

The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Monday, June 2, 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

CALL TO ORDER: The meeting was called to order at 8:33 p.m.

INVOCATION: Given by Rep. Phil Giordano.

“A prayer for peace in the world. Oh, God, source of all holy desires, right councils and just works, grant us that peace which the world cannot give so that we may be obedient to your commands, and under your protection we may enjoy peace in our days and freedom from fear of our enemies. We ask this in your great holy name, amen.”

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

ROLL CALL: Conducted by Clerk of the Board Annie Summerville. There were thirty-seven members present and three absent (Reps. Blackwell, DePina and Mitchell).

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

MOMENTS OF SILENCE: For the late: Grace R. Valentine, Clarence Fedeli and Carolina A. Coscarelli, by the 26th Board of Representatives; Evelyn V. Parrello by Rep. Summerville; Anita Luery by Rep. Spandow; June Murren Piccione by Rep. Mirkin; Catherine Moavero, by Reps. Loglisci, Boccuzzi, Giordano, White and Zelinsky; Msgr. Stephen J. Chrepta, Margaret J. Sorbot, Emma M. Mediate by Rep. Loglisci; James J. Romaniello, Sr., by Reps. Giordano, Loglisci and Zelinsky; Leo J. Morabito by Reps. Loglisci and Zelinsky; Fred Young, Lawrence J. Scopporotti, James F. Maple, Sr., and Sylvio Pellini, Sr. by Rep. Giordano; Stella Cocolis by Reps. Giordano and White; Joseph A. Dombroski by Reps. Giordano and Zelinsky;

Annette Baxter by Rep. White; Frances Grabowski by Reps. White and Zelinsky; and Phillip A. Dolcetti by Reps. Loglisci and Giordano.

PAGES:

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, May 12, 2003
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**
(Attendance) **Annie M. Summerville, Vice Chair**
(Votes) Meeting: Tuesday, May 27, 2003
7:00 p.m. – Democratic Caucus Room

Chair Esposito reported that the Appointments Committee met on Tuesday, May 27, 2003. Present were Committee Member Reps. Esposito, Summerville, Boccuzzi, Kernan, Coppola, Mirkin, DePina, Clear and Blackwell; Rep. Morrow was excused.

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|----------------------------|--|--|---|
| 1. A26.084 | <u>Sewer/Water Commission</u> Thomas C. Romas (R) 13 Van Buren Circle Stamford, CT 06906 Term Expires: 12/01/05 04/08/03 – Submitted by Mayor Dannel P. Malloy 05/05/03 – Held in Committee 05/27/03 – Committee approved 9-0-0 | Reappointment <i>Term Exp. 12/1/2</i> | APPROVED ON CONSENT AGENDA |
| 2. A26.098 | <u>Board of Ethics</u> Joseph C. Valdes (R) 7 Gilford Street Stamford, CT 06907 Term Expires: 06/01/08 05/08/03 – Submitted by Mayor Dannel P. Malloy 05/27/03 – Committee approved 9-0-0 | | APPROVED ON CONSENT AGENDA |
| 3. A26.099 | <u>Golf Commission</u> Barry Brennan (R) 100 Verplank Avenue | Repl. Brennan <i>Term Exp. 12/1/2</i> | APPROVED ON CONSENT AGENDA |

Stamford, CT 06902
Term Expires: 12/01/05
05/08/03 – Submitted by Mayor Dannel P. Malloy
05/27/03 – Committee approved 9-0-0

4. [A26.100](#) Social Services Commission **APPROVED
ON CONSENT
AGENDA**
Gloria Blick (R) Repl. Halpert
11 North Street, Apt. 9G *Term Exp. 12/1/99*
Stamford, CT 06902
Term Expires: 12/01/05
05/08/03 – Submitted by Mayor Dannel P. Malloy
05/27/03 – Committee approved 9-0-0

Upon motion duly made, the Consent Agenda, consisting of Item Nos. 1 through 4, was approved by unanimous voice vote.

FISCAL COMMITTEE: **Randall Skigen, Chair**
[\(Votes\)](#) **Linda Cannady, Vice Chair**
Meeting: Wednesday, May 21, 2003
6:00 p.m. – Democratic Caucus Room
(Public Hearing)

Chair Skigen reported that the Fiscal Committee met on Wednesday, May 21, 2003. Present were Committee Member Reps. Skigen, Cannady, Mirkin, Loglisci, DeLuca, Fedeli, Giordano, Hunter and Lyons.

1. [F26.201](#) PUBLIC HEARING & RESOLUTION; approving **APPROVED
BY
UNANIMOUS
VOICE VOTE**
the programs submitted to the State under the
Neighborhood Assistance Grant.
04/22/03 – Submitted by Mayor Dannel P. Malloy
05/21/03 – Committee approved 7-0-0
(as amended)

Chair Skigen reported that the item was on consent. However, there were four organizations that did not show up at the meeting, and the Committee did not vote to include them on the list. Sandra Dennies supplied explanations this evening from the agencies explaining their absence from the public hearing and requesting inclusion on the list. Chair Skigen stated he would take this matter off consent in order to include those four organizations.

Chair Skigen moved to amend Item No. F26.201 to include the following agencies: CTE, Horizons, the Food Bank and Jewish Family Services. Said motion was seconded and approved by unanimous voice vote. Chair Skigen moved the resolution, as amended. Said motion was seconded and approved by unanimous voice vote.

Chair Skigen further read into the record those organizations that are included in the resolution: Yerwood Center, Stamford Senior Center, Inc., St. Luke Lifeworks; Housing Development Fund of Lower Fairfield County; the Women's Mentoring Network, Inc. and Stamford Health Systems.

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|------------|--|------------------------|
| 2. F26.198 | REVIEW; of 2002-03 snow removal account and transfers. 04/14/03 – Submitted by Steering Committee 05/21/03 – Report Made | Report Made |
|------------|--|------------------------|

Regarding Item No. F26.198, Chair Skigen stated that the Board has an agreement with Mr. Hamilton to provide the Board with monthly reports of all transfers within the City, both those approved by the Board of Finance and those that don't require Board of Finance approval but which the administration makes under its powers under the Charter. Chair Skigen added that he is going to put this item on the agenda on at least a quarterly basis so that the Committee can get a handle on the management of city funds.

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| 3. F26.199 | RESOLUTION; granting the WPCA bonding authority. 04/28/03 – Submitted by Leadership 05/21/03 – Committee approved 7-0-0 | APPROVED ON CONSENT AGENDA |
| 4. F26.202 \$126,538.00 | ADDITIONAL APPROPRIATION (Operating Budget); Various; Salaries & Social Security; to fund UAW contract salary increases for 2001-2003. 04/28/03 – Submitted by Mayor Dannel P. Malloy 05/08/03 – Approved by Board of Finance 05/21/03 – Committee approved 7-0-0 | APPROVED ON CONSENT AGENDA |

Secondary Committee: Personnel

Concur

- | | | |
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| 5. F26.203 \$14,328.00 | ADDITIONAL APPROPRIATION (Operating Budget); Town Clerk; Contracted Services; to pay invoices for services rendered in 2001 but not billed until December of 2002 due to vendor error. 04/28/03 – Submitted by Mayor Dannel P. Malloy 05/08/03 – Approved by Board of Finance 05/21/03 – Committee approved 7-0-0 | APPROVED ON CONSENT AGENDA |
| 6. F26.204 \$154,000.00 | ADDITIONAL APPROPRIATION (Operating Budget); Office of Legal Affairs; Unemployment | APPROVED ON CONSENT |

\$100,000.00 Compensation; to bring the unemployment compensation lines for both the City and the Board of Education to adequate funding levels due to increased claims.
04/28/03 – Submitted by Mayor Dannel P.Malloy
05/08/03 – Approved by Board of Finance
05/21/03 – Committee approved 7-0-0

AGENDA

Secondary Committee: Personnel

Concur 8-0-1

7. F26.205 ADDITIONAL APPROPRIATION (Capital Budget);
\$1,973,580.00 Engineering; Stamford Urban Transitway; to fund additional planning, design and property acquisition work; source of funds: grant.
04/28/03 – Submitted by Mayor Dannel P.Malloy
05/08/03 – Approved by Board of Finance
05/12/03 – Approved by Planning Board
05/21/03 – Committee approved 9-0-0

**APPROVED
BY MACHINE
VOTE (32-3-2)**
(Reps. Figueroa, Kernan and White opposed; Reps. Coppola and Fahan abstaining)

Secondary Committee: Operations

Concur 6-1-2

Chair Skigen stated that this was grant money that would be used to help fund the construction of the four-lane roadway from the Transit Center to Elm Street, including bus lanes, new traffic signals, turning lanes, bike lanes and sidewalks and an intelligent transportation system. These funds represent the federal government's appropriation for planning, design and property acquisition. Chair Skigen moved Item No. F26.205. Said motion was seconded.

Rep. White stated that the reason he voted against this item is that after reviewing the scope of the project, he determined that it was a massive project – similar to another I-95 south of I-95. He stated that it would not serve much of a purpose other than to get crowded up with more traffic. He felt that this was a concern to the surrounding streets and may impact the character of the neighborhood. Rep. White stated that this is not a solution to alleviating traffic, and that support of a mass transportation system is the answer. Rep. White stated that he also is against the taking of businesses and residential properties for this purpose.

The motion was approved by a machine vote of 32-3-2 (Reps. Figueroa, Kernan and White opposed; Reps. Coppola and Fahan abstaining). See [RCS Vote Record #410](#).

8. F26.206 APPROVAL; of a contract with Vision Appraisal Technology, Inc. for property revaluation consulting services; amount of contract:

**APPROVED
ON CONSENT
AGENDA**

\$332,000.00.
04/23/03 – Submitted by Mayor Dannel P. Malloy
05/08/03 – Approved by Board of Finance
05/21/03 – Committee approved 9-0-0

9. F26.208 REJECTION; of capital projects close-outs in the amount of \$2,203,568. **MOTION SPLIT**
04/21/03 – Submitted by Mayor Dannel P. Malloy
05/21/03 – Committee Rejected 9-0-0

Chair Skigen stated that this rejection was unanimous in committee. However, he received information on Friday that the administration is asking that one of the projects not be closed out because there was recent notification received by the Connecticut Department of Transportation regarding some potential liability on the City's behalf. The project is listed as C-56236, Stamford Gateway Management Project for \$35,924.40.

Chair Skigen moved to split the question; said motion was seconded and approved by unanimous voice vote.

9. F26.208a REJECTION; of capital projects close-outs in the amount of \$2,203,568, less C56236, Stamford Gateway Management. **DEFEATED BY UNANIMOUS VOICE VOTE**
04/21/03 – Submitted by Mayor Dannel P. Malloy

Chair Skigen moved Item F26.208, amended to exclude Item No. C56236; said motion was seconded.

Clerk of the Board Summerville asked that the items being rejected be read into the record. Chair Skigen stated that the items were:

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|--------|--------------------------------|
| C16020 | Toilsome Brook |
| C16026 | Hope Street Repairs |
| C16030 | Carter Drive/Tupper Drive |
| C56116 | Rippowam River Dredging |
| C56153 | Bridge Street Bridge |
| C56199 | Scofield Avenue Reconstruction |
| C56215 | Stillwater Realignment |
| C56237 | Stamford Gateway Phase II |
| C56256 | Harvard Avenue II |
| C5B633 | Franklin Street Improvements |
| CP1272 | Cedar Heights/Rapids Road |
| CP2221 | Summer Street Realignment |

Rep. Lyons asked that Chair Skigen explain the rationale for closing out capital projects. Chair Skigen responded that projects are closed out because funds are

not actually borrowed in excess of the amounts utilized, and no further funding is necessary in the determination of the Engineering Department and the administration.

The item was rejected by unanimous voice vote.

9. [F26.208b](#) REJECTION; of Item No. C56236, Stamford Gateway Management. **APPROVED BY UNANIMOUS VOICE VOTE**
04/21/03 – Submitted by Mayor Dannel P. Malloy

Chair Skigen moved rejection of C56236, Stamford Gateway Management. Said motion was seconded and approved by unanimous voice vote.

10. [F26.209](#) RESOLUTION; authorizing a grant agreement with the CT Dept. of Transportation to rehabilitate the Soundview Avenue Bridge; amount of grant \$102,039.73. **APPROVED ON CONSENT AGENDA**
05/08/03 – Submitted by Mayor Dannel P. Malloy
05/21/03 – Committee approved Consent

11. [F26.210](#) RESOLUTION; authorizing an application for school construction grants. **APPROVED ON CONSENT AGENDA**
05/08/03 – Submitted by Mayor Dannel P. Malloy
05/21/03 – Committee approved Consent

12. F26.207 REVIEW; establishment of new format for Board of Education budget. **REPORT MADE**
05/07/03 – Submitted by Rep. Lyons
05/21/03 – Report Made

Chair Skigen reported that in the coming months, the Committee will try to get this matter completed while Mr. Dunn is still with the City.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 3, 4, 5, 6, 8, 10 and 11, was approved by unanimous voice vote.

Chair Skigen stated that it has come to the Board's attention that it exceeded its authority when it acted on the WPCA budget. The Fiscal Committee recommended and the Board adopted line item cuts to the WPCA budget. The Board's authority, under the ordinance that created the WPCA, is to either approve or reject their budget, not to make line item changes. Chair Skigen reported that President Martin has had numerous conversations with corporation counsel and with Jeanette Brown.

Chair Skigen moved to take up Item No. F26.211; said motion was seconded and approved by unanimous voice vote.

13. F26.211 REJECTION; of WPCA budget for FY 2003-04.
06/02/03 – Submitted by Fiscal Chair Skigen

**APPROVED BY
UNANIMOUS
VOICE VOTE**

Chair Skigen stated that the Fiscal Committee had recommended approximately \$213,000 in cuts to the WPCA budget. The WPCA ordinance, as amended, gives the Board the authority to approve or reject the budget, but not to make these cuts. Chair Skigen stated that there is authority in the Charter for the Board, by a two-thirds vote, to take actions after the conclusion of the budget cycle to clarify any actions the Board has taken, to correct any mistakes or to resolve any problems that occurred during the budget.

Chair Skigen stated that he will have two motions. The first is to reject the WPCA budget, F26.211. The WPCA is aware of the cuts suggested by the Fiscal Committee. If the budget is rejected, they will resubmit a budget. They may not accept all of the Board's recommendations, but they are aware of the recommendations. Chair Skigen added that they don't set their fee schedule until August, so there is sufficient time before the fee schedule is established.

Chair Skigen moved the rejection of the WPCA budget, Item No. F26.211. Said motion was seconded.

President Martin stated that this motion requires a simple majority vote.

Rep. Loglisci asked if the Board has done line item cuts in the past. President Martin stated that when he was the Chair of Fiscal, the Board did do line item cuts. President Martin stated that while the administration was researching whether the WPCA could make transfers among the line item cuts, during the process of investigation, they realized that the Board didn't have the authority to make line item cuts.

Rep. Lyons stated that the Board must find some way for the representatives to alter the budget line items other than a complete rejection of the entire budget. This all ends up in lower user rates for districts with sewers. Rep. Lyons asked if the ordinance can be modified in the future or if other provisions can be made to allow the Board to make line item cuts.

President Martin stated that this matter will be addressed.

Clerk of the Board Summerville asked whether the Chair was certain that fees were set in August.

President Martin stated that he believes the fees are set in August, but even if it is in July, the plan is to reject now and by the July meeting, a budget acceptable

to the Fiscal Committee will be submitted and the Board will consider it at the July meeting.

Chair Skigen stated that the section of the Code cited by Mr. Cassone states: "in the event that either the Board of Finance or the Board of Representatives rejects the WPCA proposed budget, the WPCA may modify and resubmit said budget until it is approved." Chair Skigen stated that it may not come back to us just once.

President Martin stated that about 15 months ago, he had discussions with Mr. Boccuzzi and some other board members, Mr. Curtin and Ms. Brown, and discussed the potential combination of the Sewer Commission with the WPCA as well as the need to revise this section because it could be very impractical. The administration decided not to pursue the combination of the Sewer Commission and the WPCA, and therefore this matter was never rectified. President Martin stated the matter would be taken up after this year's budget situation with the WPCA.

Said motion was rejected by unanimous voice vote.

14. F26.212 APPROVAL; of validation of the action to reject the WPCA Budget under Charter Sections C80-30-14. **APPROVED BY UNANIMOUS VOICE VOTE**

Chair Skigen stated that the next motion would be to validate the action to reject the WPCA Budget under Charter Section C80-30-14. Chair Skigen moved the item; said motion was seconded and approved by unanimous voice vote.

LEGISLATIVE & RULES COMMITTEE: **Maria C. Nakian, Chair**
(Attendance) **Jim Shapiro, Vice Chair**
(Votes) Meeting: Monday, May 19, 2003
(Report) 7:00 p.m. – Democratic Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on Monday, May 19, 2003. Present were Committee Member Reps. Nakian, Zelinsky, Mitchell, Greenberg and Benyus present; Reps. Shapiro and Browne were excused. Also present was Clerk of the Board Annie Summerville; Sybil Richards, Deputy Corporation Counsel; and William Forker, Office of Taxation Services. Chair Nakian stated they did not have a quorum.

1. LR26.028 REVIEW; requirement for publishing entire text of ordinances prior to a public hearing. **HELD IN COMMITTEE**
05/03/03 – Submitted by Clerk Summerville & Rep. Nakian
05/19/03 – No Quorum

Chair Nakian stated that this matter was discussed thoroughly with the Deputy Corporation Counsel. At her suggestion, the Committee requested an opinion from Corporation Counsel as to whether the Board could take advantage of the state law that says you can publish an ordinance by publishing a summary of the ordinance or whether the Charter would restrict us from doing that. Chair Nakian requested that the opinion be submitted by the Steering Committee meeting.

2. [LR26.029](#) RESOLUTION; concerning the levy of a special tax to be imposed on commercial vehicles and manufacturing machinery and equipment, per CT Public Act 03-2.
05/08/03 – Submitted by Mayor Dannel P. Malloy
05/19/03 – No Quorum **HELD IN COMMITTEE**

Chair Nakian stated that a discussion was held regarding LR26.029. That discussion is summarized in the committee report.

PERSONNEL COMMITTEE: **Sanchia Spadow, Co-Chair**
(Attendance) **Mary Lisa Fedeli, Co-Chair**
(Votes) Meeting: Wednesday, May 28, 2003
(Report) 7:00 p.m. – Democratic Caucus Room

Co-Chair Spadow reported that the Personnel Committee met on Wednesday, May 28, 2003. Present were Committee Member Reps. Fedeli, Spadow, Loglisci, Boccuzzi, Browne, Cannady, DeLeo, Skigen, Pavia and McCullen. Also in attendance was Rep. Coppola; and Director of Human Resources Bill Stover.

1. P26.040 REVIEW; of labor contract negotiations. **REPORT MADE**
05/06/03 – Submitted by Co-Chairs Fedeli & Spadow
05/28/03 – Report Made

Co-Chair Spadow stated that the Committee went into executive session to discuss labor negotiations.

2. [P26.041](#) REJECTION; of a collective bargaining agreement with AFSCME Local #465, Registered Nurses Union for the period 7/1/02 through 6/30/05. **REJECTED BY VOICE VOTE**
04/28/03 – Submitted by Bill Stover (Rep. Skigen abstaining)
05/08/03 – Positive Advisory by Board of Finance
05/28/03 – Committee Defeated 0-8-1

Co-Chair Spadow stated that Mr. Stover reviewed key provisions of the contract: the nurses will be exempt in classification except under certain circumstances; salary increases as a result of this agreement will be awarded July 2002, July 2003 and July 2004; the City will provide and pay for an optical plan; and life insurance policies of \$50,000 will be provided.

The Pension changes are: employees will contribute 3% of their annual salary to the pension plan; after five years of service, the 3% will be contributed to the 457 plan. These provisions continue until such time as the CERF plan funding levels fall below 125% for three consecutive years.

Employees will now contribute to their insurance plan: immediately, 5%; July 1, 2003, 7.5%; and on July 1, 2004 it will increase to 10%.

The Committee voted unanimously not to reject the contract.

Chair Skigen stated he was recusing himself from this vote.

Co-Chair Spadow moved to reject the item; said motion was seconded and rejected by a unanimous voice vote.

LAND USE/URBAN REDEVELOPMENT COMMITTEE:

Patrick J. White, Co-Chair
Harry Day, Co-Chair

OPERATIONS COMMITTEE:

[\(Report\)](#)

John R. Zelinsky, Jr., Co-Chair

Anthony Imbrogno, Co-Chair

Meeting: Wednesday, May 28, 2003

7:00 p.m. – Republican Caucus Room

Co-Chair Imbrogno stated that the Operations Committee met on Wednesday, May 28, 2003. Present were Committee Member Reps. Adams, Coppola, Day, Fahan, Imbrogno, Zelinsky, Pavia, McDermott, O'Neill and White. Rep. Hunter was absent. Also present were Antonio Iadarola from Engineering and Michael King from Westhill High School.

1. O26.030 REVIEW; matter of monitoring replacement of the Dial-a-Ride program.
03/04/03 – Submitted by Reps. Zelinsky, Loglisci, DeLuca, Benyus, DePina, Blackwell, Browne, Coppola, McCullen, Hunter, Cannady, Summerville, Mirkin, Figueroa and Nowakowski
04/07/03 – Report Made

**REPORT
MADE**

05/05/03 – Report Made

05/28/03 – Report Made

Co-Chair Imbrogno stated that a report has been provided to all members.

Co-Chair Zelinsky stated that the Friday before the Operations Committee meeting of May 28, 2003, he faxed Mr. Barnes a memo with questions raised by the Committee and other representatives. Mr. Zelinsky stated he was disappointed that Mr. Barnes did not attend the meeting, and Ms. Bromley could not explain why he did not attend. Mr. Zelinsky asked Ms. Bromley to answer the questions in the memo, specifically, how much Stamford will pay the Norwalk Transit District to provide the transportation services to non-disabled seniors. Ms. Bromley said she did not know, that this matter was under discussion and she was not free to comment.

Co-Chair Zelinsky stated he asked Ms. Bromley when the Board of Representatives would receive the contract. Ms. Bromley responded that she did not know and that the Board would have to suspend its rules to vote on the contract at the July meeting.

Co-Chair Zelinsky stated that a reporter called him the morning after the meeting, and the reporter was told by Ms. Bromley that Stamford would pay the Norwalk Transit District was \$148,500, and the agreement to provide the service is solid. Co-Chair Zelinsky stated that he is appalled that the Operations Committee could not get the answer to these questions the night of the meeting but that an Advocate reporter can get the answers the following morning (before 10:00 a.m.). Mr. Zelinsky stated it is not satisfactory that a city employee will not answer questions for the Committee but will for the news media. This should never happen again.

Mr. Zelinsky stated he asked Mr. Barnes to explain some of his (Mr. Barnes') comments that appeared in the newspaper, noting that Mr. Barnes did not attend the meeting. Mr. Zelinsky continued: a representative asked at last month's meeting whether the vehicles slated to be turned over to non-profits could be leased for a nominal amount. Ms. Bromley stated that this could happen. Mr. Barnes stated in the paper that it wouldn't be the first time that services were rendered before a contract was signed. Mr. Zelinsky stated that he finds that comment in complete disregard for our seniors and the ride that they may need. Mr. Barnes also stated he was not terribly concerned about the situation. Mr. Zelinsky stated that again he finds this comment outrageous that he is not concerned because he is not directly affected. Finally, Mr. Barnes stated that he hopes Mr. Zelinsky will be pleased with how this all works out, "although I don't know that he will be." Mr. Zelinsky stated that this was a personal insult to him, questioning how Mr. Barnes know what Mr. Zelinsky's reaction will be.

Mr. Zelinsky stated that he hopes that the contract will be sent down in a timely fashion.

2. O26.037 APPROVAL; of contract with Northeast Turf HUE, Inc. for construction of artificial turf field at Westhill High School. **APPROVED ON CONSENT AGENDA**
04/14/03 – Submitted by Mayor Dannel P. Malloy
05/05/03 – Held in Committee
05/08/03 – Approved by Board of Finance
05/28/03 – Committee approved 10-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 2, was approved by unanimous voice vote.

PUBLIC SAFETY & HEALTH COMMITTEE:

(Attendance)

Richard Lyons II, Chair

(Votes)

Gail Clear, Vice Chair

(Report)

Meeting: Thursday, May 29, 2003

7:00 p.m. – Democratic Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on Thursday, May 29, 2003. Present were Committee Member Reps. Lyons, Clear, Adams, Coppola, DeLuca, Kernan, Mirkin and Zelinsky; Reps. DePina and Blackwell were absent; Rep. DeLeo was excused. Also present were Reps. Day and Imbrogno; Ben Barnes, Director of Public Safety, Health & Welfare; Tom Cassone, Director of Legal Affairs; Frank Fedeli, Citizens Service Supervisor; and Ralph Loomis for the Stamford Partnership.

1. PS26.020 PROPOSED ORDINANCE; ~~for FINAL ADOPTION & PUBLIC HEARING REPUBLICATION~~; regulating massage establishments. **APPROVED FOR REPUBLICATION BY MACHINE VOTE (33-2-0)**
11/15/02 – Submitted by Rep. Lyons and John Mullin
01/30/03 – Committee voted 7-0-0 to hold
02/25/03 – Committee voted to Hold 8-0-0
03/03/03 – Held in Committee
04/07/03 – Approved for publication
05/05/03 – Held in Committee
05/29/03 – Committee approved to amend 8-0
(Reps. Benyus and Day opposed)

Chair Lyons stated that the Committee approved an amended version for a public hearing. The amended version will also allow the City to adopt fees to enforce this ordinance under a separate resolution. The amendments to the ordinance are on Pages 2, 3, 6, 14 and 18 in addition to the fees being stripped out of the ordinance and being set by resolution.

Rep. Day stated that he understands this ordinance is being approved for republication. Rep. Day stated he wants to register his extreme opposition to this ordinance. Rep. Day stated he does not oppose the objective of the ordinance, which is not to regulate massage therapy, but in reality is to get rid of sex parlors. Rep. Day stated that regulating state-licensed massage therapists is way over-reaching and an inappropriate way to go. In Stamford, we do not regulate lawyers, doctors, chiropractors, physical therapists or nurses, but yet now we are going to license massage therapists.

Rep. Day stated that getting a state license, which is a rigorous process, should be satisfactory. Mr. Day stated that a much more simpler, more effective and direct way of achieving the objective is possible, and he is in the process of drafting an alternative proposed ordinance. His ordinance will piggyback on the state license requirements and targets people who offer to provide massage therapy or massage services of any kind, without having obtained a state license to do so.

Rep. Day stated that in speaking of the oldest profession in existence, it isn't going to be too long before we have an ordinance that deals with spas or aroma therapy services or anything else, once the word massage is corralled. The Board should zero in using the existing tools that we have in a much more targeted and precise ordinance.

Rep. Lyons stated that he respects Mr. Day's objections to the ordinance, and in some regards the ordinance may be a little bit thicker than it should be. Rep. Lyons stated that this ordinance has been 18-20 months in the making, it has been thoroughly reviewed by the legal department and Ben Barnes, it has been drafted and reconciled each time after having heard from the massage industry. As far as the other occupations, we are pre-empted by state law from trying to regulate them on the local level, so that is not practical. Furthermore, the problem is with the establishments that practice massage with unlicensed practitioners. These are the only establishments that this ordinance is targeting. The private practitioner doesn't fall under the ordinance. The problem lies with the State, because there are no civil or monetary or criminal penalties for practicing the occupation of massage therapy without a license. That is where the juxtaposition of issues lies.

Chair Lyons added that there is an article in the New Haven Register regarding Milford's situation and what they are going through with these establishments. Chair Lyons will have all board members copied. He added that these establishments are owned by individuals with a lot of money and resources, they move crews of people in and out of different establishments; the police have tried many times to penetrate these organizations, and they experience high rates of failure when officers are recognized or have repeat visits. It is extremely expensive for the Police Department to try to do it. But, under the State Health Code, the Director of Health has very broad powers and purview, and that is

where this ordinance attempts to make it most solid and most effective – under the Public Health Code – not the Criminal Penal Code.

Chair Lyons stated he welcomed Rep. Day's simpler version, and he expects more opposition from him. Chair Lyons stated there are many neighborhoods impacted by these establishments, and he simply wants to try to impair these types of establishments, not the legitimate massage industry for valid licensed practitioners.

Clerk Summerville stated that if the Board is not ready to publish this ordinance, we should reconsider as it is very expensive. She stated that she heard the Chair say he welcomed the shorter version, and if there is one, we should wait to vote for publication due to the cost.

Chair Lyons stated that while he said he welcomed Mr. Day's version of the ordinance, the Committee is ready to move forward, having voted 8-0-0, and after numerous months of work, the Committee feels it is time to publish it.

Rep. Zelinsky stated that he agrees with Clerk Summerville, and it is a long ordinance. He did vote in committee to publish the ordinance, but he is not committed to voting for final adoption. He wants to get more public input. Rep. Zelinsky asked if the Committee could have a public hearing without publishing the lengthy ordinance, especially since no one knows what Rep. Day's ordinance is.

President Martin stated that he does not know how to hold a public hearing without publishing an ordinance, so the Board must either vote to publish it or not.

Rep. Boccuzzi stated that this item has been on the agenda for quite some time, and this is a late time to come up with a new ordinance. Rep. Boccuzzi asked that the Board vote to publish the ordinance.

Chair Lyons moved Item No. PS26.020. Said motion was seconded and approved for republication by a machine vote of 33-2-0 (Reps. Benyus and Day opposed). (See [RCS Vote Record No. 411.](#))

2. [PS26.026](#) APPROVAL; of a contract with M/A-Com, Inc.
Enhanced Digital Access Communications System
Radio System Equipment maintenance agreement;
term of agreement 3 years.
04/09/03 – Submitted by Mayor Dannel P. Malloy
05/05/03 – Held in Committee
05/08/03 – Approved by Board of Finance
05/29/03 – Committee approved 8-0

**APPROVED
ON CONSENT
AGENDA**

3. PS26.027 REVIEW; matter of day laborers pick-up location and complaints from area businesses. **REPORT
MADE**
04/01/03 – Submitted by Rep. Imbrogno
05/05/03 – Held in Committee
05/29/03 – Report Made

Chair Lyons reported that the Committee had a lengthy discussion regarding PS26.027. The Committee agreed to re-look at the matter in sixty days.

4. PS26.029 REVIEW; of the Board of Education policies regarding classroom and school safety issues. **NO ACTION
TAKEN**
05/08/03 – Submitted by Rep. Mirkin
05/29/03 – Report Made

Secondary Committee: Education

Chair Lyons stated that unfortunately no one from the Board of Education appeared at this meeting. They notified the committee late that they were going to be unable to appear, and then subsequently the day after they notified us with some confusing information as to when they were notified.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 2, was approved by unanimous voice vote.

PARKS & RECREATION

COMMITTEE:

(Attendance)

(Votes)

(Report)

Linda Cannady, Co-Chair

Steve McDermott, Co-Chair

Meeting: Tuesday, May 20, 2003

7:00 p.m. – Democratic Caucus Room

Co-Chair Cannady reported that the Parks & Recreation Committee met on Tuesday, May 20, 2003. Present were Committee Member Reps. Cannady, McDermott, Fedeli, Giordano, Imbrogno, Lyons, McCullen, Morrow, Pavia and White; other representatives present were Ms. Summerville and Mr. Zelinsky.

1. PR26.044 REVIEW; policy of limiting 13 year old Babe Ruth teams to two games per season at Cubeta Stadium. **REPORT
MADE**
05/07/03 – Submitted by Reps. Zelinsky & Cannady
05/20/03 – Report Made

Co-Chair Cannady stated that an overview of the policy was given by Frank Fedeli; the item was then discussed at length. Rep. Zelinsky had pointed out that the 13 year olds were playing more games for the past couple of years. The

Committee was informed that there was a Twilight League, and they don't always use their scheduled time. The final outcome was that the persons involved will present their concerns and requests to the Parks & Recreation Commission to see if it is possible to increase the number of games for the 13 year olds.

Rep. Zelinsky gave the history of the complaint, citing the general regulation that precludes 12 year olds from playing at Cubeta Stadium and limits 13 year olds to two games. Rep. Zelinsky stated that this policy is fifteen years old. After the meeting, Rep. Zelinsky stated that he followed up with Mr. Fedeli by asking this item be placed on the Parks & Recreation Commission's agenda, but he has not heard back. Rep. Zelinsky stated he telephoned Chairman Corelli about the request, and Mr. Corelli said that the Parks & Recreation Commission has already met on this matter and will not revisit the item. Rep. Zelinsky stated he is extremely disappointed at the outcome.

Rep. Lyons stated that this was a matter for the Parks & Recreation Commission, and that until the Charter is changed, this Board should not meddle its affairs with those of other commissions.

Rep. Zelinsky stated that for the record, parents of 13 year olds were distressed and did not know where to turn. Mr. Zelinsky stated that he doesn't consider this meddling when it affects residents and their children. This item was requested to bring the two sides together in the spirit of compromise. He said he was in no way going to demand that the Parks & Recreation Commission do anything, but just review the matter. He stated that he feels we have an obligation when something affecting the residents is brought to a board member's attention, that the item be brought to the Board if it is a City matter, not a district matter.

Co-Chair Cannady stated she would read the end result of this item again: "The final outcome was that the persons involved would present their concerns and requests before the Parks & Recreation Commission to see if it is possible for 13 year olds to be scheduled for more games, if it won't cause any problems with overuse of the field or conflict with other needs. Rep. Summerville made it clear that the Committee's intention was to get an understanding of the policy."

2. PR26.045 REVIEW; of city's major parks including conditions and improvement plans.
05/07/03 – Submitted by Reps. Morrow & McDermott
05/20/03 – Report Made

**REPORT
MADE**

Co-Chair Cannady stated that a listing of capital improvements was distributed. Specific problems were discussed at the parks. The outcome was that Rep. McDermott relayed a clear message that in light of inadequate funds, preventive maintenance projects should be emphasized.

Rep. White stated that a lot of the problems are a lack of planning by Parks & Recreation because their whole thrust is active recreation and sports, and little attention is paid to passive recreation. Rep. White stated that he is opposed to parks, especially in the southern part of Stamford, being carved up and fenced off and lighted for playing fields. He stated that the Parks & Recreation Commission should take this into consideration.

3. PR26.046 REVIEW; ~~PROPOSED ORDINANCE; for publication;~~ **HELD IN
COMMITTEE**
creating a Harbor Management Commission as
defined and authorized under Connecticut General
Statutes.
05/07/03 – Submitted by Rep. Lyons
05/20/03 – Held in Committee 7-0-0 (item changed to
Review)

Co-Chair Cannady reported that Rep. Lyons had all the information on this item and would see to it that it was fully researched and submitted to the Law Department. Until the item is completed, Rep. Fedeli moved to hold the item with wording being corrected to read: "Review" rather than a "Proposed Ordinance."

President Martin stated that at Steering, the issue of the responsibilities of the Parks & Recreation Commission vs. the Board of Representatives was brought up. He had a conversation with Mr. Cassone, and the quick and brief story is: when it comes to fees, the Board of Representatives sets fees. It has total jurisdiction over fee setting. Having said that, the Board should speak to the Parks & Recreation Commission about their fees and look to them for recommendations. With regard to park policies and regulations, park policies and regulations are set by the Commission, but do not become approved until we approve them.

Rep. Lyons stated that we can only accept or reject the policies and regulations they send down. President Martin stated that is correct.

EDUCATION COMMITTEE: **Thomas Hunter, Co-Chair**
(Attendance) **Brian O'Neill, Co-Chair**
Meeting: Wednesday, May 21, 2003
7:00 p.m. – Republican Caucus Room

Co-Chair Hunter reported that the Education Committee met on Wednesday, May 21, 2003.

1. E26.007 REVIEW; of school playing fields and conditions;
discussion on scheduled maintenance activities to
improve conditions. **REPORT
MADE**

01/10/03 – Submitted by Rep. Hunter
01/21/03 – Report Made
02/25/03 – Report Made
03/07/03 – Report Made
04/07/03 – Report Made
05/05/03 – Report Made
05/21/03 – Report Made

Co-Chair Hunter reported that discussions were continued on playing fields, and this matter should be completed next month.

2. E26.008 REVIEW; of consultants employed by the Board of Education. **REPORT
MADE**
05/07/03 – Submitted by Rep. O'Neill
05/21/03 – Report Made

Co-Chair Hunter reported that discussions were continued regarding playing fields, and this matter should be completed next month.

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

**HOUSING/COMMUNITY DEVELOPMENT/
SOCIAL SERVICES COMMITTEE:**

Elaine Mitchell, Chair
Philip Giordano, Vice Chair
(Attendance)
(Votes)
(Report)
Meeting: Tuesday, May 20, 2003
6:30 p.m. – Democratic Caucus Room

Vice Chair Giordano reported that the Housing/Community Development/Social Services Committee met on Tuesday, May 20, 2003. Present were Committee Member Reps. Browne, Fahan, Giordano, McCullen, McDermott, Mitchell and Molgano. Also present was Rep. Summerville.

1. HCD26.013 APPROVAL; of transfers to the contingency line of excess funds from the Liberation House and Passages projects. **REPORT
MADE**
04/22/03 – Submitted by Tim Beeble
05/20/03 – Committee approved 6-0-0

Vice Chair Giordano stated that these funds were used (\$988) to fund the organizer position for Waterside. The two projects were completed for less than the allocation. The Committee approved the matter, and documentation is in the Board Office. No Board action is required.

2. HCD26.015 REVIEW; of outstanding CDBG funding allocations **REPORT
MADE**
not utilized in prior funding years.
05/12/03 – Submitted by Rep. Mitchell
05/20/03 – Report Made

Vice Chair Giordano reported that the Committee is looking at assuring that funds allocated are used by the end of each funding year. The problem is when the agency submits its request, it receives an estimated cost of repairs that is submitted as part of the package. The allocation is awarded, the agency goes out to bid, and the bid is over what is requested. The Committee will monitor this in the future.

3. HCD26.014 REVIEW; of the policies for administration of the **HELD IN
COMMITTEE**
HOME Program.
05/12/03 – Submitted by Reps. Summerville &
Mitchell
05/20/03 – Report Made

Vice Chair Giordano stated that procedures for applicants who apply for the HOME program are being reviewed. The Committee did not have a quorum, and it is being held in Committee.

TRANSPORTATION COMMITTEE:

(Attendance)

(Votes)

(Report)

Robert “Gabe” DeLuca, Chair

John Fahan, Vice Chair

Meeting: Thursday, May 15, 2003

7:00 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on Thursday, May 15, 2003. Present were Committee Member Reps. DeLuca, Fahan, Mirkin, Giordano, Blackwell, Kernan and Zelinsky. Also present were Rep. Loglisci; Tim Curtin and Herb Kohn of the Department of Operations.

1. T26.030 PROPOSED ORDINANCE; **for FINAL ADOPTION & HELD IN
PUBLIC HEARING**; amending Section 231 by adding **COMMITTEE**
Section 231-54 Article VI Towing Regulations,
Administrative Towing Fee to provide for a \$35 fee
that the tow company will forward to the City; and by
adding Sec. 231.55, Towing Registration Fee, to
provide for a \$250 annual fee to companies that are
utilized to tow cars.
02/10/03 – Submitted by Mayor Dannel P. Malloy
02/13/03 – Held in Committee
03/03/03 – Held in Committee
04/07/03 – Held in Committee

04/16/03 – Held in Committee 5-0-0
05/05/03 – Approved for publication
05/15/03 – Held in Committee

2. T26.034 APPROVAL; of a contract with ProPark, Inc. for parking facilities management agreement for the Bell Street and Forest Street garages. **APPROVED ON CONSENT AGENDA**
03/31/03 – Submitted by Mayor Dannel P. Malloy
04/10/03 – Approved by Board of Finance
04/16/03 – Held in Committee 5-0-0
05/05/03 – Held in Committee
05/15/03 – Committee approved 6-0-0

3. T26.036 APPROVAL; ~~REVIEW~~; installation of parking meters on West Park Place. **APPROVED BY MACHINE VOTE (29-7-0)**
04/25/03 – Submitted by Rep. DeLuca
05/15/03 – Committee approved 6-0-1
(Reps. Adams, Cannady, Coppola, Figueroa, Imbrogno, Loglisci and White opposed)

Chair DeLuca moved to change the title of Item No. T26.041 to an “approval” from a review. Said motion was seconded and approved by unanimous voice vote. The main motion was made and seconded.

Rep. Loglisci asked how many meters were involved and the times on the meters.

Chair DeLuca responded there were 12 meters, and the time would be from 8:00 a.m. to 6:00 p.m. six days per week. The maximum time is 3 hours. Chair DeLuca stated these meters are opposite 1010 Washington Boulevard, on the side street.

Clerk Summerville stated that Rep. Spadow left the meeting at this time.

The item was approved by a machine vote of 29-7-0 (Reps. Adams, Cannady, Coppola, Figueroa, Imbrogno, Loglisci and White opposed.) (See RCS Vote Record No. 412.)

4. T26.041 APPROVAL; of permit parking for the Dreyfus Surface Lot. **HELD IN COMMITTEE**
05/12/03 – Submitted by Tim Curtin
05/15/03 – Committee Held 7-0-0

SPECIAL COMMITTEES

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

EDUCATION BUDGET COMMITTEE: **Randall Skigen, Chair**
 Meeting: Wednesday, May 21, 2003
 8:30 p.m. – Democratic Caucus Room

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|-------------|---|------------------------|
| 1. SB26.001 | REVIEW; status of Board of Education Budget. 09/09/02 – Submitted by Rep. Skigen 10/07/02 – Report Made 12/02/02 – Report Made 01/27/03 – Report Made 03/03/03 – No report | REPORT MADE |
|-------------|---|------------------------|

RESOLUTIONS

| | | |
|----|---|---|
| 1. | <u>SENSE-OF-THE-BOARD RESOLUTION</u> ; congratulating Trinity Catholic High for winning State Basketball Championships. 03/28/03 – Submitted by the 26 th Board | APPROVED ON CONSENT AGENDA |
| 2. | <u>SENSE-OF-THE-BOARD RESOLUTION</u> ; congratulating Dr. Paul Erdelyi for his 40 years of service to the City of Stamford. 03/28/03 – Submitted by the 26 th Board | APPROVED ON CONSENT AGENDA |
| 3. | <u>SENSE-OF-THE-BOARD RESOLUTION</u> ; congratulating Howard Jennings on his 40 years of service to the City of Stamford Board of Education. 05/12/03 – Submitted by Rep. Zelinsky | APPROVED ON CONSENT AGENDA |
| 4. | <u>SENSE-OF-THE-BOARD RESOLUTION</u> ; thanking Anthony Iton, MD for his service to the City of Stamford as Director of Health and Social Services and School Medical Advisor. 05/12/03 – Submitted by 26 th Board | APPROVED ON CONSENT AGENDA |

Rep. Loglisci moved to suspend the rules to take up an item not appearing on the Agenda. Said motion was seconded and approved by unanimous voice vote.

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|----|---|---|
| 5. | <u>SENSE-OF-THE-BOARD RESOLUTION</u> ; congratulating Sister Pietrina Mazzola on receiving the Honor of a Papal Decoration – Proecclesia. 05/12/03 – Submitted by 26 th Board | APPROVED BY UNANIMOUS VOICE VOTE |
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MINUTES

1. [April 28, 2003 Budget Meeting](#) **APPROVED BY
UNANIMOUS
VOICE VOTE**
2. [May 5, 2003 Regular Board Meeting](#) **APPROVED BY
UNANIMOUS
VOICE VOTE**

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT: Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:11 p.m.