, DeLuca, Giordano, Imbrogno, Lyons, Mobilio, Nanos, O'Neill, Sherer & White opposed; Reps. Spadow & Summerville abstained)**

Chair Skigen reported that the Committee reviewed the proposed contract with Chief McGrath, and one issue arose regarding a provision in the contract that deals with the Chief's use of an automobile. The Committee felt that the contract should reflect that the use of the automobile was subject to the recently-adopted City car policy. Chair Skigen reported that the Committee approved the contract 6-0 with this change in the contract. Chair Skigen stated he has not heard from the Law Department whether this change has been accepted, and Chair Skigen moved to hold the contract. Said motion was seconded.

Rep. Loglisci asked whether we approve or disapprove or do we have the right to change a contract. He stated that the intent to hold it is to change the contract, and after looking at the Charter, he questioned whether we have the authority to change the contract.

Chair Skigen stated that he appreciates Mr. Loglisci's opinion, but he would argue that there is no contract at this point, and it is not a contract until such point as this Board approves it and the Mayor signs it. Chair Skigen stated that clearly this Board, under the Charter, is not supposed to be a rubber stamp for whatever is sent down to us, and everyone understands that we have the right to suggest changes. Chair Skigen added that he doesn't think it is appropriate at this time to vote to approve or disapprove the contract because we have not heard from any of the parties whether the proposed change is acceptable.

Chair Skigen stated that in other agenda items, more substantial changes were made to a contract that had been signed by an employee, and that employee agreed to those changes, and we now have a new contract from that employee and are prepared to move forward on that item. In this case, we do not have a new signed contract, and therefore, in accord with the committee vote, Chair Skigen moved to hold the item. Said motion was seconded.

Rep. Lyons stated he echoes Rep. Loglisci's thoughts. Rep. Lyons asked whether we should turn the Personnel Committee into some type of bargaining or human resources or legal affairs department, with it almost micro-managing or micro-dissecting the contracts that are sent to us for approval or disapproval, as the Charter reads.

Chair Skigen stated that we are doing our job. If it is just to vote on the contract without

reading it, we are not doing our job. Chair Skigen stated he thinks the Law Department took an old contract, changed the name and the salary and didn't take into account the fact that this Board, after much research and gnashing of teeth, passed a car policy, and did not include that car policy in this contract. Chair Skigen stated he believes this is the first contract since the car policy was passed. Chair Skigen stated that we would be abrogating our responsibility if we just let the contract go, and believes that we have a responsibility under the charter to review these contracts.

Rep. Lyons stated that he read the Charter today and read language that says the Board 'may approve.' It didn't even say 'disapprove,' just 'may approve.' Nowhere in the Charter did it say 'may negotiate, may amend, may correct, may proofread.' Rep. Lyons asked for a further explanation as to the wording in the Charter.

Rep. Day stated he is inclined to agree with Rep. Lyons insofar as the substantive item is being passed on by the Personnel Committee only. It is not the entire Board of Representatives, and the technique of holding it means that the remaining Board members would never get to express an opinion on the substantive point, which is whether the Fire Chief should in fact be subject to the automobile policy. Rep. Day stated there are a number of representatives who feel, for very meritorious reasons, that the Fire Chief should not be subject to the policy. Rep. Day stated he is inclined to oppose holding the item.

Rep. Nakian stated that this is similar to when there is a contract for a sale of a piece of land or for the purchase of city services. The Board has the right to approve or disapprove the contract, but the Board also has the right to suggest changes to the contract to whoever the negotiating authority. Rep. Nakian stated that then the proposed changes are negotiated between the City and the other party. The contract eventually comes back to the Board in a form where the Board either votes it up or down. Chair Nakian stated that no matter what the contract is for, it is part of the Board's overseeing of it to be able to propose changes to it.

Chair Skigen stated that, in response to Mr. Day, if members of this Board feel that the automobile policy needs to be revised, the item should be placed on Steering and it will be looked at. Chair Skigen stated that he feels it is the wrong way to go about things to adopt a policy and then the first time we are faced with actually implementing that policy via a contract, to start shooting holes in it.

Rep. Martin stated that he would vote to hold to allow the negotiating parties to go back and renegotiate the policy.

Rep. Boccuzzi asked if any effort had been made by Mr. Skigen to try to get an agreement previous to the time the contract was sent to us.

Chair Skigen stated that several months ago, Deputy Chiefs Brown and McGrath met with the Committee regarding the car policy. Present were President Domonkos, Dena Diorio and Tom Hamilton. The Deputy Chiefs explained their problems with the policy,

and at that time, Chair Skigen stated he offered to review proposed language to address their concerns and consider it. Chair Skigen stated he has never received any language or any proposal that would achieve the goal that the Deputy Chiefs were looking for at that time.

Rep. Biancardi stated this is an issue of honor. If the City drafted the contract and may have made a mistake, then the contract is always held against the drafter. If the drafter made a mistake in the contract, so be it, we have to honor the mistake and the contract. Rep. Biancardi stated that by rights we should not get a second negotiation.

Rep. DeLuca stated he agrees with Rep. Biancardi in that the odds are the Law Department sent virtually the same contract as the police chief's, and believes that this contract was signed in good faith. He said he sees no reason to hold this off for another month when it was already negotiated. Rep. DeLuca stated that Mr. McGrath is a dedicated native Stamfordite who worked hard to achieve this position, signed his contract in good faith and now the Board should not second guess what the administration has done. Rep. DeLuca stated the item should be voted up or down this evening.

Rep. Spandow stated that the Board has been put in an untenable position by reviewing the contract after it has been signed, and she believes we are obligated to stand by it.

Rep. Summerville stated (regarding the Personnel Committee meeting with employees regarding the automobile policy) that she does not believe it is the Board's job to sit down with persons affected by contracts or policies. Rep. Summerville stated we should be communicating with Mr. Haselkamp, the City's negotiator, and express what we would like to see in the contract as opposed to meeting with Mr. McGrath directly. Rep. Summerville stated she has problems negotiating with parties to a contract directly but does not see a problem if we discuss issues with the City's negotiator or someone from the Law Department. Rep. Summerville stated she agrees with Rep. Spandow and that we are obligated to vote on this contract and perhaps amend it in the future, if necessary.

Chair Skigen stated that the discussion four or five months ago with Mr. McGrath was while Chief Milone was still fire chief and it related to the car policy, not Mr. McGrath's employment contract.

Rep. Lyons asked whether Dr. Iton enjoys the use of a vehicle.

Chair Skigen stated that Dr. Iton does not use a city vehicle, he receives a monthly stipend for the use of his personal vehicle.

Rep. Martin stated that this is an unfortunate situation for Mr. McGrath, but does not think the Board should set a precedent where someone can leave it out of the process by saying that the contract is already negotiated, and therefore you have to approve or reject it. In simple terms, if there is a fault that occurred, the remedy is not to keep the Board out of the process. Rep. Martin suggested that if the process is to be changed, it should



be where the Board discusses contract provisions prior to negotiations, which would be very cumbersome.

Rep. O'Neill stated he respects the accomplishments of the Fire Chief and believes he is a fine administrator and expects him to be prudent in the use of the city vehicle. Rep. O'Neill feels we should go ahead with the contract as presented and not hold it up any further.

Rep. Zelinsky moved to move the question; said motion was seconded and approved by voice vote with Reps. Loglisci and O'Neill opposed.

Upon motion duly made and second, a motion to hold the item failed by a vote of 18-19 (those voting in favor were: Reps. Boccuzzi, Cannady, Domonkos, Esposito, Gasparrini, Green-Carter, Hunter, Kernan, MacInnis, Martin, Mellis, Mitchell, Nabel, Nakian, Owens, Poltrack, Skigen and Zelinsky).

Chair Skigen stated that the Committee approved the contract subject to the inclusion of an amendment that has not been agreed to by the employee. In light of the vote not to return to committee, Chair Skigen moved the following amendment:

\*add the following sentence at the end of Paragraph 9A: "Use of the City Vehicle will be subject to the City of Stamford Automobile Use Policy." The motion was seconded.

Rep. DeLuca urged the Board to reject the amendment and stick to the original contract.

Rep. Sherer stated that he believes the amendment is out of order. Rep. Sherer stated in reading the Charter, one of the powers of the Board of Representatives is to approve contracts vs. reject the contract.

President Domonkos asked Mr. Sherer to confirm that he is proposing that the Board either vote all contracts up or down.

Rep. Sherer stated that yes, and we can vote them down with a recommendation as to what it would take to have the contract approved. He stated it is inappropriate to amend a contract that we are not a party to. The Board is supposed to be approving or rejecting the contract.

Rep. Martin stated he disagrees and that the Board has had a long-standing practice and there is nothing that prohibits us from making amendments. Rep. Martin stated he finds no justification for this argument coming up now. Rep. Martin stated that there are specific provisions in purchasing ordinances that expect us to be able to amend contracts.

President Domonkos stated that we are breaking precedent if we are going to cease amending contracts as presented to us. President Domonkos stated that we amend contracts every month. President Domonkos stated that she was going to rule that we amend contracts and that she does not want to limit the power of this Board. President

Domonkos stated that next month, everyone will be upset when a contract comes up that the Board wants to amend, and by setting this precedent, this would not be possible. President Domonkos stated she rules that the Board will vote on this amendment.

Rep. Nakian stated that she agreed with President Domonkos, however, she assumes that the other party to the contract has the right not to accept the contract. President Domonkos stated that Rep. Nakian was correct. President Domonkos also reminded everyone that the Board has asked that all contracts be signed by the other party prior to being submitted to our Board.

Rep. Lyons stated that the amendment was not in the contract that the Chief agreed to and that the contract has been altered after his agreement. So, the Chief has agreed to a contract that we have now changed, and we don't know if he will re-agree to it.

President Domonkos stated that Rep. Lyons is correct.

The Chair ruled that discussion will continue on the amendment.

Chair Skigen restated the amendment: "to add to Section 9A that use of the City Vehicle will be subject to the Car Policy." President Domonkos stated that the motion had been seconded.

Rep. Giordano stated that everyone should remember that the Fire Chief is on duty 24 hours a day, 365 days a year and added that he will vote against the amendment.

Rep. Loglisci stated that he believes this will send the contract back for renegotiation.

Rep. Skigen stated that because of this reason, the contract should be held so that the Board of Representatives is not in a position of dictating the terms of a contract.

Rep. MacInnis stated that he was in favor of the amendment. Rep. MacInnis stated that at the Personnel Committee meeting, of which he is a member, two other contracts were reviewed and changes were recommended to them. Rep. MacInnis stated he is in favor of this amendment.

Rep. Esposito stated that this is not a process of renegeing on the original contract but a part of the process. The Board is simply doing its job in reviewing the contract and making a recommendation. Rep. Esposito stated that to vote against this amendment would be an error in that the Board itself established this policy. Rep. Esposito stated that the Board can either reject the contract and have someone from the City propose that the car policy be changed, in the context of the fire and police chief, but certainly the contract should reflect the automobile policy.

Rep. Martin stated that the contract doesn't say that he does not have to follow the car policy. The Fire Chief has to follow city policies, whether they are in the contract or not. And the Fire Chief would have to follow the car policy unless there was some exception

in the contract. Rep. Martin stated that if the Fire Chief rejects this clause in the contract, it sort of implies that he is not subject to other city policies. Rep. Martin stated that the only remedy is to state that he has to follow the policy, although he believes there should be an exception for situations like this in the car policy.

Rep. Zelinsky stated that the question is whether all city employees have to abide by the car policy, or are there individuals who do not have to follow the policy. Rep. Zelinsky stated that the Board should not approve a contract that does not contain the Board's own recently-passed policy.

Rep. Day stated that he agreed with Rep. Martin's rationale. The contract does not contain reference to any other city policies and whether or not they have to be observed. In other words, the failure to mention the automobile policy in the contract does not mean he is not subject to it. Rep. Day stated that the Board should consider reviewing the automobile policy, because there may be valid reasons why certain exceptions should be made for the police and fire chief and perhaps the mayor. Rep. Day suggested leaving the contract as is and pass it and move on.

Rep. Lyons stated that Ms. Summerville was correct in that this issue is not with Chief McGrath but with Legal Affairs and Mr. Haselkamp or Human Resources.

Rep. Skigen stated that he has heard Mr. Haselkamp's name mentioned numerous times, and Mr. Haselkamp was not involved in the negotiation of this contract. Sybil Richards from the Law Department presented the contract. Rep. Skigen stated that he does not disagree with Mr. Martin, however, the language contained in 9A appears to go beyond what the car policy provides. The language in the contract could be read more expansively. Therefore, he believes the amendment should be approved and everyone seems to be in agreement that even though it doesn't say the car policy is effective, it is effective and he does not see any problem with including language to clarify this.

Rep. Zelinsky requested a roll call vote. President Domonkos stated we would vote by machine.

The amendment was approved by a [vote](#) of 21-16. (Opposed were: Reps. Alswanger, Biancardi, Dorelli, Day, DeLuca, Giordano, Imbrogno, Loglisci, Lyons, Mobilio, Nanos, O'Neill, Shapiro, Sherer, Summerville and White.)

Chair Skigen moved the contract, as amended, subject to Chief McGrath signing off on the amendment. Said motion was seconded.

President Domonkos stated we would vote by machine.

Chair Skigen stated that he wanted to clarify that Chief McGrath has not agreed to the amendment, and if he does not sign the contract with this provision, the City will not have an employment agreement with him.

Rep. Sherer stated that he has a problem with the process. If the Charter says the Board of Representatives has the power to approve a contract, the contract is an agreement between two parties, and needs our approval to be effective and in full force, as the Charter says. But, the Charter does not say we can approve a paper writing purporting to be a contract which is really not a contract.

President Domonkos stated that if the other party does not want to accept a contract that this Board approves, then another contract can be negotiated and presented to us.

Rep. Sherer stated that we cannot approve something that is not a contract. It should go back to the Law Department by a rejection, which is why the Charter is written the way it is. Rep. Sherer stated that we do not have a personal services contract until the two sides agree, and then we, in the process, approve it. Rep. Sherer stated we are not approving a contract, but a concept, and the Charter does not say that we can approve a concept.

President Domonkos stated that we are approving a contract that was proposed to us, and we have amended it. If the other party would like to accept that, they can. President Domonkos stated that we amend contracts all of the time.

President Domonkos stated that the discussion is now on the amended contract.

Rep. Biancardi stated he agrees with Rep. Sherer. President Domonkos responded that she has already ruled on this matter, and we are now voting on the amended contract.

The main motion was approved by [machine vote](#) (22-12-2) with Reps. Alswanger, Biancardi, Day, DeLuca, Giordano, Imbrogno, Lyons, Mobilio, Nanos, O'Neill, Sherer and White opposed and Reps. Spandow and Summerville abstaining.

5. P25.085	APPROVAL; of a Memorandum of Agreement with District 1199 concerning the State of Connecticut Wage, Benefit and Staffing Enhancement Program regarding Smith House. 08/16/00 - Submitted by William Stover 08/30/00 - Committee approved 5-1-0	<b>APPROVED BY MACHINE VOTE (27-4-1)(Reps. Blackwell, Cannady, Green-Carter &amp; Mitchell opposed; Rep. Shapiro abstained)</b>
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Chair Skigen stated that after long negotiations, the City and 1199 have reached an agreement. Chair Skigen stated that the agreement does not come close to what this Board proposed in terms of a sharing of the money that 1199 was able to get for the City and for nursing homes throughout the State. However, this agreement is what the union has agreed to with the City. The agreement provides for a 2% pension fund reduction by all union members; provides a one-time lump sum bonus in the amount of \$700; it provides for an increase in staffing for two office support specialists, one executive secretary, one account clerk; and it provides for a one-time payment of \$30,000 to the District 1199 statewide training and education fund. These funds will be made available

to all Smith House employees. If the Smith House employees choose to take advantage of this, the State fund has more than \$10 million, and if Stamford employees want to use it up to \$250,000, they are welcome to do so. The City's investment in this fund will be a positive investment for the City. The Committee voted to approve the agreement 5-1-0, and Chair Skigen moved the item. Said motion was seconded.

Rep. Loglisci stated he would speak and then leave the floor because he doesn't want to be a part of this. He stated he believes that the Union was finally put in a position to either accept this money or get nothing. He stated that the administration really showed what it thought of the Smith House workers, they were basically sent off with a couple of dollars in their pocket. Rep. Loglisci stated he resents the fact that he was asked, as a member of the Board, to make recommendations for the use of this money, and then the recommendations were thrown out. Rep. Loglisci stated he voted against it, and because he is so disgusted by what these people were forced to accept, he refused to be a part of this.

Rep. Owens stated that he, too, thinks that this is a travesty. It is unfortunate for the union that they have agreed to this. A \$700 stipend will not even pay rent in most of the City of Stamford. The handling of the union was appalling, and constantly holding over the members heads that they would privatize their jobs was another appalling situation. Rep. Owens stated he would also walk off the floor on this one.

Rep. Green-Carter stated that this was not a new issue for the Board, and about a year ago this item came before the Board. The item was brought to the Fiscal Committee because there was no agreement. The Fiscal Committee worked long and hard to present a proposal that it felt was fair, and because those proposals were not acceptable to the players, it was rejected, and the funding has been held up for all this time. Rep. Green-Carter stated she is curious to know how the employees of the Smith House really feel about this agreement. Rep. Green-Carter stated that the original legislative intent was that the funding should have gone to the employees for improved wages, better working conditions, etc. Rep. Green-Carter stated she will vote against it because it is a travesty the way we have handled this entire situation.

Rep. Martin stated that several representatives are disappointed as to how this came out, and reminded the Board that if this item was turned down tonight, the Union would probably receive nothing. Rep. Martin stated he will vote in favor of this despite the reservations that have been eloquently expressed by others tonight.

Rep. DeLuca stated that the Mayor sent this to Fiscal, who spent six months on this item, and a compromise of 60% to the workers of Smith House was agreed on. Yet, in negotiations, Bill Stover and Jim Haselkamp told the people to either accept it or you get nothing. The proposal was rejected. It was only through the Steering Committee and Carmen that the negotiations were re-opened, and now a paltry \$112,000 is being offered. Rep. DeLuca stated that, in line with a recent study done in Connecticut, income has been declining for the State's poor. We are the richest county, and poor people just go deeper in the hole. Rep. DeLuca stated that if we don't vote for the \$112,000, they will get

nothing, so he will vote for it. He added that he believes the administration wasted our time for six months.

Rep. Zelinsky stated he would reluctantly vote in favor of this item, otherwise the workers would get nothing. Rep. Zelinsky stated that there are other employees in the City who constantly get large increases, we are hiring new people all the time with higher salaries, they receive hospitalization, cars and pensions, and these people are some of the hardest working people who take care of fellow human beings, and it is a shame what they are getting.

A motion to move the item was made, seconded and approved by voice vote (Rep. Summerville opposed).

Rep. Summerville stated that she supports everything Reps. Owens and Green-Carter and others said. Rep. Summerville stated that she is personally insulted by this travesty, and she will also leave the floor.

The motion was approved by machine vote 27-4-1.

6. P25.086	APPROVAL; of a contract of employment for Frances Galasso, Special Assistant to the Superintendent of Schools. 08/16/00 - Submitted by William Stover 08/30/00 - Committee approved 6-0-0 (as amended)	<b>*APPROVED BY VOICE VOTE (Reps. White, Summerville, Nabel, Domonkos and Shapiro opposed)</b>
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Chair Skigen stated that the contract that was originally sent to the Board has a number of provisions that were not in accord with the understanding that the Superintendent had regarding this position, most importantly, the Superintendent asked that this employee be an at-will employee who can be terminated with or without cause. The original contract did not provide for this. One other provision that the Committee wanted changed were the provision of a maximum amount of sick time accrual of 45 days. Chair Skigen stated that Ms. Galasso is a retiree, and she is currently receiving a pension. Under this contract she is waiving her right to receive any other pension.

These changes were made on Friday and Ms. Galasso signed a new contract. Chair Skigen moved the employment contract; said motion was seconded.

President Domonkos asked if everyone received the amendments. Chair Skigen replied that the new language has not been provided to all representatives.

Rep. Martin stated that the amendments should be voted on separately.

Chair Skigen moved the following amendment. Amend Section 2A of the agreement to read as follows: The superintendent may terminate the services of the employee at any time for any reason. The employee is deemed an “at-will” employee and no provision in this contract shall alter that relationship. In addition, this contract outlines all aspects of the employment relationship and no policy, correspondence or document will alter the terms and conditions contained herein.” Said amendment was seconded.

Rep. Zelinsky asked what the length of time the contract would be for. Chair Skigen replied it was a five-year contract. Rep. Zelinsky stated that it rubs him the wrong way that a person could be fired for no cause. Rep. Zelinsky stated he would, however, support the amendment.

The amendment was approved by unanimous voice vote.

Chair Skigen moved the following amendment. Amend Section 6A to read: “Sick time: 15 sick days per work year accruing at a rate of 1 ¼ days per month. The employee will be allowed to carry over unused sick leave up to a maximum of 45 days from one fiscal year to the next. Said amendment was seconded and approved by unanimous voice vote.

Chair Skigen moved the following amendment. Amend Section 7 to read: “The employee acknowledges that she is an unclassified employee under the terms of this agreement, and waives any and all claims or rights to participate in the classified employees retirement fund, pension plan as set forth in Section C7-30-1 of the City Charter. Furthermore, the employee agrees to waive any and all rights she may have to participate in any retirement program offered by the Board or the City of Stamford. The employee shall continue to receive her current pension or retirement entitlements she has as of the date of this agreement.” Said amendment was seconded and approved by unanimous voice vote.

Chair Skigen also stated that because of these three amendments, Paragraphs 2D, E and F are deleted.

Chair Skigen moved the contract as amended; said motion was seconded.

Rep. Nabel stated that she is voting against approving this contract. Rep. Nabel stated that she is aware of Superintendent Mazzullo's justifications for this arrangement and is aware that both the employee and Superintendent Mazzullo's assumption that this contract would be approved. However, Rep. Nabel stated she remains unconvinced of the initial necessity of bypassing active employees in the classified system and feels it was inappropriate to deny those employees the opportunity for advancement that this position represents. She stated her conscience dictates that she vote against the contract.

Rep. Shapiro stated that he agrees with Rep. Nabel and that is why he voted against it.

The contract was approved by voice vote. (Reps. White, Summerville, Nabel, Domonkos and Shapiro opposed).

Upon motion duly made and seconded and approved by unanimous voice vote, the Consent Agenda, consisting of Item No. 1, was approved.

**LAND USE COMMITTEE** Donald B. Sherer, Co-Chair  
Patrick White, Co-Chair  
Meeting: Thursday, August 31, 2000  
7:00 p.m. - Democratic Caucus Room

Chair Sherer reported that the Land Use Committee met on Thursday, August 31, 2000. Present were Reps. White, Sherer, O'Neill, Spandow, Loglisci, Boccuzzi, Hunter and Nakian. Also present were the members of the Zoning Board, the Land Use Bureau of the City of Stamford and representatives of the appellants.

1. LU25.042	APPEAL; of the Zoning Board's decision in Application 20-007, "Application for Change in the Zoning Map of Stamford, Conn - 47-49 Hoyt Street, on Behalf of 999 Bedford Street Corporation." 07/12/00 - Submitted by Land Use Bureau 08/31/00 - Committee approved 6-2-0	<b>APPROVED BY MACHINE VOTE (26-10-1) (Reps. Domonkos, MacInnis, Martin, Mellis, Nabel, O'Neill, Poltrack, Shapiro, Skigen &amp; White opposed; Rep. Gasparrini abstained)</b>
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Co-Chair Sherer stated that a public hearing was held on an appeal of the June 19 Zoning Board Decision, Application No. 20-007 for a change in the Zoning Map at 47-49 Hoyt Street. The appeal was brought on behalf of 999 Bedford Street. The Zoning Board had denied the



application to change a zone from RM-F to CD. The appellants' representatives spoke, Audrey Cosentini spoke on behalf of the Zoning Board, Norman Cole spoke in assistance to Ms. Cosentini, and the public legal notices were properly published. However, no one from the public chose to speak.

Co-Chair Sherer stated that the Committee voted 6-2-0 in favor of the appeal. Two supported the Zoning Board's position and six supported the appellant's position.

Co-Chair Sherer stated that the Board assumes the standards of the Zoning Board, and we act as an appeal of the Zoning Board, using an analysis of the findings and recommendations of the Zoning Board and analyzing those in our own way. The basis for the Land Use Committee's vote was that there was no substantial harm to the character of the neighborhood by sustaining the application for a CD designation, contrary to the position of the Zoning Board, which felt that the neighborhood looked residential, and they felt that a CD designation could change that.

Co-Chair entered into the record all items offered at the public hearing by the Zoning Board and the Appellant. Co-Chair moved to sustain the appeal. Said motion was seconded.

Rep. O'Neill stated that he is sympathetic to Patriot Bank's expansion problems, but he does not believe that incursion into a residential neighborhood and forever changing it to a commercial zone is the appropriate response to this application. Rep. O'Neill stated he supports the Zoning Board's position and believes that it would best serve this neighborhood.

Rep. White stated the he voted to uphold the Zoning Board's position. Rep. White stated that with this zoning change, the residential character of the neighborhood will be changed. Rep. White stated he felt that this was zone busting for maximum financial gain. Rep. White added that the question is not whether Patriot Bank is a good citizen, and that he is convinced they are. He said that people will come in to try to do the same thing to maximize their own speculative interests. Rep. White urged the Board to reject this application.

Rep. Shapiro stated that he feels the bank is a wonderful corporate citizen, and because they are a creative bunch of people, they should be able to find another way to do this. Rep. Shapiro urges everyone to consider a place in their neighborhood where they wouldn't want it down-zoned.

Rep. Loglisci stated that he believes the City down-zoned the area when it decided that it would create the Hoyt Street Extension and widen Grove Street. Also, Rep. Loglisci stated that the houses are not residential, they are used for offices. Rep. Loglisci doesn't think this is down-zoning, and he will vote for this item.

Rep. Biancardi stated that the same people concerned with affordable housing loss by this zone change are the same people in support of the Mill River Project which will cause a larger loss of housing for poorer residents. Rep. Biancardi also said that this area is in the center of the business district.

Rep. Hunter stated that this neighborhood is not residential in character and if anything it is a historic preservation area in that the external parts of the buildings are required to be left in tact while the interiors can be modified for office use. Rep. Hunter also said that with the 3% vacancy rate for office space, it will be extremely difficult for the bank to find additional space. Rep. Hunter also stated that the properties on both sides of this lot are commercial.

A motion to move the question was made and seconded and approved by voice vote (Rep. White opposed).

Rep. Zelinsky stated that our forefathers, when they wrote the Charter, allowed for a decision to be appealed to our Board because they felt that there may be circumstances where another board might have made a mistake. Rep. Zelinsky stated that this is an example of a mistake. Rep. Zelinsky stated this is not a typical residential neighborhood, there are offices surrounding the property. Rep. Zelinsky stated that he believes the members on the Zoning Board who are voting against this are the same members of the Zoning Board who voted (regarding the Mill River) to set up a “slush fund” in lieu of affordable housing. Rep. Zelinsky stated that this is ludicrous and hypocritical. Rep. Zelinsky stated that this appeal will benefit a local bank and if they don’t find new quarters, they may move to another municipality. Rep. Zelinsky asked his colleagues to support the appellant.

Upon motion duly made and seconded and approved by unanimous voice vote, the following three amendments were made to the contract after the deletion of Paragraphs 2D, E and F:

Rep. Boccuzzi moved the question; said motion was seconded and approved by unanimous voice vote.

President Domonkos restated the item: “The vote is to approve the appeal to the Zoning Board’s decision. If you are in favor of the appeal, which will overturn the Zoning Board, you vote yes; if you are opposed to the appeal, which would uphold the Zoning Board, you vote no.”

Upon motion duly made and seconded, the appeal was approved by a machine vote of 25-10-1. (Opposed were Domonkos, MacInnis, Martin, Mellis, Nabel, O’Neill, Poltrack, Shapiro, Skigen & White opposed; Rep. Gasparrini abstained)

**OPERATIONS COMMITTEE**

Bobby E. Owens, Chair  
Susan Nabel, Vice Chair

**PUBLIC SAFETY & HEALTH  
COMMITTEE**

Alice Fortunato, Chair  
Lucy F. Corelli, Vice Chair  
Meeting: Thursday, August 31, 2000  
7:00 p.m. - Republican Caucus Room

Vice Chair Corelli reported that the Public Safety & Health Committee met on Thursday, August 31, 2000. Present were Committee Member Reps. Biancardi, DeLuca, Fortunato, MacInnis, O'Neill, Poltrack and Skigen. Excused were Reps. Corelli, DePina and Mobilio. Also in attendance were Director of Legal Affairs Andrew McDonald; Fire Chief Robert McGrath; Assistant Chief Peter Brown and Van Ness.

1. PS25.038      APPROVAL; of agreement for acceptance of land      **APPROVED BY**  
(215 Washington Boulevard) from Pitney Bowes to      **UNANIMOUS**  
the City of Stamford for the use of a new fire station.      **VOICE VOTE**  
07/06/00 - Submitted by Mayor Dannel P. Malloy  
07/27/00 - Held in Committee  
08/31/00 - No quorum

Vice Chair Corelli reported that the property will be donated and converted to a fire house to serve the South End section of Stamford. The current plan is to rehabilitate the existing structure and to ultimately obtain design review for the facility. The proposed gift of the land is undergoing Phase I and Phase II testing for contamination. The perimeter testing came back negative. The acquisition of this property will result in significant savings for taxpayers. The Committee voted 7-0-0. Vice Chair Corelli moved the item; said motion was seconded and approved by unanimous voice vote.

**PARKS & RECREATION COMMITTEE:** Herman P. Alswanger, Co-Chair  
Mary L. Fedeli, Co-Chair  
Meeting: Wednesday, August 30, 2000  
7:00 p.m. - Republican Caucus Room

Co-Chair Fedeli reported that the Parks & Recreation Committee met on Wednesday, August 30, 2000. There was not a quorum.

Co-Chair Fedeli moved to take Item No. PR25.061 out of committee was made; said motion was seconded and approved by unanimous voice vote.

1. PR25.061      APPROVAL; of contract with Stamford Cultural      **APPROVED BY**  
Development Corporation regarding the Community      **UNANIMOUS**  
arts Partnership Program; amount of contract:      **VOICE VOTE**  
\$290,420.  
07/28/00 - Submitted by Mayor Dannel P. Malloy  
08/08/00 - Approved by Board of Finance  
08/30/00 - No quorum

Co-Chair Fedeli reported that this is the second contract for this organization, and they fund local artists with grant funds. A formal committee gives recommendations to the board, and it is a very successful program. Over seventy arts organizations participated, with the largest grant being \$12,000.

Co-Chair Fedeli moved the item; said motion was seconded and approved by unanimous voice vote.

**EDUCATION COMMITTEE** Ellen Mellis, Chair  
Philip Giordano, Vice Chair  
Meeting: Wednesday, August 23, 2000  
6:45 p.m. - Democratic Caucus Room

Chair Mellis reported that the Education Committee met on Wednesday, August 23, 2000. Since there was no quorum, the meeting was continued to August 28, 2000. Present were Committee Member Reps. Green-Carter, Giordano, Poltrack, Nabel and Mellis. Others present were Antonio Iadarolo, City Engineer; and John Chardavoyne, Assistant Superintendent.

1. E25.037 APPROVAL; of contract with Wiles & Associates, Inc. for architectural and construction administration services for the Westhill High School Vocational-Agricultural Building; amount of contract: \$260,000.00. **APPROVED BY UNANIMOUS VOICE VOTE**  
08/03/00 - Submitted by Mayor Dannel P. Malloy  
08/08/00 - Approved by Board of Finance  
08/28/00 - Committee approved 5-0-0

Chair Mellis reported that these funds are for design services. The project will eventually be 100% state-funded, and they hope to complete the design portion within six months. The Committee voted 5-0-0 to approve the contract. Chair Mellis moved the item; said motion was seconded and approved by unanimous voice vote.

**URBAN REDEVELOPMENT COMMITTEE** Jim Shapiro, Chair  
Joseph Gasparini, Vice Chair

**HOUSING/COMMUNITY DEVELOPMENT/  
SOCIAL SERVICES COMMITTEE** Elaine Mitchell, Chair  
Anthony Imbrogno, Vice Chair  
Meeting: Tuesday, August 22, 2000  
6:45 p.m. - Democratic Caucus Room

Chair Mitchell reported that the Housing/Community Development/Social Services Committee met on Tuesday, August 22, 2000. Present were Committee Member Reps. Mitchell, Blackwell, Cannady, Green-Carter, Giordano and Mellis. Also present was President Domonkos; Rep. Hunter and Tim Beeble, Community Development Director.



08/22/00 - Committee approved 3-0-0

3. T25.027      **PROPOSED ORDINANCE, for final adoption;**      **APPROVED**  
amending Chapter 231 (Vehicles and Traffic) and of      **ON CONSENT**  
the Code of Ordinances to change the definition and      **AGENDA**  
the fine (from \$85 to \$90) for Class IV violations.  
07/12/00 - Submitted by Steering Committee  
08/01/00 - Committee approved 5-0-0  
08/07/00 - Approved for publication  
08/22/00 - Committee approved 3-0-0

Chair DeLuca moved the Consent Agenda, consisting of Item Nos. 1 through 3; said motion was seconded and approved by unanimous voice vote.

**ADMINISTRATION & TECHNOLOGY COMMITTEE**      Gloria DePina, Chair  
Harry Day, Vice Chair

**HOUSE COMMITTEE**      Annie M. Summerville, Chair

**SPECIAL COMMITTEE TO REVIEW TRUANCY ORDINANCE:** Ellen Mellis, Chair

**RESOLUTIONS**

**MINUTES**

1.                      [August 7, 2000 Regular Meeting](#)                      **HELD**

**COMMUNICATIONS**

**OLD BUSINESS**

**NEW BUSINESS**

## **ADJOURNMENT**

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 11:46 p.m.

*The proceedings are available on audio tape at the  
Offices of the Board of Representatives.*