

The Regular Meeting of the 25th Board of Representatives of the City of Stamford will be held Monday, October 2, 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 by President Carmen L. Domonkos at 8:22 p.m.

INVOCATION: By Rep. Blackwell.

“Let us pray. We give thanks to those in attendance here tonight. We also bless those who could not be here tonight. Bless the homes of each representative. We pray for our Mayor that he may continue to lift up our community. Give us the power and wisdom that we may accomplish our goals. In Jesus’ name we pray. Amen.”

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

ROLL CALL: Conducted by Clerk of the Board Annie M. Summerville. There were thirty members present and ten members absent/excused. Absent/Excused were Reps. Fortunato, MacInnis, Biancardi, DePina, Gaztambide, Imbrogno, Mitchell, Nanos, Shapiro and White. Reps. Shapiro and Imbrogno arrived during the meeting.

MACHINE TEST VOTE: The machine was in good working order.

PAGES:

MOMENTS OF SILENCE: For the late:

Emma E. Sullivan, by Rep. Mellis; Ronald L. Berube, Thomas J. Hanrahan, Mario G. Coppola, Suzan Kim Herold Mason and John J. Delfino by Rep. Giordano; Filomena Cavaliere and Emily M. Pikikero by Reps. Giordano and Loglisci; Willie W. Mouzon, Sr., Emmanuel “Chic” Chalikis, Sr. And Nicholas A. Caruso, Sr. by Rep. Loglisci; Vivan Miller by Reps. Loglisci and Zelinsky; William Pitt and Camillo Mollo by Rep. Spadow; Luca Dedda by Rep. Fedeli; and Franklin Maddox by the 25th Board of Representatives.

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Wednesday, September 13, 2000
7:00 p.m. - Democratic Caucus Room

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

APPOINTMENTS COMMITTEE Paul A. Esposito, Chair
Annie M. Summerville, Vice Chair
Meeting: Tuesday, September 26, 2000
7:00 p.m. - Democratic Caucus Room

Chair Esposito reported that the Appointments Committee met on Tuesday, September 26, 2000. Present were Committee Member Reps. Esposito, Boccuzzi, Mellis and Loglisci. A quorum was not present.

Chair Esposito moved to take Item No. A25.165 out of committee. Said motion was seconded and approved by unanimous voice vote.

1. A25.165	<u>Patriotic & Special Events</u>		APPROVED BY
	Ralph Battinelli (D)	Reappointment	UNANIMOUS
	24 Pepper Ridge Road	(Term Exp. 12/1/99)	VOICE VOTE
	Stamford, CT 06906		
	Term Expires: 12/01/02		
	07/24/00 - Submitted by Mayor Dannel P. Malloy		
	09/26/00 - Committee approved 4-0-0 (no quorum)		

Chair Esposito stated that Mr. Battinelli has excellent credentials, having served on this commission for six years. He is well-versed in how to run the parades. He is seeking another term, and the members of the Committee present voted 4-0. Chair Esposito moved the appointment; said motion was seconded and approved by unanimous voice vote.

Chair Esposito moved to take Item No. A25.161 out of committee. Said motion was seconded and approved by unanimous voice vote.

2. A25.161	<u>Patriotic & Special Events Commission</u>		APPROVED BY
	Marc A. Lorenti (D)	Repl. Panaro	UNANIMOUS
	102 Fawn Drive	(Term Exp. 12/1/99)	VOICE VOTE
	Stamford, CT 06905		
	Term Expires: 12/01/02		
	07/24/00 - Submitted by Mayor Dannel P. Malloy		
	09/26/00 - Committee approved 4-0-0 (no quorum)		

Chair Esposito reported that this is Mr. Lorenti's first venture into public service, however, he has been active with the Commission although he is not a member. He has

worked the last couple of parades and seems qualified and enthusiastic about this work. Chair Esposito moved the appointment; said motion was seconded and approved by unanimous voice vote.

Chair Esposito moved to take Item No. A25.162 out of committee. Said motion was seconded and approved by unanimous voice vote.

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| 3. A25.162 | <u>Water Pollution Control Authority</u>
Donald J. Berets (D)
47 East Ridge Road
Stakmford, CT 06903
Term Expires: 01/01/02
07/24/00 - Submitted by Mayor Dannel P. Malloy
09/26/00 - Committee approved 4-0-0 (no quorum) | APPROVED BY
UNANIMOUS
VOICE VOTE |
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Chair Esposito stated that Mr. Berets is retired and has a Ph.D. in physical chemistry from Harvard. The Committee was pleased to have an overly-qualified person. Chair Esposito moved the appointment; said motion was seconded and approved by unanimous voice vote to be taken out of committee.

Chair Esposito moved to take Item No. A25.163 out of committee. Said motion was seconded and approved by unanimous voice vote.

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| 4. A25.163 | <u>Zoning Board of Appeals</u>
Gerald Charles Pia, Jr. (D)
413 Glenbrook Road
Stamford, CT 06902
Term Expires: 12/01/05
07/24/00 - Submitted by Mayor Dannel P. Malloy
09/26/00 - Committee approved 4-0-0 (no quorum) | FAILED BY
MACHINE
VOTE 13-15-4
(Reps. Alswanger,
Boccuzzi, DeLuca,
Esposito,
Gasparrini,
Giordano, Hunter,
Lyons, Martin,
Mellis, Nabel,
Nakian and
Spandow in favor;
Reps. Blackwell,
Green-Carter,
Summerville and
Zelinsky
abstaining) |
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Chair Esposito stated that the Committee questioned Mr. Pia extensively. Mr. Pia is an attorney, and he was asked about the conflict of interest. Mr. Pia indicated that since he and the corporation counsel work for the same law firm, he would be precluded from engaging from any activity that involved the City. Mr. Esposito felt this answered the

question.

Rep. Sherer stated that as long as he can remember, there has been a tradition that active, practicing attorneys are not appointed to Land Use Boards. Rep. Sherer asked why we would want to change that now. Rep. Sherer stated there are obvious and subtle conflicts working with lawyers on a regular basis and the decision making involved. Rep. Sherer stated he feels the past practice works well.

Mr. Kernan stated that he agrees with Mr. Sherer and stated that the authors of the Charter felt that the Zoning Board and the Zoning Board of Appeals would only be composed of laymen. Mr. Kernan stated he served on the Zoning Board, and found that being a layman is no hindrance. Almost all of the people that appeared before that Board had attorneys.

Rep. Loglisci asked whether this is a custom or if it is written. Mr. Esposito stated that it is a custom and added that the Committee was swayed by his expertise and knowledge. Mr. Boccuzzi asked about functions of the Zoning Board of Appeals, and he answered completely and eloquently.

Rep. Zelinsky stated that he also does not remember an attorney ever serving on the Zoning Board of Appeals; nor has a realtor ever been appointed to a land use board because of a possible conflict. He stated that the Board could set a precedent here.

Rep. Corelli moved that the item be returned to Committee. Said motion was seconded.

Rep. Esposito spoke against this motion, stating he understands the argument on the floor, but this would just be putting the Appointments Committee in a position to decide for the entire Board. Either the Board agrees it is inappropriate to have any attorney on a land use board, or it is not. Rep. Esposito stated he is against returning this item to Committee.

Rep. Sherer stated that returning the item to committee is just an excuse for not deciding the issue today.

Rep. DeLuca stated that he agrees with Rep. Esposito. He added that the Committee did its job, interviewed the candidate and made a recommendation.

Rep. Loglisci stated that he voted for the appointment, but he now realizes that there is a bigger question than his appointment. Rep. Loglisci stated that at this point, we are not voting on an individual but on the larger, precedent-setting issue of whether attorneys should be appointed to land use boards. Rep. Loglisci stated that Mr. Pia was very impressive and he could obviously serve on other boards that don't conflict with the Board's policy. Rep. Loglisci stated he would now vote against the appointment, although he did vote for the appointment in committee.

Chair Martin reported that the Fiscal Committee met on Monday, September 18, 2000. Present were Committee Members Martin, Owens, Mellis, Giordano, Poltrack, Loglisci, DeLuca and Sherer.

President Domonkos stated that Mr. Imbrogno joined the meeting about fifteen minutes ago.

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| 1. F25.290 | REJECTION; of any Capital Project Close-outs per Code of Ordinances Section 8-2; various projects total \$1,315,094.
08/16/00 - Submitted by Thomas Hamilton
08/16/00 - Held in Steering Committee
09/11/00 - No Action Taken by Board of Finance
09/18/00 - Committee Rejected 7-0-0 | REJECTED BY
UNANIMOUS
VOICE VOTE |
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Chair Martin reported that the Board has 60 days to reject a report of capital close-outs. The Committee felt the report was not well substantiated, and a full discussion was not possible. Chair Martin stated that this is a technical rejection in that the Board would like a fuller report. Chair Martin moved to reject the report; said motion was seconded and approved by unanimous voice vote.

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| 2. F25.304 | RESOLUTION authorizing an application for school construction grants.
09/08/00 - Submitted by Mayor Dannel P. Malloy
09/18/00 - Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 3. F25.302
\$19,600.00 | ADDITIONAL APPROPRIATION (Operating Budget); Health Department; Environmental Inspection Services; Overtime; to replace expended funds utilized for work on West Nile Virus.
09/01/00 - Submitted by Mayor Dannel P. Malloy
09/11/00 - Approved by Board of Finance
09/18/00 - Committee Held 8-0-0 | HELD IN
COMMITTEE (to
be removed from
Steering Agenda) |

Secondary Committee: Public Safety & Health

Concur

Chair Martin stated this item was held without prejudice, however, the intent is to remove it from the agenda. There was no disagreement with the appropriation, but the Committee feels it is premature to alter the budget since there are adequate funds at this time in the budget.

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| 4. F25.298
\$22,800.00 | ADDITIONAL APPROPRIATION (Operating Budget); Community Health Nursing; Travelers | APPROVED
ON CONSENT |
|---------------------------|--|--------------------------------|

Clinic; to replenish account used to purchase DEET Insect Repellant in connection with West Nile Virus.
09/01/00 - Submitted by Mayor Dannel P. Malloy
09/11/00 - Approved by Board of Finance
09/18/00 - Committee approved 8-0-0

AGENDA

Secondary Committee: Public Safety & Health

Concur

5. F25.296
\$152,800.00
ADDITIONAL APPROPRIATION (Capital Budget); Police Department; Audio/Video Security Monitoring System; to replace current system with full time digital recording.
09/01/00 - Submitted by Mayor Dannel P. Malloy
09/11/00 - Held by Board of Finance
09/19/00 - Approved by Planning Board
09/18/00 - Committee approved 8-0-0

**APPROVED
ON CONSENT
AGENDA**

Secondary Committee: Public Safety & Health

Concur

6. F25.297
RESOLUTION (formerly Exhibit A); Amending the Capital Budget for Fiscal Year 2000-2001; Police Department; in connection with F25.296 above - Audio/Video Security Monitoring System.
09/01/00 - Submitted by Mayor Dannel P. Malloy
09/18/00 - Committee approved 8-0-0

**APPROVED
ON CONSENT
AGENDA**

7. F25.301
\$9,900.00
ADDITIONAL APPROPRIATION (Operating Budget); to extend the park ambassador program to Cummings Park for the period 7/21/00 through 10/15/2000.
09/01/00 - Submitted by Mayor Dannel P. Malloy
09/11/00 - Approved by Board of Finance
09/18/00 - Committee Held 7-1-0

**HELD IN
COMMITTEE (to
be removed from
Steering Agenda)**

Secondary Committee: Operations

Waived

Chair Martin reported that this item was held because it is premature to alter the budget when funds exist in the account.

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

8. F25.292 \$109,631.00	ADDITIONAL APPROPRIATION (Capital Budget); Department of Operations; Water and Sewer; extend water main in Cedar Heights/Rapid Roads area due to contamination of well water. 09/01/00 - Submitted by Mayor Dannel P. Malloy 09/19/00 - Approved by the Planning Board 09/20/00 - Approved by Board of Finance 09/18/00 - Committee approved 8-0-0	APPROVED ON CONSENT AGENDA
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Secondary Committee: Operations

Waived

9. F25.293	RESOLUTION (formerly Exhibit A); Amending the Capital Budget for Fiscal Year 2000-2001; Department of Operations; Water and Sewer; in connection with F25.292 above - Cedar Heights Road/Rapid Road Water Main Extension. 09/01/00 - Submitted by Mayor Dannel P. Malloy 09/18/00 - Committee approved 8-0-0	APPROVED ON CONSENT AGENDA
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10. F25.291 \$250,000.00	ADDITIONAL APPROPRIATION (Capital Budget); Engineering Bureau; West Main Street Bridge; funds to be used toward planning and development for eventual restoration or replacement of West Main Street Bridge. 08/22/00 - Submitted by Mayor Dannel P. Malloy 08/22/00 - Approved by Planning Board 09/11/00 - No Action taken by Board of Finance 09/18/00 - Committee Held 7-1-0	HELD IN COMMITTEE
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Secondary Committee: Operations

Waived

Chair Martin reported that this was held in committee because the Board of Finance has not taken action on the item.

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

11. F25.294 \$122,225.00 \$100,000.00	ADDITIONAL APPROPRIATION (Capital Budget); Operations - Facilities Management; Government Center Renovations; to outfit and reconfigure 3d floor Board of Education area to accommodate lease with Southwestern Regional Planning Agency.	FAILED BY MACHINE VOTE (21-10-1) (Reps. Blackwell, Cannady, Corelli, Day, DeLuca,
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09/01/00 - Submitted by Mayor Dannel P. Malloy
09/11/00 - Held by Board of Finance
09/19/00 - Approved by Planning Board
09/18/00 - Committee approved \$100,000 8-0-0

Fedeli, green-
Carter, Mobilio,
Owens and
Summerville
opposed; Rep.
Zelinsky
abstaining)

Waived

Secondary Committee: Operations

Chair Martin reported that this item is to move the Board of Education offices and re-fit a portion of the 3rd Floor of the Government Center to accommodate SWRPA as a tenant. He further reported that the Fiscal Committee reduced the item to \$100,000 from the requested \$122,225. Chair Martin stated this item gave the Fiscal Committee a fair amount of concern and that at the time it was voted on by the Fiscal Committee, neither the Planning Board nor the Board of Finance had approved the item. Since that time, the Planning Board has approved the item, but the Board of Finance has not.

Chair Martin stated that the Fiscal Committee was very disappointed that the amount of the request is substantially higher than what was expected and what was projected and what was built into the lease. There were numerous questions that the Committee could not resolve that evening, however, at the same time, the amount is necessary in order to renovate the space for SWRPA. The City has already signed the contract and has an obligation to renovate the space as well as move the Board of Education. Chair Martin stated there were a limited amount of funds in the account to support building renovations, so that if the Committee did not approve some funds, the City would run out of money mid-project. Chair Martin reported that the Fiscal Committee selected this amount in order to be able to move ahead with the project, but that it is the Fiscal Committee's expectation to have the Operations Department back in again at which time at least three specific areas will be discussed.

Chair Martin reported that the first area is why was the contract with SWRPA negotiated the way it was and how they came to the amount allocated. Or, how can the process of lease approvals be improved in the future. Secondly, is there a problem with estimation, and third, is there fundamentally a problem with the cost of renovating services within this building. Therefore, the Committee, despite a great deal of disheartenment over this request, did approve \$100,000 by a vote of 8-0-0. Chair Martin moved the item.

Rep. Zelinsky asked for clarification as to the Board of Finance's actions. Chair Martin replied we are taking this item up prior to the Board of Finance's action. Rep. Zelinsky asked what would happen if the Board of Finance turned the item down. Chair Martin replied that the funds would then not be available.

Rep. Zelinsky stated that the lease that was approved did not include figures, but specified that the City would pay for construction, and the amount in that contract was \$45,000. Rep. Zelinsky stated that this is a big difference from \$122,000. Rep. Zelinsky said that he doesn't see why the Board should approve this if there are serious concerns

and questions. Rep. Zelinsky added that approving the contract before this is like putting the cart before the horse. The Board was not aware of any financial implications at the time of the lease approval. Rep. Zelinsky stated that he doesn't think anyone has a problem with SWRPA becoming a tenant in the Government Center. Rep. Zelinsky moved to reduce the amount to \$45,000. Said motion was seconded.

Chair Martin stated that if you look at the figures for this project, it is not \$122,000 as has been requested, it is in the neighborhood of \$186,000. The \$45,000 that is allowed for in the SWRPA contract is not taking into account architectural and engineering services, nor does it allow for the relocation of the Board of Education and its records. Chair Martin stated it is confusing and the Committee needs more discussion on this. Chair Martin stated that the Committee selected \$100,000 because in the current budget, \$100,000 is allocated for Government Center renovations, and since this project costs \$186,000, this would cover this project, not including any other renovation work in the Government Center. Chair Martin stated that this is a number that provides the bare minimum and allows the City to fulfill its obligation to SWRPA and at the same time ensure that no extra money was left in the account until this issue was reviewed in more detail. Chair Martin stated he opposes Mr. Zelinsky's motion.

Rep. Sherer stated that many in the Fiscal Committee had great concerns about the entire concept that was presented to it concerning the disparity between the contract negotiations with SWRPA and the ultimate cost of the renovations. Rep. Sherer stated that a major concern is that this is not the first time this pattern has occurred with our Board. There has been a pattern over the last year of very shoddy comparisons between actual contracts and ultimate payments, and many on the Fiscal Committee are extremely concerned that this pattern is developing all over the place in this town, whether it is capital projects or contract negotiations or other things where the Board votes on one thing and then finds out it was a done deal. Rep. Sherer stated that some of the questions posed by Mr. Zelinsky were answered in Committee, so to send it back to Committee is not necessary. The Committee got a lot of information, although it wasn't happy with it. Rep. Sherer stated a lot of the problems stemmed from bids that came in higher than anticipated, and that is because of the construction market in this area. Rep. Sherer stated some of this is out of the City's control. Rep. Sherer stated the problem is that they negotiated the lease and they should have known the costs. So, the fact that SWRPA only has to pick up \$45,000 over ten years, it is a pittance of what the actual cost is. Rep. Sherer stated that the fact that this was done in this manner is very disturbing, and this is a pattern that has been developing with the people responsible for contracts in this administration.

Rep. DeLuca stated he echoes what Rep. Sherer stated and that there seems to be a pattern. The City has already started to work on this job. Rep. DeLuca stated he voted to reduce the amount to \$100,000. Rep. DeLuca also stated that with the Cedar Heights/Rapids Roads project, which is an emergency, Operations didn't deem it necessary to start the job prior to the funds being approved, but in this case, they did. Further, Rep. DeLuca that when they went out to bid, they didn't even include the state requirement that union scale wages be paid.

Rep. Boccuzzi stated that when looking at the expenditures, and if you add them up, they total \$97,000. Several of the expenses, including architectural and engineering, storage and furniture etc. total \$97,000. Rep. Boccuzzi stated that this almost equals the \$100,000.

Rep. Day stated that when the lease was in the Legislative & Rules Committee, the question was asked whether the City was earning a profit from this. The Committee was told that the City is not in the business of profiting from leases, and as long as they were not losing money, with the calculated interest rate, the City would be fine. Rep. Day stated that it is not just disheartening but outrageous because it is money down the drain. In effect, the Stamford taxpayer is subsidizing a quasi-public state agency, established under the auspices of the State of Connecticut. Rep. Day stated it was borderline ludicrous how the City can be this far off on these calculations. Rep. Day stated he does not have any good suggestions on what to do about it, but this type of thing has simply got to stop. It is an outrage for the taxpayers, especially when questions were asked at the time the lease was considered and assurances that this was an even deal, an appropriate use of space in a government building. But, Rep. Day repeated, the City should not be subsidizing this.

Rep. Zelinsky stated that when this contract originally came before the Board, little information was provided regarding the fit-up issue and costs. Rep. Zelinsky stated that the problem is that there are other agencies with offices in the Government Center, and he doesn't recall any modifications and refurbishing of space occurring with other leases. Rep. Zelinsky stated he was surprised to find out that SWRPA's space was previously occupied by the Board of Education, and they were asked to move because of the lease. This information was not told to the Legislative & Rules Committee when the lease came before it. Rep. Zelinsky stated that tonight he believes the Board should take a stand and he urges his colleagues to go with the \$45,000. Rep. Zelinsky asked if we were approving these funds for space for SWRPA or for the Board of Education or anything else. Rep. Zelinsky stated that before the Board intelligently votes, because it does have an obligation to taxpayers, it should find out where the funds are going.

Rep. Owens moved the question. Said motion was seconded and approved by voice vote (Reps. Loglisci, Boccuzzi and Corelli opposed).

Rep. Owens moved to waive the secondary committee report. Said motion was seconded and approved by unanimous voice vote.

The motion to reduce the item to \$45,000 failed by machine vote (5-26-0) (Reps. Cannady, Green-Carter, Moblio, Owens and Zelinsky in favor; Rep. Summerville not voting).

Rep. Boccuzzi asked specifically what expenditures the City is obligated to pay for in the lease. Chair Martin replied that the lease states there are a certain amount of construction costs, up to \$45,000 that will be paid for in the lease. The City could spend all sorts of

money. Chair Martin stated that the way he interprets the lease, the City has to do the architectural and engineering services, for example. The City must vacate the space for SWRPA, so while it doesn't say in the lease, Chair Martin interprets the lease to mean that the City has to pay to move anything out of the space that SWRPA is going to make, plus it needs to move everything to another location. These would be City expenses not accommodated in the lease. The lease accommodates construction costs for the space up to \$45,000.

Rep. Boccuzzi stated that his figures show the City is obligated to pay \$99,700. Chair Martin stated he is wrong and that the obligation to the City is \$186,000.

Rep. Loglisci stated that the bigger item here is that everything falls back on the Board of Representatives. The Board approves a contract and money, and then the administration comes back and says it is a lot more. The Board uses common sense and says that if the City has committed money and has already spent money, then it has to allocate these amounts. Rep. Loglisci stated it is time for the Board to start to realize that historically the City has had poor contracts, never in favor of the City, never looking out for our citizens, never watching out for the fiscal costs, and the Board has a responsibility. Rep. Loglisci stated that this Board has to learn to say no and send items back until it is assured that it has everything in front of it, that it has legitimate figures, that it doesn't have people come back to the Board saying 'mea culpa, mea culpa, I'm off over 50% here but who knew?' Rep. Loglisci stated that the administration thinks it pays people big, big bucks because they are supposed to be professionals, and, therefore, the Board should be able to rely on them, but it is not true. Rep. Loglisci stated a pattern has developed that is an attack on the Board of Representatives. They place the blame on the Board, they make the Board put the votes out. Rep. Loglisci stated that the Board approves the money, and it should not be afraid to say no to the administration or any of the experts that show up. Rep. Loglisci stated that the Board should decide from hereon that unless it has all the information in front of it, the right people have to show up to committees, don't send half answers or no one at all, and the Board should not assume it has to go ahead and approve appropriations. The Board should get a little tougher and watch out for the people of Stamford rather than watching out for the desires of the administration.

The original motion in the amount of \$100,000 was made and seconded and failed by machine vote (21-10-1) (Reps. Blackwell, Cannady, Corelli, Day, DeLuca, Fedeli, Green-Carter, Mobilio, Owens and Summerville opposed; Rep. Zelinsky abstaining).

12. F25.295 RESOLUTION (formerly Exhibit A); Amending the **NO ACTION**
Capital Budget for Fiscal Year 2000-2001; **TAKEN**
Department of Operations; Facilities Management; in
connection with F25.294 above - Government Center
Renovations.
09/01/00 - Submitted by Mayor Dannel P. Malloy
09/18/00 - Committee approved 8-0-0

Chair Martin reported that while Item No. 12 was approved by the Committee, because it is associated with Item No. 11, which was just defeated, no action is necessary.

13. F25.299 \$97,500.00	ADDITIONAL APPROPRIATION (Capital Budget); Planning; One Main Street; to supplement existing funds and grant funds to purchase One Main Street to be used as open space. 09/01/00 - Submitted by Mayor Dannel P. Malloy 09/11/00 - Held by Board of Finance 09/19/00 - Approved by Planning Board 09/18/00 - Held in Committee 7-0-1	HELD IN COMMITTEE
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Secondary Committee: Operations

Waived

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

14. F25.300	RESOLUTION (formerly Exhibit A); Amending the Capital budget for Fiscal Year 2000-2001; Department of Operations; Land Use Bureau; in connection with F25.299 above - Open Space Acquisition. 09/01/00 - Submitted by Mayor Dannel P. Malloy 09/18/00 - Held in Committee 7-0-1	HELD IN COMMITTEE
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Chair Martin reported that Item Nos. F25.299 and F25.300 were held by the Committee.

Upon motion duly made and seconded, Chair Martin moved the Consent Agenda, consisting of Item Nos. 2, 4, 5, 6, 8 and 9. Said motion was approved by unanimous voice vote.

Chair Martin stated a memorandum of understanding between Tom Hamilton and David Merckle of the Board of Education regarding the budgeting of social security expenses for non-teaching positions in the Board of Education. A copy has been provided to all representatives.

LEGISLATIVE & RULES COMMITTEE	Maria Nakian, Chair William MacInnis, Vice Chair Meeting: Monday, September 25, 2000 7:00 p.m. - Democratic Caucus Room
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Chair Nakian reported that the Legislative & Rules Committee met on Monday, September 25, 2000. Present were Committee Member Reps. Nakian, Esposito, Gasparrini, Zelinsky, Fedeli and Day. Reps. Spandow and MacInnis were excused. Also present were Shelly Hanan, Director of ARC of Greenwich; Frank Kirwin, Tax Assessor; Rep. DeLuca; Joe Tarzia of the Board of Finance; and John Mullin, Assistant Corporation Counsel.

1. LR25.122 **PROPOSED ORDINANCE; for publication;** **APPROVED
ON CONSENT
AGENDA**
providing a tax abatement for property located at
1900 Summer Street, Unit #18; property owned by
ARC of Greenwich.
08/11/00 - Submitted by Shelly Hanan, ARC of
Greenwich
09/25/00 - Committee approved 6-0-0

2. LR25.123 **REVIEW PROPOSED ORDINANCE, for** **APPROVED BY
UNANIMOUS
VOICE VOTE**
publication; of amending the Code of Ordinances,
Chapter 220-8; Senior Citizens Tax Abatement.
08/31/00 - Submitted by Rep. DeLuca
09/25/00 - Committee approved 6-0-0

Chair Nakian stated that Item No. LR25.123 should be re-titled to a proposed ordinance and moved to suspend the rules. Said motion was seconded and approved by unanimous voice vote.

Chair Nakian stated that the proposed ordinance is concerning the tax abatement program that is operated by the City for senior citizens. This program piggy-backs on the state-run Circuit-Breaker Program. Currently there are 740 people in the state program, and 139 of these people receive additional relief from the City. In the course of discussing and voting on this, it was proposed by Mr. Zelinsky that the proposed exclusion for real property that Mr. Kirwin had suggested be increased from \$150,000 to \$250,000 be further increased to \$300,000. Mr. Kirwin stated that this is okay, and Mr. Forker also agreed with the \$300,000 figure. This will make an additional 97 people eligible for the program on top of the number provided in the Committee Report, and the costs will be negligible to the City.

Chair Nakian moved the ordinance as published. Said motion was seconded.

Chair Nakian moved to amend the ordinance in Section 220-8, Paragraph B (2 and 3), the \$250,000 be amended to \$300,000. Said motion was seconded. Rep. Zelinsky spoke in favor of the amendment. Rep. Martin asked that the Committee confirm the fiscal impact with the Office of Policy & Management in addition to the Tax Assessor's office. Said motion was approved by unanimous voice vote.

The main motion was approved by unanimous voice vote.

3. LR25.124 **PROPOSED ORDINANCE; for publication;** **RETURN TO**
amending Section 238-15.D and 238-16 (Extension **COMMITTEE**
of Water Mains) regarding the payment period for **BY VOICE**
assessments for water main extensions. **VOTE** (Reps.
09/08/00 - Submitted by Andrew J. McDonald, Esq. Shapiro, Corelli,
09/25/00 - Committee approved 6-0-0 Mobilio, DeLuca,
Day, Alswanger
and Loglisci
opposed)

Chair Nakian stated that the Committee was in favor of the ordinance and in sympathy with the purpose behind this proposed ordinance, however, in discussion with Mr. Mullins at the Committee meeting, it was discovered that the language from the present ordinance is taken word-for-word from the Charter. The Committee is unclear as to how it can amend an ordinance that conflicts with the Charter. Chair Nakian moved to return the item to Committee so that the Committee could continue to work with the Law Department to resolve this. Chair Nakian stated that the amount to be assessed on the homeowner does not take place until the project is completed in full, and then the Sewer & Water Commission has 120 days to file an assessment. Therefore no action on this will be taken in the next month, and by sending this back to Committee for a month, the Committee will be much more assured that it is acting legally and in conformance with the Charter. Chair Nakian moved to return the item to Committee; said motion was seconded.

Rep. Corelli stated she was disturbed regarding this issue. Rep. Corelli stated that the Water & Sewer Commission is not allowed to assess anything unless this ordinance prevails. Rep. Corelli read from the opinion where it states that the charter provision does not preclude the enactment of the ordinance. Rep. Corelli stated that this is an ordinance to help taxpayers and she is upset it is being sent back to Committee for another opinion, when an opinion from Andrew McDonald should suffice.

Chair Nakian stated that she understands why Rep. Corelli is upset about this, but that there is nothing in the proposed ordinance that has any affect whatsoever on the process of appropriating the money or the Sewer Commission going forward with the work. The only question presented to the Committee is the method of paying for the work, which is the very last step in the process. Chair Nakian stated the entire process is governed by the Charter regardless of what the Board includes in the ordinance. The only purpose for passing an ordinance in the first place was because there was no specific mention of water mains in the charter, and the Committee is providing a process similar to the sewer process. Chair Nakian stated that there is nothing that the Board can do by ordinance that can go against the Charter. The argument can be made that the language of the charter really means that you *may* do it, not that you *must* do it, then there would be no need to change the ordinance, because the language is identical and therefore the ordinance language could be discretionary. Also, there may be a way between taking the gap between zero and 5% of the assessment and phasing in a different time period, but the opinion of Corporation Counsel dealing with the ordinance that was submitted by Corporation Counsel, is conflicting with the Charter, and as chair of the Committee, Chair Nakian stated she does not see how this opinion was arrived at.

Rep. Day stated that the Committee voted for the ordinance assuming it could get an opinion from Andrew McDonald that there was no conflict with the Charter, and this opinion has been received. Rep. Day stated he shares Rep. Nakian's view that the opinion may be wrong, but the Committee voted that if it received the opinion, it would go ahead with the ordinance. Rep. Day stated that it is at least ambiguous in the Charter, and as a practical matter he questioned who would ever challenge this ordinance. Rep. Day stated that if the Board takes the position that it at least has an arguably ambiguous provision in the Charter, and the Board has the opinion from the Law Department, it should, based on these two items, go forward with the ordinance.

Rep. Martin stated that there would be no point in having C8-60-11, if what the Corporation Counsel says is true. Further, it impacts on other charter sections. Rep. Martin stated that the Board would be somewhat cavalier to take the opinion at face value, especially in light of the discussion regarding taking a lease at face value, which was drafted by the same Law Department. Rep. Martin stated that we are guided by the Charter and the Board should pay attention to this matter. Rep. Martin also stated that Ms. Nakian is correct that this does not hold the project up in any manner.

Rep. Loglisci stated that he finds it amazing that consistently after the Democrats have their caucus, they come in to the Legislative Chambers with a different opinion. Rep. Loglisci stated that there are Democrats who are on L&R and who voted for this ordinance. Rep. Loglisci stated that it is a done deal that whatever is decided in the caucus will rule out on the floor. Rep. Loglisci stated his point is that if the Board got the answer it was hoping for, and since this item directly benefits Stamford citizens, he doesn't see why we are looking for ways to come up with something that changes the item.

President Domonkos stated that when she reads the opinion, it appears that this can be done under the existing ordinance. It appears the ordinance can be interpreted in two different ways, and if so, it may just be an administrative matter. President Domonkos stated that if it is an administrative matter, she would prefer it be handled that way rather than the Board adopt an ordinance that a number of its members feel is in conflict with the Charter.

Rep. Martin stated he shares the Chair's concern in that what the Corporation Counsel has said creates a paradox in that the very same language (as that in the charter) does not apply in one instance.

Rep. Boccuzzi stated that this item was discussed at length in caucus, and he is certain that the opinion conflicts with the Charter. Rep. Boccuzzi stated he has heard many times on the floor of the Board that Corporation Counsel is only an opinion, and in this case, members disagree with this opinion. Rep. Boccuzzi stated that no part of the project will be held up.

Rep. Lyons stated he agrees with Mr. Boccuzzi and stressed that party affiliations and/or political ideologies should not be dragged into this matter. Rep. Lyons stated that twenty minutes ago, both parties slaughtered SWRPA and everyone became an instant architect, knew how the building should be remodeled and what it should cost per square foot and

proceeded to kill an item upon which there was an executed and agreed contract. Here we have an item that is not even time-sensitive, yet one part of the aisle is getting a bad rap on killing the item while it just wants to do proper due diligence. Rep. Lyons cautioned that neither Republicans nor Democrats have cons or pros against this item, they just want the item done with proper diligence.

The motion to return Item No. 3 to Committee was approved by voice vote with Reps. Shapiro, Corelli, Mobilio, DeLuca, Day, Alswanger and Loglisci opposed.

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

PERSONNEL COMMITTEE Randall Skigen, Chair
Ralph Loglisci, Vice Chair

No report.

LAND USE COMMITTEE Donald B. Sherer, Co-Chair
Patrick White, Co-Chair
Meeting: Wednesday, September 27, 2000
7:00 p.m. - Democratic Caucus Room
(in conjunction with Urban Redevelopment Committee)

The Land Use Committee met on Wednesday, September 27, 2000. Present were Committee Member Reps. Sherer, Nakian, Spandow, O'Neill, Shapiro, Hunter and Loglisci.

1. LU25.019	APPROVAL; of acceptance of Bud Lane as an accepted street 08/16/00 - Submitted by Redniss & Mead 09/07/00 - Approved by Engineering Bureau 09/27/00 - Committee approved 6-1-0	APPROVED BY VOICE VOTE (Reps. Shapiro, Martin, Gasparrini and Domonkos opposed)
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Co-Chair Sherer stated that this item has been on the Agenda for some time. The Committee finally received an approval from the City Engineer that it had released the bond and approved all aspects of the road. The other issue was the name, and the Committee voted 6-1 to approve the acceptance of Bud Lane. Co-Chair Sherer moved the item. Said motion was seconded.

Rep. Shapiro stated that he voted against the item because this is a point of the character of our community, and little things go into the character of our community such as the naming of a street. The Charter says that streets should be named after significant Stamford citizens who have passed away or geographic in nature. Rep. Shapiro states we all know that this is neither. He stated that it is important that the names of streets bear some relationship to the City. It is

clear that this does not, and that the Committee basically voted the way it voted so that this matter could be resolved, and this does not make it right.

The motion was approved by voice vote (Reps. Martin, Shapiro, Gasparri, Domonkos opposed).

OPERATIONS COMMITTEE Bobby E. Owens, Chair
Susan Nabel, Vice Chair
Meeting: Thursday, September 21, 2000
7:00 p.m. - Democratic Caucus Room

The Operations Committee met on Thursday, September 21, 2000. Present were Committee Member Reps. Zelinsky, Biancardi, Lyons and Owens. Excused was Rep. Nabel. There was no quorum.

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| 1. O25.024 | PROGRESS REPORT; regarding Government Center security system.
11/25/99 - Submitted by Rep. O'Neill
02/07/00 - Held in Committee
03/06/00 - Held in Committee
04/04/00 - Report Made & Held in Committee
04/12/00 - Placed on Pending Agenda
07/05/00 - Held in Committee
07/27/00 - Held in Committee
09/21/00 - Report Made | HELD IN
COMMITTEE |
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Chair Owens reported that Deputy Chief DeVito appeared on Item No. O25.024 and there has been minimal progress since the last meeting, and a report will be provided on that progress. The item is still held in committee.

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| 2. O25.034 | APPROVAL; of contract for building maintenance services at the Government Center with Shamrock Building Services, Inc.; contract to run from 2/26/00 to 2/25/03; amount of contract: \$701,380.00.
09/01/00 - Submitted by Mayor Dannel P. Malloy
09/21/00 - Held in Committee | HELD IN
COMMITTEE |
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Chair Owens reported that Item No. O25.034 was held so that additional information could be provided.

PUBLIC SAFETY & HEALTH Alice Fortunato, Chair

1. E25.038 REVIEW; of the performance of Laidlaw Bus **REPORT**
Company. **MADE**
09/07/00 - Submitted by Reps. Mellis and Green-
Carter
09/27/00 - Report Made

Rep. Mellis stated a report was provided to each representative. In summary, not much has changed since the earlier discussion regarding this matter except that the situation has deteriorated significantly. A new computer system was put in by the Board of Education this summer, which Laidlaw was supposed to follow, but it did not because of a shortage of drivers. They are still about 20 drivers short and communication is still not good. There is a long way to go to improve the situation.

Rep. Summerville asked what they were doing to get more drivers. Chair Mellis replied that they recently, they had sixteen candidates, of which four passed the training.

**URBAN REDEVELOPMENT
COMMITTEE**

Jim Shapiro, Chair
Joseph Gasparrini, Vice Chair
Meeting: Wednesday, September 27, 2000
7:30 p.m. - Democratic Caucus Room

Chair Shapiro reported that the Urban Redevelopment Committee met on Wednesday, September 27, 2000. Present were Committee Member Reps. Shapiro, Nakian, Day, Martin, Gasparrini, Summerville and Corelli. Also present were Reps. Loglisci, Domokos, Mellis and O'Neill.

1. UR25.004 REVIEW; of the Urban Redevelopment **REPORT**
Commission's actions regarding the Mill River **MADE**
Corridor Project, including its Statement of Policy
and the Delineation & Eligibility Report.
09/11/98 - Submitted by E. Steinberg, Executive
Director, URC
05/03/99 - Report Made
12/13/99 - Held in Committee
09/27/00 - Report Made

Secondary Committee: Land Use

Chair Shapiro reported that the purpose of the meeting was to test the waters on the Committee's opinion. The plan has been out for some time now, and everyone should have had the opportunity to review it, and this was a first testing of where people stood after the long process of comment and rebuttal. While many on the Committee are in favor of the Mill River Corridor Park Plan (Mr. Shapiro included), many were not. But, all generally felt that

this particular draft was incomplete in certain major areas. Chair Shapiro stated he would outline those areas.

The first major area was the fact that the Mill River Plan does not have a financial plan or a mileage schedule to it. Nowhere in the plan is there a partial or total estimate of costs, and any responsible legislator would have to assess that prior to voting on the plan. Nor is there an implementation schedule stating at what point certain actions would take place. In the Sasaki Plan, there was a rough outline of what would happen in three phases over certain periods of time, however, this was not incorporated into the Mill River Plan. So, representatives cannot roughly judge how things will be laid out – at what point costs will be incurred, at what point certain benefits will accrue. For both of those reasons, Chair Shapiro reported, the Committee has asked the URC to present the Board with a milestone schedule, which is what any private contractor would do in setting forth a plan of this nature.

The Committee also asked that subsequent to the URC's public hearing, they also provide a final presentation, at which time they can have their professional planners present and this would be helpful to the Board.

The second item that the Committee looked at were the boundaries. While there was talk of them shifting over during discussion, in the end, they look about 98% what they did at the outset. In some instances, members of the Committee felt the boundaries went too far. The boundaries go to the east side of Washington Boulevard to include the road, and many people felt that was too far. The plan doesn't really encompass Washington Boulevard. In other areas, members thought that the boundaries didn't go far enough, and thought that the Green Belt should be linked all the way up to Scalzi, because it is a natural extension of this and it is probably the only time the City can do it. Dreyfuss is included in the Mill River, and for some, it is a necessary component because the Dreyfuss building will fund the TIF, which will fund acquisitions in the rest of the Corridor. For others, that is precisely why they didn't feel the Dreyfuss property should be within it because they didn't want a TIF that was funded by tax money that could go to the general fund and support the infrastructure of the rest of the City.

The third area was in park creation. For a variety of reasons, 26 Main Street is no longer in the plan as an acquisition property. While the Board voted on a Master Plan change to eventually have that site be parkland, in the plan, there was acknowledgment of the fact that the Board really has no control over what happens to that building. It is a HUD building, and if and when HUD decides to do something with it, then we can talk, but it is really not a function of anything the Board of Representatives, the URC or the City can do. So, if that building remains in the zone as under the plan, it left people to revisit the 1010 Washington Boulevard property. This is the heart of the park. At the time, people asked why this building would be taken down and then build on the adjacent parcel which is currently open space, and it seemed during the Master Plan debate, that argument was lost. This now means that two buildings are in the heart of the park, and the question came up, "where is the park"?

Chair Shapiro stated that Rep. Day said that we are backing into the park. Rep. Day said that here we are instituting development and praying for a park.

Chair Shapiro stated that we are going in the right direction to some degree in acquiring open space via some of the land swaps, like the Dreyfuss land swap. However, without the critical mass in the center, the Green Belt loses some of its space.

Chair Shapiro reported that members also had questions regarding the Land Use Plan, such as how the entire vision was going to take shape with zoning regulations, how high buildings would be and where they would be. Height was an issue, particularly on Mill River Street, which is currently slated for eight stories. Rep. Corelli stated at the meeting that part of this plan was to open the area up to the West Side, and here they are building an eight-story building, cutting the West Side off again. Chair Shapiro stated that this may not be the way we want to go, and the Board should really look at this.

Chair Shapiro stated that the affordable housing requirements were briefly discussed, and these were the subject of a previous full meeting. It is a sense of the committee that market creation of units on site, within the corridor should be a primary goal of this plan, and it is not in the plan, as drafted.

Chair Shapiro stated that this is a 30-year plan, a long range plan, but some members felt that was too long to allow the URC to be the development entity. The Committee discussed limiting this to between four and ten years.

Chair Shapiro stated the Committee then discussed a time table for the Board to look at this matter, and a time table was distributed to all representatives. It is important to note that when it comes to the Board of Representatives, and the Board has the ability to approve this plan with changes. If there are provisions that the Board feels really needs revision, it can be done. This allows the Board to take a more comprehensive view of the plan and to push strongly the positive parts and fix the parts that don't work. The Board can also ultimately reject the plan.

Chair Shapiro stated that at the conclusion of the meeting, the members felt the Commission has a vision, but what it received was vapor. If the Board is going to go forward, there needs to be more flesh put on the skeleton.

President Domonkos thanked Chair Shapiro for his presentation. She reminded everyone that this is an ongoing process that the Board has been working on for two years, and now it is starting to get down to action. The Housing Authority is considering the plan right now, it will then go to the planning and zoning boards for opinions, then to the Board of Finance for the TIF piece and finally to the Board of Representatives. The schedule that Jim has doesn't have to be followed, it is just a time table.

Rep. Corelli stated that she is very proud of the Board because some people walked for affordable housing today, and this Board is responsible for affordable housing being put on the table.

Rep. Loglisci asked if the Board has a say on the TIF financing.

Rep. Shapiro replied that the TIF is like any part of the plan and can be voted on, however, the TIF would have to be voted up and down because it is generated by statute. The Board can reject or accept having a TIF in the plan, but the Board cannot change the way TIF works.

**HOUSING/COMMUNITY DEVELOPMENT/
SOCIAL SERVICES COMMITTEE** Elaine Mitchell, Chair
Anthony Imbrogno, Vice Chair
Meeting: Tuesday, September 19, 2000
6:45 p.m. - Democratic Caucus Room

Rep. Cannady reported that both items were held in Committee.

1. HCD25.38 REVIEW; of the feasibility of enacting an ordinance **REPORT MADE
AND HELD IN
COMMITTEE**
 providing a linkage between commercial
 development and affordable housing.
 06/08/00 - Submitted by President Domonkos
 08/31/00 - Report Made
 09/06/00 - Report Made
 09/19/00 - Report Made

2. HCD25.31 REVIEW; of Hope VI funding. **HELD IN
COMMITTEE**
 03/08/00 - Submitted by Rep. Mitchell
 05/01/00 - Report Made
 08/16/00 - Placed on Pending Agenda
 09/19/00 - Report Made

TRANSPORTATION COMMITTEE Gabe DeLuca, Chair
Peter C. Nanos, Vice Chair

No report.

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

No report.

HOUSE COMMITTEE Annie M. Summerville, Chair

No report.

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

No report.

RESOLUTIONS

MINUTES

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| 1. | <u>September 6, 2000 Regular Meeting</u> | APPROVED BY
UNANIMOUS
VOICE VOTE |
| 2. | <u>August 7, 2000 Regular Meeting</u> | APPROVED BY
UNANIMOUS
VOICE VOTE |

COMMUNICATIONS

1. President Domonkos congratulated Rep. Corelli on her recent election to Republican Registrar of Voters.
2. President Domonkos reminded everyone that the Urban Redevelopment Commission will be holding hearings on the Mill River Project tomorrow night in the Government Center Cafeteria at 4:00 and 6:00.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:20 p.m.

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