

The Regular Meeting of the 25th Board of Representatives of the City of Stamford will be held Monday, December 4, 2000 at 8:00 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 8:45 p.m.

INVOCATION: Given by Rep. Cannady:

“Let’s all pray. Dear Heavenly Father, we humbly come before thee for these good things, for this opportunity, and we come together to address the issues that had been brought before us. We thank thee, oh Lord, for the blessings you have so gracefully bestowed upon this city. We ask you, oh Lord, for your continued guidance and strength as we approach the holiday season. Give us compassion and love for all humankind. We pray that you will receive all the praise, honor and glory. Amen.”

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

ROLL CALL: There were 32 members present and 8 members absent/excused. Absent were Reps. Alswanger, DePina, Mitchell, Fortunato, Gaztbambide, Sherer and Spadow. Rep. Nabel had resigned her position. Reps. Mitchell and Alswanger arrived after the start of the meeting.

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

PAGES:

ELECTION OF NEW REPRESENTATIVE:

President Domonkos read a resignation letter from Representative Susan Nabel. (Rep. Nabel was recently elected to the Board of Education.) President Domonkos declared a vacancy in

the 20th District. Rep. Nakian moved the appointment of Howard A. Graber; said motion was seconded. President Domonkos stated she heard no other nominations. Mr. Graber's appointment was approved by voice vote (Rep. Skigen abstaining). President Domonkos administered the oath of office.

President Domonkos read a resignation letter from Ruth Powers, a member of the Board of Finance. President Domonkos declared a vacancy on the Board of Finance. Rep. Martin moved the appointment of Timothy Abbazia; said motion was seconded. President Domonkos stated she heard no other nominations. Mr. Abbazia's appointment was approved by voice vote (Rep. Skigen abstaining).

MOMENTS OF SILENCE: For the late:

Helen M. Martello, by the 25th Board of Representatives; Babette Ransohoff by the Republican Caucus; Frank Ringi and Mary Hanrahan by Rep. Giordano; James D. Harrington, Sr., Victor A. Blois, Philomena Tamburino, Samuel A. Magliari, Sr., Nicholas V. Carlucci, Elvira Mary Futie and Nunzio Salvatore by Reps. Giordano and Loglisci; Connie Pirri, David R. Maffucci, Peter Napolitano, Edith M. Monaco, Patsy F. DiMattio, Ida Bafundi, Matthew J. Kerr III and Joseph W. Gilmartin by Rep. Loglisci.

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Wednesday, November 15, 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

No report.

FISCAL COMMITTEE David Martin, Chair
Bobby E. Owens, Vice Chair
Meeting: Monday, November 20, 2000
7:00 p.m. - Democratic Caucus Room

Vice Chair Owens reported that the Fiscal Committee met on Monday, November 20, 2000. Present were Reps. Owens, DeLuca, Green-Carter, Giordano, Lyons, Loglisci, Mellis, Nanos, Poltrack and Sherer. Also present were Thomas Hamilton, Sandra Dennies and Ellen Bromley, among others.

1. F25.291 ADDITIONAL APPROPRIATION (Capital) **APPROVED**

\$250,000.00	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 10/02/00 - Held in Committee 11/08/00 - Approved by Board of Finance 11/20/00 - Committee approved 9-0-0	ON CONSENT AGENDA
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Secondary Committee: Operations

Waive

2. F25.305	RESOLUTION; (formerly Exhibit A) amending the Capital Budget For Fiscal Year 2000-2001; Department of Operations; Engineering Bureau by Adding a New Appropriation for West Main Street Bridge; in connection with Item No. 291 above. 08/22/00 - Submitted by Mayor Dannel P. Malloy 09/18/00 - Committee Held 7-1-0 10/02/00 - Held in Committee 11/20/00 - Committee approved 9-0-0	APPROVED ON CONSENT AGENDA
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3. 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; source of funds: grant. 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 10/02/00 - Held in Committee 10/12/00 - Approved by Board of Finance 11/20/00 - Committee approved 9-0-0	APPROVED ON CONSENT AGENDA
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Secondary Committee: Land Use

Concur

4. 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	APPROVED ON CONSENT AGENDA
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Acquisition.

09/01/00 - Submitted by Mayor Dannel P. Malloy

09/18/00 - Held in Committee 7-0-1

10/02/00 - Held in Committee

11/20/00 - Committee approved 8-0-0

5. F25.309
\$332,979.00

ADDITIONAL APPROPRIATION (Grant-Funded Budget); to fund Justice Based After-School Initiative Program; to provide academic and athletic after school activities for middle school students; source of funds: grant.

10/31/00 - Submitted by Mayor Dannel P. Malloy

11/16/00 - Approved by Board of Finance

11/20/00 - Committee approved 8-1-0

**APPROVED BY
VOICE VOTE
(Rep. DeLuca
opposed)**

Secondary Committee: Education

Concur

Vice Chair Owens moved Item No. F25.309; said motion was seconded and approved by voice vote (Rep. DeLuca opposed).

6. F25.310
\$10,000.00

ADDITIONAL APPROPRIATION (Capital Budget); Stamford Museum; to bury water line; first phase of connection to the public water supply as ordered by State Health Code; source of funds; bonding.

10/31/00 - Submitted by Mayor Dannel P. Malloy

11/02/00 - Approved by Planning Board

11/16/00 - Approved by Board of Finance

11/20/00 - Committee approved 8-0-0

**APPROVED
ON CONSENT
AGENDA**

Secondary Committee: Operations

Waive

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

7. F25.311

RESOLUTION; (formerly Exhibit A) amending the capital budget for Fiscal Year 2000-2001, Stamford Museum, by adding a new appropriation for Studio Building Water Line in connection with F25.310 above.

10/31/00 - Submitted by Mayor Dannel P. Malloy

11/20/00 - Committee approved 8-0-0

**APPROVED
ON CONSENT
AGENDA**

8. F25.312 ADDITIONAL APPROPRIATION (Capital
\$357,028.00 Budget); Board of Education; School Wiring; to
implement a portion of the technology plan at 3
middle schools, 4 elementary schools and
Rippowam; source of funds: grant.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/02/00 - Approved by Planning Board
11/16/00 - Approved by Board of Finance
11/20/00 - Committee approved 8-0-0

**APPROVED
ON CONSENT
AGENDA**

Secondary Committee: Education

Concur

9. F25.313 RESOLUTION; (formerly Exhibit A) amending the
capital budget for Fiscal Year 2000-2001, Board of
Education, by adding a new appropriation for School
Technology Wiring in connection with F25.312
above.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/20/00 - Committee voted 8-0-0

**APPROVED
ON CONSENT
AGENDA**

10. F25.314 ADDITIONAL APPROPRIATION (Operating
\$30,000.00 Budget); Administration; Other Grants; to study
existing train, bus, shuttle, vehicle, bicycle and
pedestrian service to the Transportation Center; study
to be conducted with SWRPA, MetroNorth,
ConnDOT and CT Transit; source of funds:
\$120,000 grant, \$30,000 city match.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/20/00 - Committee voted 8-0-0

**APPROVED
ON CONSENT
AGENDA**

Secondary Committee: Transportation

Concur

11. F25.315 ADDITIONAL APPROPRIATION (Grant-Funded
\$150,000.00 Budget); Multimodal Service Study; Professional
Consultants; grant portion of funds as outlined in
F25.314 above.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/20/00 - Committee voted 8-0-0

**APPROVED
ON CONSENT
AGENDA**

Secondary Committee: Transportation

Concur

12. F25.316 ADDITIONAL APPROPRIATION (Grant-Funded **APPROVED**
\$5,438.00 Budget); School Readiness Grant; Professional **ON CONSENT**
Consultants; to provide education and training for **AGENDA**
teachers, professional development workshops and
technical assistance.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/20/00 - Committee voted 7-0-0

Secondary Committee: Education

Concur

13. F25.317 ADDITIONAL APPROPRIATION (Grant-Funded **APPROVED**
\$2,500.00 Budget); TB Grant; funds to increase account to **ON CONSENT**
state-approved amount of \$64,375. **AGENDA**
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/20/00 - Committee voted 8-0-0

14. F25.318 ADDITIONAL APPROPRIATION (Grant-Funded **APPROVED**
\$401,019.00 Budget); SAMHSA Grant; various accounts; to **ON CONSENT**
expand and enhance substance abuse treatment **AGENDA**
services for women and children; no city match.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/20/00 - Committee voted 9-0-0

Secondary Committee: Public Safety & Health

Concur

15. F25.319 REJECTION; of capital project close-outs; various **ITEMS C56117**
\$1,480,287 city departments. **and C56153**
10/20/00 - Submitted by Mayor Dannel P. Malloy **REJECTED BY**
11/16/00 - Approved by Board of Finance **UNANIMOUS**
11/20/00 - Committee voted 9-0-0 **VOICE VOTE**

Vice Chair Owens stated that the Committee voted to reject Ref. No. C56117, CTE Building Improvements. This was improvements to the South End Community Center gym, air conditioning and renovation of bathrooms and other facilities. Vice Chair Owens moved the rejection of this item; said motion was seconded and approved by unanimous voice vote.

Vice Chair Owens stated that the Committee moved to reject Item No. C56153, Bridge Street bridge. This is the bridge renovation was completed in 1995, and the Committee

asked that this be rejected because sidewalks and curbing around the bridge is not complete. Chair Owens moved the rejection of this item; said motion was seconded and approved by unanimous voice vote.

16. F25.320 ADDITIONAL APPROPRIATION (Operating **APPROVED**
\$4,414.00 Budget); Health & Social Services; Program **ON CONSENT**
Services; to fund one-time deficit in Senior Nutrition **AGENDA**
Program.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/20/00 - Committee voted 9-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1-4, 6-14 and 16, was approved by unanimous voice vote.

LEGISLATIVE & RULES COMMITTEE Maria Nakian, Chair
William MacInnis, Vice Chair
Meeting: Monday, November 27, 2000
7:00 p.m. - Democratic Caucus Room

The Legislative & Rules Committee met on Monday, November 27, 2000. Present were Reps. Nakian, MacInnis, Esposito, Gasparrini, Skigen, Spandow, Zelinsky, Day and Fedeli. Representative DeLuca and five or six residents of the Cedar Heights area were also present.

1. LR25.124 **PROPOSED ORDINANCE; for final adoption:** **APPROVED BY**
amending Section 238-15.D and 238-16 (Extension **VOICE VOTE**
of Water Mains) regarding the payment period for **(Reps. Skigen and**
assessments for water main extensions. **Martin opposed)**
09/08/00 - Submitted by Andrew J. McDonald, Esq.
09/25/00 - Committee approved 6-0-0
11/27/00 - Committee approved 9-0-0

Chair Nakian reported the Committee voted 7-1-0. Chair Nakian stated that based upon an opinion of corporation counsel, the ordinance is extending the payment period to provide that the homeowner may phase in the payment over a ten-year period. Chair Nakian moved the item; said motion was seconded and approved by voice vote (Reps. Skigen and Martin opposed).

2. LR25.125 RESOLUTION; correcting a Scrivener's Error in **APPROVED**
Ordinance No. 939 Supplemental (tax abatement for **ON CONSENT**
First Haitian Free Methodist Church); paragraph 2 to **AGENDA**
read "October 1, 1998" instead of "October 1,
1999."

11/06/00 - Submitted by Rep. Nakian
11/27/00 - Committee approved 7-1-0
11/27/00 - Committee approved 9-0-0

3. LR25.130 **PROPOSED ORDINANCE; for publication;** **APPROVED
ON CONSENT
AGENDA**
amending the Code of Ordinances, Chapter 220-8;
Senior Citizens Tax Abatement (to change income
limits).
11/09/00 - Submitted by Rep. Nakian
11/27/00 - Committee approved 9-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 2 and 3, was approved by unanimous voice vote.

PERSONNEL COMMITTEE Randall Skigen, Chair
Ralph Loglisci, Vice Chair
Wednesday, November 29, 2000
7:00 p.m. - Democratic Caucus Room

The Personnel Committee met on Wednesday, November 29, 2000. Present were Reps. Skigen, Boccuzzi, Cannady, Gasparrini and MacInnis. Reps. Spandow, Loglisci, Fortunato and Fedeli were excused. Also present were Bill Stover and Dominick Garzone, president of the MAA.

1. P25.090 **APPROVAL;** of tentative agreement with AFSCME **APPROVED BY
UNANIMOUS
VOICE VOTE**
Local 2657, the Supervisor's Union; 3% one year
general wage increase retroactive to 7/1/2000;
extension of existing agreement through 6/30/2000.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/29/00 - Committee approved 5-0-0

Chair Skigen reported that this is a one-year extension of the current labor contract with the MAA, that includes a 3% general wage increase. Chair Skigen moved the item; said motion was seconded and approved by unanimous voice vote.

2. P25.091 **APPROVAL;** of contract with AG Consulting **HELD IN
COMMITTEE**
(Division of ADP, Inc.); amendment to PeopleSoft
Implementation Partner Agreement; for various
services; amount of contract: \$150,000.00.
10/25/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Held by Board of Finance
11/29/00 - Held in Committee

Chair Skigen reported that Item No. 2 was held as the Board of Finance had not voted on this item.

LAND USE COMMITTEE Donald B. Sherer, Co-Chair
Patrick White, Co-Chair
Meeting: Tuesday, November 21, 2000
7:00 p.m. - Democratic Caucus Room

Co-Chair White reported that the Land Use Committee met on Tuesday, November 21, 2000. Present were Committee Member Reps. Boccuzzi, Hunter, Loglisci, Nakian, Sherer and White. Rep. Sherer chaired the meeting. Also present was Gerry Fox, representing ADA, Jackie Heftman, Chair of the Zoning Board; Robin Stein, Land Use Bureau Chief and members of the public, of which 9 people spoke. Also present were Bruce Goldberg and Rick Redness.

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| 1. LU25.046 | APPEAL; of Zoning Board's denial of Application No. 20-016, proposed change in the Zoning Map, upon application of ADA, LLC from RA-1 District to R-20 District.
10/31/00 - Submitted by Gerald Fox, III, Esq.
11/21/00 - Committee voted 4-2-0 | APPROVED BY
MACHINE VOTE
23-11-0 (Reps. Domonkos, Esposito, MacInnis, Martin, Mellis, Nakian, O'Neill, Owens, Shapiro, Skigen and White opposed) |
|-------------|---|---|

Co-Chair White reported that the Committee voted 4-2 to support the appeal of the applicant. Said motion was seconded.

Rep. Gasparri stated that extended discussion on this matter occurred in caucus. Rep. Gasparri stated he is in favor of the motion, changing the zoning from 1 acre zone to 1/2 acre zoning. He stated that this is a 4 1/2 acre parcel off Newfield Avenue. The proposal would allow the property owner to build not 4 houses on one acre but 6 houses on 3/4 acre of land. Rep. Gasparri stated he is in favor of it primarily because the neighbors think it is beneficial to the neighborhood and feel that it provides an appropriate transition from the Edward Place neighborhood, 1/4 acre lots to the 1 acre zone to the north.

Rep. Gasparri also stated that this property falls within his district, and Mr. Mobilio, the other 15th District representative, also supports the application based on the neighborhood's wishes.

Rep. Gasparri stated that if this was zone-busting, the Board should oppose it, but because the property is right on the cusp between 1/4 acre zoning to the south and 1 acre zoning to the north, it is not zone-busting. Rep. Gasparri also stated that this would not create a precedent

for the future, first of all because the Board is not bound by precedent, and each request for a zone change is based on a unique set of circumstances.

Rep. Gasparrini stated it was mentioned in caucus that if the Board approves this, it is simply doing a favor for the developer. Rep. Gasparrini stated that if all this was about was doing a favor for the developer, the Board should oppose it. He stated he does not know the developer, and is not aware of anyone on the Board that knows the developer and therefore he doesn't feel this is motivating support of the application in the least.

Rep. Gasparrini stated the neighbors feel that this will be a very attractive development, and perhaps the neighbors don't want to be overshadowed by million dollar homes on one-acre parcels. Rep. Gasparrini stated that this development will provide jobs and housing for families. As people move into these houses, they may vacate housing in a lower price range in other parts of town. Finally, Rep. Gasparrini stated that one of the main reasons for a one acre zone is to provide adequate septic system space, but this property is sewerred, and that is not a consideration.

Rep. DeLuca stated that this application should be approved for several reasons: houses on Edward Place leading to the site are on ¼ acre sites; the developers have purchased 4.6 acres and wish to subdivide to ½ acre and only put up six houses, not nine houses, of which four of the houses will have access from Edwards Place and two from Newfield Avenue. The homeowners affected on Edwards Place have no problems and were represented by Atty. Hennessey. The result is that the development would improve rather than downgrade the area. Each house will be located on a ¾ acre, and that represents only 2/3 of the property being developed.

Rep. DeLuca stated he was very disturbed by some of the comments made by the Zoning Chair at the public hearing, such as implying the developers are greedy and are not happy with four houses. Rep. DeLuca stated that the same Zoning Board has no problem caving in to the out-of-town developers who wish to put up 350' towers and all kinds of apartment houses that would just create more traffic. Rep. DeLuca stated that for a chairperson of the Zoning Board to make these kind of remarks is uncalled for and ludicrous.

Rep. DeLuca stated the comment made by the Zoning Chair that the EPB never went out to the site to check if there were wetlands there was disturbing. Rep. DeLuca stated that as everyone knows nothing ever gets by David Emerson or Rick in EPB. These people check everything out. The next morning, Rep. DeLuca stated he went to the EPB office, and Rick confirmed to him that he had gone out to the site and believes the work being done will enhance the area, and will definitely not have an adverse effect.

Rep. DeLuca stated that everyone should remember that the Planning Board unanimously approved this project. Also, at the public hearing, Robin Stein spoke in support of the project. Rep. DeLuca stated that Mr. Stein is also a stickler for regulations and does not bend easily.

Rep. DeLuca stated that he received a letter from one person who asked about the effect on the City's sewer system. Rep. DeLuca stated that two houses will not have an effect on the

sewage treatment plant. Yet, again, Zoning is going along with 350' towers and all kinds of apartment house projects. Rep. DeLuca stated that if we have to worry about two houses straining the sewage treatment plant, maybe the City shouldn't develop the Hoffman site.

Rep. DeLuca stated by not over-riding the Zoning Board, we will be doing an injustice not only to the builder but also to the residents of Edwards Place.

Rep. Esposito stated that as he listens to the arguments, he keeps asking why? The rationalizations, the explanations, the arguments that he is hearing about why the Board should down-zone. Rep. Esposito stated that he doesn't believe the City should ever down-zone without a good, credible reason for it. Rep. Esposito stated that it has been said that we are not doing the developer a favor, but if not, who are we doing a favor for? The consequence of going from four to six homes is that the developer will be able to make more money on this deal. Rep. Esposito stated he can't believe that down-zoning will improve the neighborhood. Rep. Esposito stated he can't believe that the neighbors got together and said yes, we want to down-zone. He has never heard that in Stamford in thirty years.

Rep. Esposito stated the question is why would the neighbors want to down-zone? Rep. Esposito stated he is not concerned about setting a precedent, but if someone comes in down the road and asks for something similar, why would the board say no at that time? What reasons are the Board going to give future developers when they apply. Rep. Esposito stated that we are allowing them to put up six houses instead of four for no good credible reason. The City is not even getting something in exchange for this, and he is very concerned about what this does in the future and how the Board will justify saying no to developers in the future, and can this be used against the City in court? In other words, we approved this particular project for no other reason than to let the builder put up more houses than what it is zoned for, and how do you say no to someone next year. Rep. Esposito stated he would vote against this and urged his fellow board members to also vote against this.

Rep. Shapiro stated that he agrees with Rep. Esposito and he thinks this is another salvo in the on-going assault in the character of our community. Rep. Shapiro said we should say "absolutely not" to these attacks and added that our neighboring communities have learned these words fairly well, and that is why they are still leafy. No one even tries this nonsense in Greenwich, New Canaan and Darien – they know it is not going to fly. Stamford needs to understand this as well. Stamford has many wonderful aspects, it is diverse, it has seashore, a downtown, more affordable, denser units and we still have leaves left. But, if we do this, we risk destroying an important part of our mosaic. It is a part of the American dream and Stamford's dream and the dream of young people who decide to move back here that perhaps one day they can live in these types of neighborhoods and raise children in these types of neighborhoods without them becoming unpredictably changed. Rep. Shapiro stated that when this dream is molded for reasons without any apparent justification, we should say "absolutely not."

Rep. Nakian stated that at the Committee's public hearing, two issues were raised. One was that the neighbors to the south on Edwards Place were all in favor of the development, and Mr. Esposito asked why this would be. One reason probably is that when ADA bought the

property in November of last year, they immediately came up with a plan for a planned development of thirteen houses. That seemed a little heavy for four acres of land, so they came up with a plan for nine houses. The neighbors didn't agree with that and they compromised on the RA-20 zoning and six houses. Rep. Nakian stated that perhaps, being faced with a choice between six and thirteen houses, she would take the six houses, too. However, if somebody offered her the four houses on the four acres of land, she can't see why anyone would object to that. Rep. Nakian stated she believes the neighbors thought they were making a good deal and adding stability to these plans by compromising with the developer and agreeing to this, but she can't see how they would be terribly upset if it turned out to be one acre zoning with four houses on the four acres.

Rep. Nakian stated that the other point is that the one acre zoned properties to the north are all deed-restricted, and they could never change. She added that maybe they are deed-restricted, and while it is certainly more difficult, they can be changed. But, there are other pieces of property, even abutting the piece of property under discussion, that are not deed-restricted, and once this parcel is zoned RA-20, why wouldn't property abutting it be re-zoned? Rep. Nakian stated you could go up and down Newfield Avenue and down-zone property. Rep. Nakian stated we are setting a terrible precedent. There are virtually no areas south of the parkway that are one acre zoned, and this is something worth being protected, not something put in jeopardy.

Rep. Loglisci stated that he guesses we can't dream if we can't afford acre plus land, and that we can't live on $\frac{3}{4}$ acres located near $\frac{1}{4}$ acre lots. There are no dreams for renters, people who live on quarter acres, and he stated this is a real problem. Rep. Loglisci stated that Stamford doesn't need more \$1 million plus houses on 1 plus acre, we need more affordable homes, and he believes these would be somewhat more affordable on $\frac{3}{4}$ acres, and then more people can dream to own. They will have leaves on their little plot of land to fulfill their small dreams, and Rep. Loglisci doesn't see any reason not to approve the application.

Rep. White stated that he voted against this application on Committee. What you have here is a change proposed by the developer that first went to the Planning Board and then to the Zoning Board and failing at that attempt to effectively double the density. Rep. White stated that these people are involved in speculation and are interested in maximizing their profits by down-zoning. This is not the way that a city zones or the way a city changes a zone. There is no reason for it. Rep. White stated that the Zoning Board voted 6-0 to reject the application because there is no compelling reason for changing the zone, just a request by a speculator who wants to maximize his profits.

Rep. White stated that this puts every single residential zone in this city at risk because other developers will come in and try to down-zone property all over the city. Developers will simply go to the Planning and Zoning Boards, and they may or may not win, but in the last scenario, they can go to the Board of Representatives and they will get exactly what they want. Rep. White stated that this is the third time something like this has come before the Board in a very short amount of time, and he believes this is no accident. The point is that this is really a bad way to zone and that the Board of Representatives should support the Zoning Board. Rep. White stated the Zoning Board was correct and that we are adding more capacity

to the sewage treatment plant in terms of handling. Sewers are not a rationale for changing a zone.

Rep. White stated that Robin Stein made it very clear that this is a precedent for down-zoning. He also made it very clear that the Planning Board was not aware of the deed restrictions on Gray Farms and Donald Road. Mr. Stein also made it clear that the change was proposed by the developer. Rep. White stated that he did not interpret Mr. Stein's comments as his being very much in favor of this application. He made it clear that this is a very dangerous decision. The Zoning Board voted 6-0 to deny this application because of no compelling reason. Rep. White stated that if we do overturn the Zoning Board, all residential zoning in this town is under the gun because it won't stop.

Rep. White stated that EPB was given a hypothetical subdivision situation, and that is a big difference. A hypothetical subdivision vs. the actual subdivision makes a big difference. Rep. White stated that if the Board members want to save their neighborhoods and save residential areas in this city, the Zoning Board needs to be supported. This is zone-busting and nothing more than greed and speculation by developers.

Rep. Martin stated that he agrees with the people who have spoken against this application, and stated that Mr. Esposito captured closest to what he feels. Rep. Martin stated that as he keeps listening to those who want to see this change, their argument is that this is not so bad, it's only six houses, and this is not a reason to change a zone. Rep. Martin stated there are a set of zones, they were put in place after careful consideration, and you don't change them unless there is some benefit that accrues to the City that outweighs making a change. Rep. Martin stated that there is some of a ripple effect, and people who buy this property and successfully get a zone change are encouraged to go buy another piece of property and try again. He said we probably won't see thousands of developers trying to do this, but we have certainly encouraged this particular developer to do so. Rep. Martin added that he does not begrudge the developer for doing this, but we should not send a message to them that it is all right to do this.

Rep. Martin stated that if we want to change the zone, a very good reason must be shown why. There should be public benefits to justify that change, and there are none here.

Rep. Martin stated that if we were to approve this amendment, they don't have to build six houses there. They can sell the property and come back next year with a different set of owners and ask for a different zoning change. There is nothing by approving this that will ensure six houses. So even if proponents say that this change is all right, all we are doing is voting on a right for the developer to have additional rights. They can then decide to sit on the property, or they can try a different development tack, or they can sell it out to someone else. Rep. Martin said we are not making a change in a zone in order to get this development, all we are doing is giving a change in zoning, and they have argued that this is the type of development that they would do. Rep. Martin stated that he trusts that they will, but this is not an exchange, we are just giving them a zoning right and they can do what they wish. This is just not a smart move.

Rep. Martin stated that if people want to contrast this to what some of our other development agencies have done, there is a heck of a lot of effort to lock these people into agreements wherein they are required to do things in exchange for what they are given. In a zoning change like this, there is no such lock up; it is unwise, there is no reason to do it and there is ample reason not to. Rep. Martin stated that there is no conceivable reason in his mind as to why the Board is even considering this.

Rep. Mobilio stated that he is the other 15th district representative, and in communicating with his neighbors, most are overwhelmingly in favor of supporting this development. No one feels they are being held hostage, and he hears that this would be a good idea. Rep. Mobilio stated that since he has been on the Board, when the public provides input on a matter, about half of the people are usually for the matter and half are against. On this issue, he estimated that 75-80% of the people he communicated with are in favor of the application. Rep. Mobilio urged his colleagues to support this application.

Rep. Day stated that we should not approach this issue in apocalyptic terms. Rep. Day stated he is strongly personally against down-zoning, and he feels there should be a very, very heavy burden to overcome to make any exceptions. This particular piece of property, the way it is situated, is very unusual and as a discrete parcel more properly belongs with the denser zone primarily because that is the way it is approached, at least with respect to four of the six homes. The Newfield Avenue entry is not germane because the development is not visible.

Rep. Day stated that the principles of the prerogative of the Zoning Board can be defended and be strongly against down-zoning, but recognize that in a very few situations, there is a rationale for making an exception. Every once in a while the very heavy burden is in fact overcome, and he believes that this is one of those situations. Rep. Day said that if you look at the parcel, it is not ever likely to be developed at all if it remains in the current zone because of the access to it. Failure to develop the parcel could lead to neglected property, which it currently is to some extent and could become a nuisance. There are some plausible reasons why the neighbors would in fact favor a sensible development of the property. It is unlikely ever to be developed without this change being made.

Rep. Boccuzzi stated that he takes issue with a remark made that the developers are proposing six homes now but later there could be more homes. It was specified in the agreement that the developers signed upon application that there must be six homes. Rep. Boccuzzi stated that he voted in favor of the application in committee. He stated that he doesn't feel he is setting a precedent, and that if the group wanted to down-zone to ¼ acre, he would have voted no, but to approve the change from 1 acre to ½ acre in the context of where the property is situated is a change that is making it worthwhile to develop the property.

Rep. Boccuzzi stated that developers are not in the business to lose money. Rep. Boccuzzi said that if this was a big developer, he would think twice, but this small strip could be a nice buffer between the ¼ acre zoning and the 1 acre zoning that borders the strip. Rep. Boccuzzi stated that he has respect for both the Planning and Zoning Boards, and they both have a job to do, but we have to make up our own mind. The next time around the developer may not get

what it wants, especially if it is a significant change. Rep. Boccuzzi stated he will vote in favor of overturning the Zoning Board.

Rep. O'Neill stated that zoning decisions require thoughtful and deliberate considerations. Only under extraordinary circumstances should the board agree to overrule the Zoning Board and, more importantly, the Master Plan, which delineates how best to preserve the integrity of our neighborhoods. Rep. O'Neill said he could not possibly overstate this situation as far as he is concerned. There are many people here who may not think that one application will make any difference in the texture of a city, however, he feels that it is important for the integrity of our master plan to stick to it and to stand by it as something we should live by, and let preserve our neighborhoods.

Rep. Zelinsky stated that he is glad that we are not Greenwich, Darien or New Canaan. Stamford is unique in its character. We have all mixes of neighborhoods in our City and this is good. We are voting here tonight on one parcel, and are in no way opening floodgates for down-zoning throughout the City. Stamford does not more housing, and the representatives who represent the residents in this particular neighborhood are both in favor of this appeal. They know their districts and represent their constituents. Rep. Zelinsky stated we should respect and honor their wishes as we would want them to vote on issues in our districts.

Rep. White stated that of the nine people who spoke from the public, who were residents who lived nearby, eight of them spoke against the application and spoke in favor and in support of the Zoning Board. Rep. White stated that in the last analysis, our job is to protect what is good for the City and the majority of citizens of the City, and our decision here tonight is not supposed to be based on what is good for the developer.

Rep. DeLuca stated that Mr. Sherer requested the attorney representing the developer that rather than having all the Edwards Place residents come down to speak in support of it, that he would accept a petition, that was signed by about 25 people. So, there could have been 25 people speaking in favor of it.

Rep. Boccuzzi agreed with Mr. DeLuca and advised that everyone received copies of the petitions.

Rep. Lyons stated that tonight we are hearing a lot of lofty rhetoric about master plan referendum or city-wide referendum on zoning issues, and he intends to vote in favor of the application, but it is not irrespective of or disrespectful of the Zoning Board's decision, nor is it in major support of the Planning Board's decision. Unfortunately, it seems to have taken on a tone where one board is pitting itself against another board, and what we merely have is an application made under which the Charter proscribes as a remedy, and the Board will vote yea or nay. For everyone to paint a picture of drastic down-zoning or zone-busting is kind of harmful to the tone of the discourse. What the ultimate objective is to vote either yea or nay, and he intends to vote in support of it. Mr. Lyons stated he does not support down-zoning or zone-busting, but feels the merits of this application warrant approval.

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

The motion was approved by machine vote with Reps. Domonkos, Esposito, MacInnis, Martin, Mellis, Nakian, O'Neill, Owens, Shapiro, Skigen and White opposed. Rep. Graber voted yea.

OPERATIONS COMMITTEE

Bobby E. Owens, Chair

Susan Nabel, Vice Chair

Meeting: Tuesday, November 21, 2000

7:00 p.m. - Republican Caucus Room

Chair Owens reported that the Operations Committee met on Tuesday, November 21, 2000.

Present were Committee Member Reps. Imbrogno, Nanos, Hunter, Lyons and Owens.

Excused was Rep. Zelinsky.

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| 1. O25.035 | REVIEW; issue of imposition of fees in order to fund the WPCA Plant Upgrade.
09/22/00 - Submitted by President Domonkos
11/08/00 - Held in Committee
11/21/00 - Held in Committee | HELD IN
COMMITTEE |
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Chair Owens reported that Tom Hamilton appeared before the Committee and provided a break-out of the different scenarios, and the Committee voted to hold the item to continue discussion.

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| 2. O25.036 | APPROVAL; of amendment to agreement for engineering services for the Design of Studio Road Bridge with Frederic R. Harris, Inc.; amount for additional work: \$54,000.00.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Held Board of Finance
11/21/00 - Held in Committee | HELD IN
COMMITTEE |
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Chair Owens reported that this item was also held in Committee.

**PUBLIC SAFETY & HEALTH
COMMITTEE**

Alice Fortunato, Chair

Lucy F. Corelli, Vice Chair

Meeting: Thursday, November 30, 2000

7:00 p.m. - Democratic Caucus Room

Vice Chair Corelli reported that the Public Safety & Health Committee met on November 30, 2000. Present were Committee Member Reps. Corelli, DeLuca, Kirwin, Skigen, MacInnis, O'Neill and DePina.

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| 1. PS25.040 | APPROVAL; of contract with Roncalli Health Services, LLC for management of the Smith House Skilled Nursing Facility; amount of contract: \$196,224 in year 1; increases in future years.
10/31/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Approved by Board of Finance
11/30/00 - Committee voted consent | APPROVED
ON CONSENT
AGENDA |
| 2. PS25.041 | APPROVAL of Ancillary Service Agreement and PPS Per Diem Compensation Schedule with Sunsolution, Inc. in connection with services to be provided at Smith House.
11/02/00 - Submitted by Mayor Dannel P. Malloy
11/16/00 - Held by Board of Finance
11/30/00 - Held in Committee | HELD IN
COMMITTEE |

Vice Chair Corelli stated that Item No. PS25.041 was held in Committee because the Board of Finance had not acted upon the matter.

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

President Domonkos stated that this will be Rep. Corelli's last meeting as Vice Chair of the Committee and that the Board will miss her. President Domonkos stated that Ms. Corelli has done an excellent job as Vice Chair of Public Safety & Health.

PARKS & RECREATION COMMITTEE: Herman P. Alswanger, Co-Chair
Mary L. Fedeli, Co-Chair

No report.

EDUCATION COMMITTEE Ellen Mellis, Chair
Philip Giordano, Vice Chair
Meeting: Monday, November 27, 2000
6:30 p.m. - Republican Caucus Room

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| 1. E25.039 | APPROVAL; of agreement with Wiles & Associates | NO ACTION |
|------------|--|------------------|

for preparation of construction documents in connection with the Westhill Vocational Building; amount of contract: \$265,000.00.
10/17/00 - Submitted by Mayor Dannel P. Malloy

TAKEN

Chair Mellis stated that this item had been handled by the Committee about three months ago and was inadvertently re-submitted to the Board. Therefore, the item was not taken up and should be removed from the Agenda.

Chair Mellis reported that the Committee did meet tonight. Present were Reps. Mellis, Shapiro, Poltrack, Giordano and Fedeli. The Committee reviewed secondary items on its agenda.

**URBAN REDEVELOPMENT
COMMITTEE**

Jim Shapiro, Chair
Joseph Gasparini, Vice Chair
Meeting: Tuesday, November 28, 2000
7:30 p.m. - Democratic Caucus Room

Chair Shapiro reported that the Urban Redevelopment Committee met on Tuesday, November 28, 2000. Present were Committee Members MacInnis, Nakian, Martin, Day, Corelli and Shapiro. Additional members of the Board present were Reps. Loglisci and Domonkos.

1. UR25.004 REVIEW; of the Urban Redevelopment Commission's actions regarding the Mill River Corridor Project, including its Statement of Policy and the Delineation & Eligibility Report.
09/11/98 - Submitted by E. Steinberg, Executive Director, URC
11/28/00 - Held in Committee

**HELD IN
COMMITTEE**

Secondary Committee: Land Use

2. UR25.007 RESOLUTION; **for final adoption**; authorizing Contract for Exchange of Land; swapping 9,063 sq. ft. of URC Land (Parcel 21) (appraised at \$690,000) for 14,481 sq. ft. of land owned by 1050 Washington Blvd. Associates (appraised at \$1,080,000); City to reimburse URC \$690,000 over 5 years (commencing in 2003); Archstone to construct 244 units of residential housing with 22 affordable units on the site.
10/06/00 - Submitted by Mayor Dannel P. Malloy

**APPROVED BY
UNANIMOUS
VOICE VOTE**

11/08/00 - Held in Committee
11/16/00 - Approved by Board of Finance
11/28/00 - Committee approved 5-0-0

Secondary Committee: Land Use

Concur

Chair Shapiro stated that the Committee voted 5-0-0 in favor of approving the resolution and the land disposition act between the URC, the City, the Hoffman family and Archstone.

Chair Shapiro stated that the resolution includes an approval of a land disposition agreement wherein the URC would swap a parcel worth \$690,000 to the Hoffman Family, which Archstone would then develop. The Hoffman family would swap a parcel with the URC worth approximately \$1.1 million. The URC would contribute that property to the City to become parkland, and two years from the date of the agreement, the City would begin to pay the URC the \$690,000 back in five annual installments.

Chair Shapiro stated that Committee members had asked about the City's obligation to pay the \$690,000 to the URC over time, and the URC presented an opinion, seconded by the Corporation Counsel's office, stating that the City would in fact have to pay back the URC over time, and those funds would have to be used for project specific uses.

Chair Shapiro stated that the third component of the plan is that the ultimate development by Archstone includes 22 units of affordable housing. A member of the Board of Finance thought we didn't go far enough, but this Board started out with zero affordable housing commitment. Chair Shapiro stated that this board went a long way and achieved a great victory in having 22 affordable units on site, in this luxury building already in the Mill River Corridor at some economic levels below anywhere else in the State. Ten units are for people making 25% of the area median income. This is a wonderful achievement, and Mr. Shapiro stated that everyone should thank Carmen in particular for her efforts in this area as well as the committee members and the rest of the Board.

Chair Shapiro stated that at a meeting last week, which was an opportunity for discussion on design of the building along with a public hearing. The architects for Archstone submitted a design of the building. Individuals had questions regarding height, and the building will be about 8 stories over 1 ½ levels of parking. A step down will face the river. Some members as well as the architects were concerned that this would create a barrier between the building and the park, and designs were submitted that try to integrate that portion of the building with the parkland, including stairs that open into the park, with a lot of heavy landscaping and breaking up of the brick. If the Mill River Park existed, some ground floor retail and a restaurant would face the park. Above the ground floor are housing with balconies opening onto the park.

There were two public speakers at the meeting. The first was a representative of the DSSD approving of the project because of the creation of housing in the downtown area.

On the other side of the coin, attorney Wayne Fox, who is representing the owners of 1010 Washington Boulevard, attended. Mr. Fox wanted to caution the members of this Board that we shouldn't be backing into the Mill River Corridor Plan by approving this swap. Rep. Shapiro stated this caution was well taken, and the issue will be addressed over time.

Rep. Shapiro stated that the land disposition agreement in no way means we are approving the Mill River Corridor. Rep. Shapiro stated that this project can be broken out of the Mill River Plan and be pushed forward. Chair Shapiro moved the item; said motion was seconded.

Rep. Mitchell asked, regarding the 22 affordable units, whether they will be affordable for life or if they expire at some point in time. Rep. Shapiro responded that they will be affordable for the life of the project, and there are even provisions that if this building goes condo, they will remain affordable.

The motion was approved by unanimous voice vote.

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| 3. UR25.008 | PROPOSED ORDINANCE; <u>for publication</u> ;
approving purchase, sales and exchange agreement
for One Main Street and 10 Lipton Place.
11/02/00 - Submitted by Mayor Dannel P. Malloy | HELD IN
COMMITTEE |
|-------------|---|------------------------------|

Secondary Committee: Land Use

Concur

HOUSING/COMMUNITY DEVELOPMENT/ SOCIAL SERVICES COMMITTEE	Elaine Mitchell, Chair Anthony Imbrogno, Vice Chair Meeting: Tuesday, November 28, 2000 6:30 p.m. - Democratic Caucus Room
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Chair Mitchell reported that the Housing/Community Development/Social Services Committee met on Tuesday, November 28, 2000. Present were Committee Member Reps. Mitchell, Blackwell, Cannady, Green-Carter and Mellis. Also attending were Reps. Hunter, Tim Curtin, Tim Beeble and Madison Smith.

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| 1. HCD25.38 | REVIEW; of the feasibility of enacting an ordinance
providing a linkage between commercial
development and affordable housing.
06/08/00 - Submitted by President Dmonkos
08/31/00 - Report Made
09/06/00 - Report Made
09/19/00 - Report Made | NO
REPORT |
|-------------|---|----------------------|

2. HCD25.40 DISCUSSION; with representatives of Abeles, Phillips, Preiss & Shapiro regarding affordable housing study they are preparing.
10/11/00 - Submitted by President Domonkos
11/08/00 - Held in Committee **NO REPORT**

3. HCD25.39 REVIEW; of Housing Authority's plans regarding the Mill River Project.
10/10/00 - Submitted by Rep. Mitchell
11/08/00 - Held in Committee **NO REPORT**

Chair Mitchell stated that a report will be provided next month on Item Nos. 1 through 3.

4. HCD25.41 APPROVAL; of budget schedule for Year 27 (2001-2002).
11/07/00 - Submitted by Tim Beeble
11/28/00 - Committee voted 6-0-0 **REPORT MADE**

Chair Mitchell stated that the Committee approved the following dates for the Year 27 CDBG funding: Wednesday, December 20, 2000 - deadline for submitting proposals; Tuesday, January 16, 2001 - all proposals due in the Community Development office; Tuesday, January 30, 2001 - joint public hearing held by the Mayor and the HCD/SS Committee at 5:30 p.m.; Saturday, February 10, 2001 - HCD/SS Committee, Mayor's Office and Community Development Director will make the recommendations for funding. These dates were approved 6-0.

5. HCD25.42 APPROVAL; of request by Office of Operations to modify the scope of the work for the construction of sidewalks on Stillwater Avenue to utilize the \$141,500 Year 24 and 25 funds.
11/07/00 - Submitted by Tim Beeble
11/28/00 - Committee voted 1-5-0 **REPORT MADE**

Chair Mitchell reported that the Committee would support the original allocation for concrete sidewalks, not the modified version for designer sidewalks. This was not approved by a vote of 1-5-0.

Rep. Corelli stated that she was very distraught when she saw that this item is defeated. Rep. Corelli said that she doesn't think the Committee understands that the \$141,500 was already appropriated for this particular project, and it doesn't matter how the sidewalks are going to be done. They are going to be finished similar to the ones already there. It is

1. T25.029 APPROVAL; of agreement for parking ticket revenue collections with Net Tech Solutions, LLC; amount of contract: \$1.05 per ticket through 9/30/03; increases if contract extended beyond 9/30/03.
11/02/00 - Submitted by Mayor Dannel P. Malloy
11/29/00 - Committee voted 4-0-0 **APPROVED
ON CONSENT
AGENDA**

2. T25.028 REVIEW; of residential parking permit ordinance.
10/15/00 - Submitted by Rep. Imbrogno **REPORT
MADE**

Chair DeLuca stated a report was provided to all representatives. He also sent a memo to Frank Fedeli, the Chair of TAC, suggesting that each year on the anniversary date of all residential parking permits, that he review the permits and provide an update on the status.

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

ADMINISTRATION & TECHNOLOGY COMMITTEE Gloria DePina, Chair
Harry Day, Vice Chair
Meeting: Wednesday, November 29, 2000
7:00 p.m. - Conference Room #1

Clerk of the Board Summerville stated that the Administration & Technology Committee met on Wednesday, November 29, 2000.

1. AT25.009 REVIEW; of Police Department computer systems and training of personnel on use thereof; review of new 911 computer system.
10/02/00 - Submitted by Full Board
11/29/00 - No quorum **HELD IN
COMMITTEE**

2. AT25.010 APPROVAL; of agreement with Fairfield County Communications Teleflex for telecommunications service; amount of contract: per pricing schedule.
10/13/00 - Submitted by Mayor Dannel P. Malloy
11/29/00 - No quorum **APPROVED BY
UNANIMOUS
VOICE VOTE**

Rep. Summerville stated that, Mr. John Lindquist, Information Services Director, provided a detailed report on the demands of managing the telephone system for the City. Mr. Lindquist stated that this is a very interesting and time-consuming project for his

department. This contract will pay for telephone changes and upgrades such as new lines. Mr. Lindquist stated that one of the most challenging duties related to the telephone system is that there is a lot of problems within the Board of Education – not fiscal problems, but coordination problems. Mr. Lindquist stated that all the schools are trying to upgrade technology, and the communications end is very complicated.

Clerk of the Board Summerville stated that there was not a quorum at the meeting and moved to take the item out of committee. Said motion was seconded and approved by unanimous voice vote. Rep. Summerville moved the item; said motion was seconded and approved by unanimous voice vote.

HOUSE COMMITTEE Annie M. Summerville, Chair

No report.

RESOLUTIONS

MINUTES

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| 1. | <u>November 8, 2000 Regular Meeting</u> | APPROVED BY
UNANIMOUS
VOICE VOTE |
| 2. | <u>November 1, 2000 Special Meeting</u> | APPROVED BY
UNANIMOUS
VOICE VOTE |

COMMUNICATIONS

1. President Domonkos announced that committee assignment changes will be issued during the next month.
2. President Domonkos announced that the Purchasing Department's quarterly report is available if anyone wants to review it.
3. President Domonkos stated that the City's audit report will be provided to each member. She added that it is a comprehensive, valuable report and all representatives should peruse it.
4. Ralph Loglisci announced that Gabe DeLuca will be the new assistant minority leader.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:35 p.m.