

*The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Monday, March 3, 2003 at 8:00 p.m. in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, Stamford, Connecticut.*

# Minutes

**INVOCATION:** By Clerk of the Board Annie M. Summerville

“Let’s bow our heads please. Dear Lord, we come to you today to do your will and to represent the citizens of this community. We pray for all of those who are uncertain about war. We pray for those who are here in the City of Stamford, that this body will do, to the best of its ability, to represent them. We pray that you, in all that we do, that you will come first. We ask all these blessings in your name. Amen.”

**PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by President David R. Martin.

**ROLL CALL:** There were thirty-six members present; three members excused and one vacancy in the 9<sup>th</sup> District. Excused were Reps. DeLeo, Mitchell and Molgano.

**VOTING MACHINE STATUS:** The machine was in good working order.

**MOMENTS OF SILENCE:** For the late Ruth Austin and Sandra McCoy by Rep. Summerville; Brad Mirkin by Rep. Mirkin; David Bruger by Rep. Greenberg; Mona Cole by Rep. Fedeli; John McGuinness, Jr., Chris Curas, John Caraszi, Colombe M. Somma, Edward T. Andrews, Sr. and Ron Gorton by Rep. Giordano; Louis J. Casale, Sr. and Anthony C. Altomare by Reps. Loglisci and Zelinsky; Constance M. Post and Beatrice T. Lunney by Reps. Giordano and Loglisci; Elizabeth Callahan by Reps. Giordano, Loglisci and Zelinsky; Elmer W. Lowden, Alfred A. Putzig, Sheila C. Bam, Joan M. Succi, Robert J. Wielock, Victor Maverick and John J. Krajewski by Rep. Zelinsky.

**PAGES:**

**FILLING OF VACANCY:** President Martin stated there is a vacancy in the 9<sup>th</sup> District, and the Charter requires that this vacancy be filled as the first order of business.

Ruby Blackwell stated she is pleased to nominate Henry Nowakowski to fill Mr. Biancardi's seat, which was vacated in January. Mr. Nowakowski has lived in Stamford for 74 years, is married with two children; he graduated from Stamford High School and worked at Pitney Bowes prior to his retirement. Mr. Nowakowski is a registered Democrat who resides in the 9<sup>th</sup> District. Said motion was seconded.

President Martin confirmed with Majority Leader Boccuzzi that his party affiliation and residency has been confirmed. Said motion was approved by voice vote (Rep. Skigen abstained). President Martin administered the oath of office.

**STANDING COMMITTEES**

**STEERING COMMITTEE:** Meeting: Tuesday, February 11, 2002  
7:00 p.m. – Democratic Caucus Room

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

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

**FISCAL COMMITTEE:** **Randall Skigen, Chair**  
(Attendance) **Linda Cannady, Vice Chair**  
(Votes) Meeting: Monday, February 24, 2003  
(Reports) 7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on February 24, 2003. Present were Committee Member Reps. Cannady, DeLuca, Fedeli, Figueroa, Giordano, Loglisci, Lyons, Mirkin and Skigen. Rep. Hunter was excused. Also present were Director of Administration Tom Hamilton, OPM Director Peter Privitera, and Grants Director Sandra Dennies.

1. F26.153 REVIEW; of City of Stamford budget projections.  
12/02/02 – Submitted by Chair Skigen  
12/30/02 – Held in Committee

**REPORT  
MADE**

01/27/03 – Report Made  
02/03/03 – Held in Committee  
02/24/03 – Report Made

Chair Skigen reported that Mr. Hamilton gave an update on the budget, and as of 12/31/02 a \$707,000 surplus was projected. There are a number of major drivers on that projection. On the positive side, there is an \$850,000 surplus in the haulaway garbage account; on the negative side, at that time, there was a projected \$850,000 deficit in the snow removal account. That number has probably grown. There was also an anticipated deficit of \$650,000 in police overtime. At the time of the meeting, Mr. Hamilton did not have answers to the police overtime, and they are hopeful that it is related to holiday overtime, but the trend did show that they were \$650,000 over budget. They will be meeting with Chief DeCarlo to try and track this down to see if they can get back on track.

Mr. Hamilton indicated to the Committee that there are some major unknowns for the current fiscal year, mostly related to state aid and state grants. The City will have a better sense where we are when the governor delivers his budget message.

Chair Skigen stated that the Committee will continue to get updates from Mr. Hamilton. Chair Skigen also stated that we will be receiving the new budget later this week and will begin reviewing it next week.

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| 2. <a href="#">F26.166</a><br>\$269.00   | ADDITIONAL APPROPRIATION; Grants Budget; Health Risk Reduction Grant; Office Supplies; to align account with US grant allocation.<br>01/15/03 – Submitted by Mayor Dannel P. Malloy<br>02/13/03 – Approved by Board of Finance<br>02/24/03 – Approved by Committee 8-0-0           | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 3. <a href="#">F26.167</a>               | RESOLUTION; authorizing the Mayor to submit an application and enter into contract with the State of Connecticut Library for a Historic Preservation Grant; amount of grant: \$17,000.<br>01/29/03 – Submitted by Mayor Dannel P. Malloy<br>02/24/03 – Approved by Committee 8-0-0 | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 4. <a href="#">F26.168</a><br>\$4,710.00 | ADDITIONAL APPROPRIATION; Grants Fund; Dial-a-Ride; Overtime; to fund grant from   | <b>APPROVED<br/>ON CONSENT</b>            |



Co-Chair moved to reject Item No. P26.034; said motion was seconded; and failed by a machine vote of 0-37-0 (See [Vote Record #353](#)).

**LAND USE/URBAN REDEVELOPMENT COMMITTEE:**

[\(Attendance\)](#)

**Patrick J. White, Co-Chair**

[\(Votes\)](#)

**Harry Day, Co-Chair**

[\(Report\)](#)

Meeting: Tuesday, February 18, 2003

7:00 p.m. – Democratic Caucus Room

Co-Chair Day reported that the Land Use/Urban Redevelopment Committee met on Tuesday, February 18, 2003. Present were Committee Member Reps. Day, Boccuzzi, Loglisci, Mitchell, Nakian, Shapiro, Spadow and Summerville. Co-Chair White was excused. Also attending were Reps. DeLuca and Mirkin; Sybil Richards of the Legal Affairs Office; Sgt. Chip White of the Police Department and Rachel Drucker of the South End, NRZ Weed & Seed.

1. [LU26.029](#) PROPOSED ORDINANCE; for publication;  
amending Chapter 248, Section 6 –  
Indemnification of the Zoning Enforcement  
Officer.  
12/29/02 – Submitted by Reps. Mirkin and  
DeLuca  
01/30/03 – No Quorum  
02/03/03 – Held in Committee  
02/18/03 – Held in Committee 7-1-0

**HELD IN  
COMMITTEE**

2. [LU26.030](#) PROPOSED ORDINANCE; for publication;  
amending Ordinance No. 983 authorizing the City  
of Stamford to adopt a public hearing fee for  
Zoning Board applications.  
01/09/03 – Submitted by Mayor Dannel P. Malloy  
01/30/03 – No Quorum  
02/03/03 – Held in Committee  
02/18/03 – Committee approved 7-0-1

**APPROVED BY  
MACHINE VOTE  
(23-11-0)** (Rep.  
Nowakowski voting  
no)

Co-Chair Day reported that the Committee decided to not approve a \$375 fee for each of the three public hearing fees. They felt that the ZBA appeals fee should be \$250 and the other fees should be \$500. The Committee approved and recommended a \$500 fee for Item No. LU26.030; a motion was made to approve the \$500 fee; said motion was seconded.

Rep. Pavia stated he is in the land use business, and on occasion he appears before land use boards. While he doesn't have anything currently pending and

does not anticipate anything in the near future, he stated he is against these three items as being fundamentally wrong. Mr. Pavia stated that if you were to attend a land use meeting, whether zoning, planning or ZBA and ask if anyone in particular there wanted to be in attendance at that meeting, not one person would agree to that. In fact, people who go to land use boards are there because they are compelled to by statute or ordinance. They are trying to express a property right. Mr. Pavia felt that he does not believe that the people who are trying to exercise their rights should have to pay a fee to do so.

Rep. Pavia stated that in 1986 the Zoning Board comprehensively changed the zones in the city, which left many property owners with non-conforming uses. At that time, the argument was given for remedying these non-conforming uses, and that was via the ZBA process, without penalty. Rep. Pavia stated that most of the people at these boards are not developers and noted that developers simply pass these costs on. Most of the people at these boards are homeowners that are interested in improving their property, and they will be penalized by these fees.

President Martin stated a machine vote would be held. Said vote was approved by a machine vote of 23-11-0 (Note: Rep. Nowakowski voted no.) (See [Vote Record #354](#)).

3. [LU26.031](#) PROPOSED ORDINANCE; for publication; **APPROVED BY MACHINE VOTE (24-12-0)**  
amending Ordinance No. 983 authorizing the City of Stamford to adopt a public hearing fee for Planning Board applications.  
01/09/03 – Submitted by Mayor Dannel P. Malloy  
01/30/03 – No Quorum  
02/03/03 – Held in Committee  
02/18/03 – Committee approved 7-0-1

The Committee approved and recommended a \$500 fee for Item No. LU26.031; a motion was made to approve the \$500 fee; said motion was seconded and approved by a machine vote of 24-12-0. (See [Vote Record #355](#)).

4. [LU26.032](#) PROPOSED ORDINANCE; for publication; **APPROVED BY MACHINE VOTE (21-16-0)**  
amending Ordinance No. 983 authorizing the City of Stamford to adopt a public hearing fee for Zoning Board of Appeals applications.  
01/09/03 – Submitted by Mayor Dannel P. Malloy  
01/30/03 – No Quorum  
02/03/03 – Held in Committee  
02/18/03 – Committee approved 7-0-1

Co-Chair Day reported that the Committee recommended a fee of \$250 for variance applications.

Rep. Greenberg stated that this is probably the most important item of the three. He stated that most of the applicants to the ZBA are homeowners, not developers. The average taxpayer is most affected by this proposal, and he encourages representatives to vote against it.

Rep. Boccuzzi stated that in the committee meeting, that this was actually the cost to the City for all of these meetings. It was reduced to \$250 because the Committee realized it was primarily directed towards property owners with small variances.

Rep. Lyons asked if any other amounts were suggested other than the \$250. Rep. Day replied that some Democrats wanted to keep it at \$375. He added that the number was arrived at by means of searching for a consensus and also based on the costs of these hearings. The Committee was furnished with a worksheet describing costs. The costs of a variance to the City is around \$700; the other public hearings were in the range of \$1,300.

Co-Chair Day stated that some members of the committee were philosophically opposed to charging these fees in the first place, but the Committee decided to charge some of the costs of the hearings to the applicants. The Committee thought this was the fairest possible manner.

Rep. Lyons asked how many ZBA applications are processed in a fiscal year. Co-Chair Day replied that he did not have that information with him, although the committee was given the information. Rep. Lyons stated that he respects the committee's suggestions and work, but homeowners bear the brunt of 95% of these necessary ZBA applications. Rep. Lyons asked whether by charging a high fee of \$250, it may drive people further away from getting variances. Mr. Lyons stated that he had a situation in his neighborhood where the ZBA worked closely with the resident and came up with an agreeable solution in the end. However, the applicant was by no means wealthy, and he questions what the effect would be if he had to pay a \$250 fee. He would have probably done the work under dark or without proper approvals.

Rep. Nakian stated that predominantly the number of cases in front of the ZBA are not variances but special exceptions. These tend to be institutions which are looking for exemptions, which can affect a lot of people. She stated she has never been to a hearing yet where the institution involved didn't come in with their lawyers, surveyors, their hydrologists, and the hearing can go on forever. The costs that we were given by the Land Use Bureau is an average of almost \$900 cost to the city for a special exception hearing. Rep. Nakian stated that she doesn't think a \$500 fee is out of line in a case like this. She agrees it is too high for a variance.

Rep. Zelinsky stated that in response to Mr. Lyons question, Tom Hamilton stated that the estimated annual volume for ZBA public hearings would be fifty.

Rep. Greenberg stated that he has experience, having sat on the ZBA for four years. On average, they held two meetings per month and heard 10-15 cases per night. So there were probably 30 cases per month. He added that many were very simple issues, such as decks attached to the back of a house and other small issues. He stated he cannot understand the justification for a \$250 hearing fee, and that this penalizes people who come in and ask for the right to come in to do work to improve their properties.

Rep. Day stated that the Committee tried to forge a compromise based on the relative cost of the fees that were presented to the Committee. If the variance public hearing fees are lowered and the others are raised or left the same, the revenues will be out of proportion to the information given. Rep. Day stated that he did not want the impression left that anyone on the committee savored these fees – they did the best they could.

Rep. Pavia stated that he is against these fees, and said that a person who wants to expand their home has to file an application with the ZBA if they are requesting a variance. They have to pay about \$1,000 for a survey, they generally have to hire an attorney and that costs about \$1,000. There is notification that is required and that has fees. Now, a \$250 or \$500 fee is being added, and he feels this is pushing it. He added that he agrees with Mr. Lyons in that you may start discouraging people from going through the process, and you will lose building permit fees if this occurs.

Rep. Morrow stated that he also is a former member of the ZBA, and his recollection is that a large percentage of these variances were small projects by individual homeowners. He feels this is a terrible burden to the city's taxpayers.

Rep. Browne stated that if we discourage people from coming in and applying for building permits and variances, they are also not going to be paying property taxes on the improvements they have done. He would rather make it easy for them to come in and get variances and approval to start and have the correct property taxes assessed.

Rep. Boccuzzi stated that he does not believe that people are going to break the law because they don't want to pay a fee, and risk the possibility of receiving cease and desist orders and risk having to tear down the construction they have started. He added that it is the responsibility of the representative of the district to report any resident that is performing work that has not been approved by the Zoning Department. Rep. Boccuzzi stated that the Committee received figures on the costs of these hearings, and they vary widely. The Committee felt that its proposal of \$250 was fair. He added that the Board should approve this in that





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| 1. <a href="#">PS26.020</a> | PROPOSED ORDINANCE; <u>for publication</u> ;<br>regulating massage establishments.<br>11/15/02 – Submitted by Rep. Lyons and John Mullin<br>01/30/03 – Committee voted 7-0-0 to hold<br>02/25/03 – Committee voted to Hold 8-0-0 | <b>HELD IN<br/>COMMITTEE</b> |
| 2. PS26.022                 | REVIEW; of Board of Education’s enforcement and policy of no smoking related to tobacco products.<br>02/05/03 – Submitted by Rep. Lyons<br>02/25/03 – Committee voted to Hold 8-0-0  | <b>HELD IN<br/>COMMITTEE</b> |
| 3. <a href="#">PS26.023</a> | PROPOSED ORDINANCE; <u>for publication</u> ;<br>concerning housing license fees.<br>02/10/03 – Submitted by Mayor Dannel P. Malloy<br>02/25/03 – Committee voted to Hold 8-0-0   | <b>HELD IN<br/>COMMITTEE</b> |
| 4. <a href="#">PS26.024</a> | PROPOSED ORDINANCE; <u>for publication</u> ;<br>concerning police department fees.<br>02/10/03 – Submitted by Mayor Dannel P. Malloy<br>02/25/03 – Committee voted to Hold 8-0-0   | <b>HELD IN<br/>COMMITTEE</b> |

**PARKS & RECREATION**

**COMMITTEE:**

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

**Linda Cannady, Co-Chair**

**Steve McDermott, Co-Chair**

Meeting: Tuesday, February 18, 2003

7:00 p.m. – Republican Caucus Room

- and -

Meeting: Monday, March 3, 2003

6:45 p.m. – Democratic Caucus Room

Co-Chair McDermott reported that the Parks & Recreation Committee met on Tuesday, February 18, 2003. Present were Committee Member Reps. McDermott, Cannady, Clear, Fedeli, Giordano, Lyons, McCullen, Morrow and Pavia. Excused were Committee Member Reps. Imbrogno and White.

The Committee also met on Monday, March 3, 2003. Present were Committee Member Reps. Cannady, Clear, Fedeli, Giordano, Imbrogno, Lyons, McCullen, McDermott, Morrow and Pavia. Absent was Rep. White.

1. [PR26.037](#) **PROPOSED ORDINANCE; for FINAL ADOPTION & PUBLIC HEARING**; amending Chapter 202 of the Code of Ordinances regarding Shellfishing in order to conform the ordinance to State Law.  
12/11/02 – Submitted by Office of Legal Affairs  
01/21/03 – Committee approved 10-0-0  
02/18/03 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
  
2. [PR26.038](#) **PROPOSED ORDINANCE; for FINAL ADOPTION & PUBLIC HEARING**; authorizing the City of Stamford to adopt a new fee schedule for theaters and motion picture theaters.  
01/09/03 – Submitted by Mayor Dannel P. Malloy  
01/21/03 – Committee approved 9-0-1 (as amended – see item for amendments)  
02/18/03 – Committee approved 7-2-0 (as amended) **APPROVED FOR REPUBLICATION 28-8-0**

Co-Chair McDermott moved to amend Item No. PR26.038 to include language exempting not-for-profit entities. The amendment reads: “any not-for-profit organization exempt from taxation under Section 501C(3) of the Internal Revenue Code of 1986 or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended, shall be exempt from the requirement to pay a licensing fee for theaters and motion picture theaters. Co-Chair McDermott stated that the amendment was approved by a vote of 9-0-0. Said motion was seconded. Said motion was approved by a machine vote of 29-6-1 (See [Vote Record #358](#).)

Co-Chair McDermott moved to approve Item No. PR26.038; said motion was seconded. The main motion, for REPUBLICATION, was made and seconded and approved by a machine vote of 28-8-0. (See [Vote Record No. 359](#).)

3. [PR26.039](#) **PROPOSED ORDINANCE; for FINAL ADOPTION & PUBLIC HEARING**; amending Chapter 74 of the Code of Ordinance Concerning the Issuance of Licenses for Bowling Alleys.  
01/09/03 – Submitted by Mayor Dannel P. Malloy  
01/21/03 – Committee approved 9-1-0  
02/18/03 – Committee approved 7-2-0 **FAILED BY MACHINE VOTE (13-23-0)**

A motion to approve Item No. PR26.039 was made and seconded.

Rep. Morrow stated that the current \$50 fee was never collected, and now the fee is \$100. This is small change, and he doesn't think the City should be going

after a bowling alley that has been here for a number of years, and he can't imagine a small business owner not finding this offensive.

Rep. Day stated fees charge for land use functions involve activities where the City is performing some work and utilizing resources to hold hearings, and the intent is to recoup costs. When it comes to theaters and a bowling alley, what is the City doing that it thinks it is entitled to fees? Rep. Day stated that if there was even a scintilla of a relationship between the public safety, health and welfare and these business, he would support a fee. He feels that this is a ludicrous fee, and compounding the lunacy is that we are wasting city resources trying to pass this ordinance, including publishing costs.

Rep. Loglisci stated that he agrees with Rep. Day.

The motion was defeated by a machine vote of 13-23-0. (See [Vote Record #360.](#))

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| 4. <a href="#">PR26.040</a> | RESOLUTION; <b><u>for FINAL ADOPTION &amp; PUBLIC HEARING</u></b> ; amending Resolution No. 2692 Concerning Beach Pass Fees.<br>01/09/03 – Submitted by Mayor Dannel P. Malloy<br>01/21/03 – Committee approved 8-2-0<br>02/18/03 – Held in Committee | <b>APPROVED<br/>BY MACHINE<br/>VOTE (30-5-2)</b> |
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A motion to approve Item No. PR26.040 was made and seconded.

President Martin stated that he believes the committee report will discuss fees for residents with a recommendation from the Committee that active duty military personnel be exempt from fees. At that point, a motion will be made to split the question. The first will be on the beach pass fees; the second will be on whether to exempt active duty military personnel.

Rep. McDermott stated that the Committee met tonight, and the fees, as approved by the Committee, are: Resident, \$20; Senior, \$7; Resident unregistered, \$95; Senior Unregistered, \$35; Summer resident, \$125; 1-day weekend pass, \$25; 1-day picnic pass, \$25; and 1-day bus pass local, \$100. With these fees, there was a motion made and approved 9-0-0 that reads: "Active military residents shall be exempt from beach pass fees."

Rep. Lyons moved to split the question with regard to the military personnel exemption issue. Said motion was seconded. The first matter is to approve the fees as recommended by the Committee; the second motion is the exemption of active military personnel. The motion to split the question was approved by a machine vote of 30-6-0. (See [Vote Record #361.](#))

A motion to approve the fees as submitted by the Committee was made and seconded.

Rep. Zelinsky moved to keep the resident registered beach pass at the current \$15 fee. Said motion was seconded. Rep. Zelinsky stated that he is pleased that the fee was not raised to \$25, as proposed by the Mayor. Rep. Zelinsky stated that the sole purpose of the beach pass fee was never to gain revenue for the City but to encourage only city residents to use our beaches. He added that residents are already paying high property taxes. While residents may never use the Fire or Police Department services or even the school system, many use the beaches. The amount that would be generated by this increase is \$85,000, and this figure will not affect taxes significantly. Rep. Zelinsky stated that in addition to getting a double digit property tax increase, residents should not also be forced to pay an additional \$5 for a beach pass. He asked that all representatives remember their constituents and vote to keep the fee at its present \$15 level.

Rep. Fahan stated that he agrees with Rep. Zelinsky, adding that the Board must be aware of how it is affecting the quality of life in the City. Rep. Fahan stated that he knows we are in difficult financial times, but we don't want to be known as "fee city." He added that he does not support the fee increase.

Rep. White stated that he does support Rep. Zelinsky's position. Stamford is a shorefront community, and the parks and beaches are a big asset here for the City. Rep. White stated that to keep the parks entrance fees reasonable, he would be willing to subsidize the cost to maintain the parks.

Rep. Shapiro stated that he has supported some fee increases, but he will vote against this fee. Rep. Shapiro stated that nowhere else in the City is there a greater disconnect between what you pay and what you get. For the increased dollars, there are no increased services at the beaches, and in fact, the situation at the beaches has deteriorated over the years.

Rep. Lyons stated that the beaches are free. Anyone can walk into the beaches. If you want to drive and park your car at the beach, you need a parking permit. Even with the increase of \$5 for the 16,000 permits issued last season, if you take the cost of maintaining the beaches and the total revenues projected, you are still looking at a deficit of close to \$203,000 to run the beaches. Rep. Lyons stated that while we are a shorefront community with a good location, in light of the eight layoffs today of city employees, he doesn't feel it is too much to ask each person to come up with \$5 extra to enjoy the shores of one of Connecticut's finer beaches.

Rep. Boccuzzi stated that he agrees with Mr. Lyons. Even with the \$20 beach sticker, you are still not making enough to maintain the beaches. Rep. Boccuzzi

stated that to improve the beaches, the City has to raise the fees enough to get enough funds to make improvements. Rep. Boccuzzi said that the fee is strictly for parking. He asked that his fellow representatives support the \$20 fee.

The motion to reduce the fee to \$15 (the current fee) failed by a machine vote of 8-26-2. (See [Vote Record #362](#).)

The main motion (to approve the fees as recommended by the Committee) was approved by a machine vote of 30-5-2. (See [Vote Record #363](#).)

A motion to exempt resident active military personnel from beach parking fees was made and seconded.

Rep. Lyons stated that he voted to approve this item as proposed in the earlier committee meeting. Further, he fully supports Rep. Giordano's patriotic and noble intent of the amendment, but he believes that by delaying the implementation of this for thirty days, it will be more effective and beneficial for the people it is intended to help benefit.

Rep. Lyons added that the original impetus for this was based on a letter to the editor printed last year by a military employee based in Kosovo, who expressed concern that he was not among those who are exempt from the fees. Rep. Lyons stated that he supported the item in Committee, but after debating it in caucus, he respectfully asks that this item be held and returned to the Committee level, so that some members of the Parks administration to go through the questions regarding this classification.

Rep. Lyons stated others could fall within the purview of this exemption. Those in the Peace Corps, Americares and others on just as noble and patriotic duties as active military personnel. The amendment originally pertained only to those on paid military leave.

Rep. Lyons moved to return the item to committee; said motion was seconded.

Rep. Shapiro stated that he can understand the inclination of members to try to improve on this, but he doesn't feel this constituency is served by delay and that there is no better time than the present to help our soldiers, there is no better way to show them other than giving them a clear path rather than one filled with one tape. Rep. Shapiro stated he would not delay this.

Rep. Boccuzzi stated that he is in favor of returning it to Committee. He added that if you give a free pass to a serviceperson, does this mean that while that person is home he can get into parks without having a permit. Or is this while he is in active service? Does a car registered in his name allow his family to use the parks for free for the season? There are several questions as to when this permit becomes valid. Rep. Boccuzzi stated he doesn't want anyone saying that

he is not patriotic. He is the recipient of a Purple Heart and other awards that proves his patriotism. He added he simply has questions as to how this will be implemented.

President Martin stated that the way the question reads right now states that active duty personnel can get a beach pass for their car. They must demonstrate they are active duty personnel and a resident of Stamford. The car can be driven by anyone they want to lend it to or give it to, just as anyone else who gets a beach sticker can allow anyone else to drive their car to the beach.

Rep. Giordano stated that this question calls for action right now as it is the Board's small way of saying thank you to those military personnel who are serving our country. It is our way of showing our moral support. Rep. Giordano stated that if the Board does anything other than vote yes, the message we are sending to the military is that we don't trust you. Rep. Giordano stated that we should simply support our men and women in the armed forces.

Rep. O'Neill stated he supports the amendment, and if in fact family members of service personnel are using the beach sticker, he hopes they enjoy the beaches.

Rep. Skigen asked the actual language of the Committee amendment. Rep. McDermott stated: "Active military residents are exempt from the beach pass fee."

Rep. Lyons stated that last month the not-for-profit language for the movie theaters was sent down from corporation counsel's office. The Committee waited for the proper wording. Rep. Lyons stated again that he is not concerned with the good intention of the amendment, but he believes that this is a broad category, and he also questions whether the matter needs to go in front of the Parks & Recreation Commission. He added that this has nothing to do with anti-patriotism, and the country is not at war as we speak, and he asks some of the veterans of the Vietnam War if beach pass fees were relaxed during that war. Rep. Lyons stated that we have had a military in place for the last fifty years, and we have not relaxed beach pass fees during that time.

Rep. Lyons stated that this was originally submitted by Rep. Giordano in response to a letter to the editor from a serviceperson on paid leave. Now the matter has been broadened to take on more substance than the original intent, and this is where his problem is. Rep. Lyons stated he wants the matter researched and clearly written and clearly told to the Committee by those that will administer it how it will be carried out.

Rep. Figueroa stated that we are spending too much time arguing about this, and we should just go ahead and approve this. She said that no one ensures that the driver of the car is also the owner of the car, and we shouldn't worry about this

with regard to military personnel. She added that family members should also be allowed to use the car.

Rep. Fahan moved the question; said motion was seconded and defeated by a machine vote of 18-19-0. (See [Vote Record #364.](#))

Rep. Fedeli said she wanted to give some background as to what happened in the meeting today. The Committee had discussed this topic at its first meeting. At the end of the meeting, it was agreed that Mr. Giordano would submit his amendment to the Steering Committee. Today, he came before the Committee and asked that the item be added as an amendment to today's item. The Committee initially voted this item down with the recommendation that Mr. Giordano submit it to the Steering Committee. Rep. Giordano stated that the item really didn't have to be amended, but it could be in addition to the fees. The original intent was to submit this item to Steering as the Committee did not want the beach fees to not be approved while this matter was being debated.

Rep. Hunter stated that he also served in the military, and he is certainly in favor of granting free beach rights to active duty military personnel, but the language that was read would also mean that those on active duty, reserves or any other military capacity would be eligible for a free beach pass.

President Martin stated that he does not interpret it that way. It says "active military," not "inactive reserve."

Rep. Esposito stated that part of the problem is the interpretation, and perhaps it is not even the president's role to interpret the definition.

President Martin stated that all things that are passed by this Board have to be signed by the Clerk and the President, and if there are questions as to what we pass, the President must take a position on the matter. He is noticing everyone of the position he will take.

Rep. Esposito stated that since the motion to move the question failed, there is obviously a lot of opinion as to the matter, which suggests further that the matter should be held. If the matter was clear, there would not be this much debate.

Clerk Summerville moved to have a five minute recess; said motion was seconded. Said motion failed by a machine vote of 17-20-0 (See [Vote Record #365.](#))

Rep. Loglisci stated that the problem is in the manner the matter was brought forth. If this was May, he would vote for it. He feels that waiting until April won't be a problem because it is still early for beach season. Rep. Loglisci stated we are not talking about patriotism but about procedure.



Rep. Greenberg moved the question (i.e., to return the item to committee) was made and seconded and approved by a machine vote of 36-1-0 (See [Vote Record #366.](#))

The motion to return the exemption motion to committee was approved by a machine vote of 22-14-1. (See [Vote Record #367.](#))

5. <a href="#">PR26.041</a>	<b>RESOLUTION; <u>for FINAL ADOPTION &amp; PUBLIC HEARING</u></b> ; amending Resolution No. 2573 Regarding Non-Resident Beach Sticker Policy. 01/09/03 – Submitted by Mayor Dannel P. Malloy 01/21/03 – Committee approved 8-2-0 02/18/03 – Held in Committee	<b>APPROVED BY MACHINE VOTE (31-2-0)</b>
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A motion to approve Item No. PR26.041, as amended and recommended by the committee, was made and seconded.

Rep. McDermott read the fees: 1-Day bus pass, non local, \$250; non-resident 1-day pass, \$30; non-resident 2-day pass, \$40; non-resident 1-week pass, \$80; non-resident seasonal pass, \$225.

Rep. O'Neill stated that he believes that access to the waterfront should be extended to visitors and guests in our community. He feels that some of these fees are somewhat out of line, and he suggests that the recommended fee structure by the Parks & Recreation Commission are more fair. He doesn't feel the guests to our community should get the wrong impression of Stamford.

Rep. White stated that when he looks at the amount of taxes paid by city residents for maintenance of our parks and beaches, he feels the fees should be higher. Further, he doesn't believe that outsiders should use our beaches and parks.

Rep. Loglisci stated that he is in favor of raising the fees also.

Rep. Spandow stated that our beaches are still free. You can get dropped off at the beach and go park somewhere cheaper.

Rep. Boccuzzi stated that he agrees with Rep. Loglisci that the fees should be raised.

The main motion was approved by a machine vote of 31-2-0. (See [Vote Record #368.](#))

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

**EDUCATION COMMITTEE:** **Thomas Hunter, Co-Chair**  
*(Attendance)* **Brian O'Neill, Co-Chair**  
Meeting: Tuesday, February 25, 2003  
7:00 p.m. – Republican Caucus Room

Co-Chair Hunter reported that the Education Committee met on February 25, 2003.

1. E26.007 REVIEW; of school playing fields and conditions; **NO**  
discussion on scheduled maintenance activities **REPORT**  
to improve conditions.  
01/10/03 – Submitted by Rep. Hunter  
01/21/03 – Report Made  
02/25/03 – Report Made

Co-Chair Hunter stated that this matter was discussed at great length, and it is an ongoing problem that Director Curtin is working on by organizing a large group of city workers. In a few months, the Committee hopes to have this problem addressed.

**STATE AND COMMERCE COMMITTEE:** **Jim Shapiro, Chair**  
**John Morrow, Vice Chair**

**HOUSING/COMMUNITY DEVELOPMENT/  
SOCIAL SERVICES COMMITTEE:** **Elaine Mitchell, Chair**  
*(Attendance)* **Philip Giordano, Vice Chair**  
Meeting: Wednesday, February 12, 2003  
6:30 p.m. – Democratic Caucus Room  
- and -  
*(Attendance)* Meeting: Saturday, February 22, 2003  
9:30 a.m. – Democratic Caucus Room

1. HCD26.011 PUBLIC HEARING; for Year 29 HUD **HELD IN**  
entitlement funding for the Community **COMMITTEE**  
Development Block Grant and HOME programs  
(01/28/03).  
01/10/03 – Submitted by Timothy Beeble  
01/28/03 – Public Hearing Held  
02/22/03 – Report Made

**TRANSPORTATION COMMITTEE:**

(Attendance)

(Votes)

(Report)

**Robert "Gabe" DeLuca, Chair**

Meeting: Thursday, February 13, 2003

7:00 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on February 13, 2003. Present were Committee Member Reps. DeLuca, Mirkin, Zelinsky, Giordano, Kernan, Fahan and Blackwell.

1. T26.024      **PROPOSED ORDINANCE; for FINAL ADOPTION & PUBLIC HEARING**; amending Chapter 231 (Vehicles and Traffic) of the Code to provide for new fines for parking violations.  
01/09/03 – Submitted by Mayor Dannel P. Malloy  
01/16/03 – Committee approved 7-0-0  
02/13/03 – Committee approved 7-0-0

**APPROVED  
ON CONSENT  
AGENDA**

2. T26.025      REVIEW; of feasibility of offering discounted employee parking at the Bedford Street garage.  
01/08/02 – Submitted by Rep. DeLuca  
02/13/03 – Report Made

**REPORT  
MADE**

Chair DeLuca reported that a report has been submitted to everyone on Item No.2.

3. T26.026      SENSE OF THE BOARD RESOLUTION; requesting the State to consider returning 25% of the revenue collected from moving violations tickets in Stamford.  
02/01/03 – Submitted by Rep. DeLuca & Zelinsky  
02/13/03 – Committee approved 7-0-0

**APPROVED  
ON CONSENT  
AGENDA**

4. T26.027      REVIEW; of Stamford parking garage advertising program.  
02/03/03 – Submitted by Rep. DeLuca  
02/13/03 – Held in Committee

**HELD IN  
COMMITTEE**

5. T26.028      RESOLUTION; approving an agreement for lease of parking facilities at Tresser Boulevard and Bell Street between ProPark, Inc. and St. John's Roman Catholic Church.  
02/04/03 – Submitted by Mayor Dannel P. Malloy

**HELD IN  
COMMITTEE**

02/13/03 – Held in Committee  
02/18/03 – Approved by Planning Board

6. [T26.030](#) PROPOSED ORDINANCE; for publication; **HELD IN COMMITTEE**  
concerning towing fees to establish an administrative fee.  
02/10/03 – Submitted by Mayor Dannel P. Malloy  
02/13/03 – Held in Committee

A motion to approve the Consent Agenda, consisting of Item Nos. 1 and 3, was approved by unanimous voice vote.

### **SPECIAL COMMITTEES**

**CHARTER COMMITTEE:** Maria Nakian, Co-Chair  
Robert “Gabe” DeLuca, Co-Chair

**EDUCATION BUDGET COMMITTEE:** **Randall Skigen, Chair**  
Meeting: Monday, February 24, 2003  
8:00 p.m. – Democratic Caucus Room  
(*following Fiscal Committee*)

1. SB26.001 REVIEW; status of Board of Education Budget. **NO REPORT**  
09/09/02 – Submitted by Rep. Skigen  
10/07/02 – Report Made  
12/02/02 – Report Made  
01/27/03 – Report Made  
02/24/03 – Report Made

### **RESOLUTIONS**

### **MINUTES**

1. [January 6, 2003 Regular Board Meeting](#) **APPROVED BY UNANIMOUS VOICE VOTE**
2. [February 3, 2003 Regular Board Meeting](#) **APPROVED BY UNANIMOUS VOICE VOTE**

## **COMMUNICATIONS**

1. Rep. Loglisic announced that Mary Fedeli will be replacing Don Sherer as Assistant Minority Leader.
2. President Martin announced that the Board lost in arbitration with the SAU.
3. President Martin announced that there was an FOI complaint filed against one of the committees.

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ADJOURNMENT**

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:57 p.m.