The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Monday, August 4, 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: By Clerk of the Board Annie M. Summerville

ELECTION OF TEMPORARY CHAIR: Upon motion duly made and seconded and approved by unanimous voice vote, John Boccuzzi was appointed Temporary Chair.

INVOCATION: By Representative Ruby Blackwell

“Let us pray. Dear Father, we thank you for another opportunity to assemble together as one body of city officials, striving to make this a better community. We pray to you, our Father, as we go to you in our separate ways, let us be mindful of what we say and do. We pray for our leaders among us and throughout the world. Give them guidance, our Father, for they are weak. Strengthen them in every way. Help them to realize that you are the source of everything. Bless the young men that are trying to defend our country. Give them the courage to stand tall. Bless every home that is represented here this evening. In Jesus’ name, and we give you the praise. This is my prayer. Amen.”

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Majority Leader John Boccuzzi.

ROLL CALL: By Clerk of the Board Annie M. Summerville. There were 34 members absent and 6 excused: Reps. DeLeo, Esposito, Kernan, Martin, Mitchell and Nowakowski.

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


PAGES:

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, July 14, 2003
(Report) 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, July 29, 2003
7:00 p.m. – Democratic Caucus Room

Vice Chair Summerville reported that the Appointments Committee met on July 29, 2003. Present were Committee Member Reps. Blackwell, Boccuzzi, Clear, Copolla, Morrow, Nowakowski and Summerville.

1. **A26.101** Tax Assessment Board of Appeals
   Fred E. Johnson (R) Repl. Barocas
   26 Chestnut Street (exp. 12/1/99)
   Stamford, CT 06902
   Term Expires: 12/01/05
   06/26/03 – Submitted by Mayor Dannel P. Malloy
   07/29/03 – Committee approved 7-0-0

2. **A26.102** WPCA
   Louis J. Casale, Jr. (R) Repl. Brewton
   155 Frederick Street (exp. 1/1/03)
   Stamford, CT 06902
   Term Expires: 01/01/06
   06/26/03 – Submitted by Mayor Dannel P. Malloy
   07/29/03 – Committee approved 7-0-0
3. **A26.103**  
Smith House Board of Directors  
Michael E. Dubissette, MD (D)  
Reappoint.  
44 Cerretta Street #5  
Stamford, CT 06907  
Term Expires: 12/01/05  
6/30/03 – Submitted by Mayor Dannel P. Malloy  
07/29/03 – No Action taken  

4. **A26.104**  
Environmental Protection Board  
William E. Morris (D)  
Repl. Weinstein  
55 Big Oak Lane  
Stamford, CT 06903  
Term Expires: 12/01/03  
06/30/03 – Submitted by Mayor Dannel P. Malloy  
07/29/03 – Committee approved 7-0-0  

5. **A26.105**  
Patriotic & Special Events Commission  
Carol Henderson (R)  
Repl. Paladino  
4 Mayflower Avenue  
Stamford, CT 06906  
Term Expires: 12/01/03  
06/30/03 – Submitted by Mayor Dannel P. Malloy  
07/29/03 – Committee approved 7-0-0  

6. **A26.106**  
Environmental Protection Board  
Eileen Heaphy (D)  
Reappoint.  
247 Hamilton Avenue #4  
Stamford, CT 06902  
Term Expires: 12/01/05  
06/30/03 – Submitted by Mayor Dannel P. Malloy  
07/29/03 – Committee approved 7-0-0  

7. **A26.107**  
Patriotic & Special Events Commission  
Marc A. Lorenti (D)  
Reappoint.  
102 Fawn Drive  
Stamford, CT 06902  
Term Expires: 12/01/05  
06/30/03 – Submitted by Mayor Dannel P. Malloy  
07/29/03 – Committee approved 7-0-0  

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1, 2 and 4-7, was approved by unanimous voice vote.
Chair Skigen reported that the Fiscal Committee met on July 28, 2003. Present were Committee Member Reps. Skigen, DeLuca, DePina, Figueroa, Giordano, Loglisci and Lyons. Also present were Reps. Spandow and O’Neill. Excused were Reps. Cannady, Fedeli, Hunter and Mirkin. Also in attendance were Karen Camerotta from the Grants Office; Alison Tosches from Command Security Corporation; Town Clerk Donna Loglisci; Peter Privitera of OPM; Louis DeCarlo, Stamford Police Department; Joe Kennedy of the Stamford Police Association; and approximately 25 other Stamford police officers.

1. **F26.218**  
$19,453.00  
ADDITIONAL APPROPRIATION (Operating Budget); City Contributions to Grant Funds; Other Grants/Transfer Grant FD #24; to appropriate the City’s share of the FEMA Emergency Management grant match; funds to support 50% of salary and 41% of benefits of Emergency Manager position.  
06/27/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0

2. **F26.219**  
$38,906.00  
ADDITIONAL APPROPRIATION (Grants Budget); Emergency Management; Salaries; to fund city’s match of 50% of the emergency manager’s salary and 41% of medical benefits.  
06/27/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0

Secondary Committee: Public Safety & Health  
Waived

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

3. **F26.220**  
$5,500.00  
ADDITIONAL APPROPRIATION (Grants Budget); Town Clerk; Historic Preservation Grant; to cover expenses incurred in the 02-03 general fund associated with seasonal costs of on-going scanning of land records.  
06/27/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0
4. **F26.226**  
$436.00  
ADDITIONAL APPROPRIATION (Grants Budget); Connecting with KYDS; Contracted Services; to increase grant with state allotment.  
06/18/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0

5. **F26.223**  
RESOLUTION; authorizing the Mayor to enter into agreement with the State of Connecticut Dept. of Economic and Community development for financial assistance regarding improvements to the Bartlett Arboretum; amount of grant: $2 million.  
07/07/03 – Submitted by Mayor Dannel P. Malloy  
07/08/03 – Approved by Planning Board  
07/10/03 – Approved by Board of finance  
07/28/03 – Committee approved 7-0-0

6. **F26.225**  
RESOLUTION; authorizing the mayor to sign an agreement with the Connecticut Department of Transportation for the engineering phase of the Greenwich Avenue Corridor Improvements project; amount of grant: $247,827.  
06/18/03 – Submitted by Mayor Dannel P. Malloy  
07/28/03 – Committee approved 7-0-0

7. **F26.217**  
$6,542.00  
ADDITIONAL APPROPRIATION (Operating Budget); Public School Health Program; Salaries; to fund wage increases due to collective bargaining agreement with Dental Hygienists Union.  
06/27/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0

8. **F26.227**  
$34,000.00  
ADDITIONAL APPROPRIATION (Operating Budget); Nursing Services; Salaries; to appropriate Smith House portion of wage increases due to collective bargaining agreement with the Stamford Registered Nurses Local #465.  
06/24/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0

*Secondary Committee: Personnel  
Concur 7-0-0*
9. **F26.224**  
$40,112.00  
ADDITIONAL APPROPRIATION (Operating Budget); Nursing Services; Salaries; to appropriate portion of wage increases due to collective bargaining agreement with the Stamford Registered Nurses Local #465.  
06/24/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0  

**Secondary Committee: Personnel**  
Concur 7-0-0  

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

10. **F26.221**  
$2,000,000.00  
ADDITIONAL APPROPRIATION (Capital Budget); Operations; Bartlett Arboretum; represents funding by Dept. of Economic & Community Development for improvements to the Bartlett Arboretum (city-owned property).  
06/27/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – To be considered by Board of Finance  
07/28/03 – Committee approved 7-0-0  

**Secondary Committee: Parks & Recreation**  

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

11. **F26.222**  
$155,000.00  
ADDITIONAL APPROPRIATION (Operating Budget); Big Five Volunteer Fire Dept.; Springdale VFD; to fund annual appropriation that was excluded from the 2003-04 budget.  
06/25/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/28/03 – Committee approved 7-0-0

**Secondary Committee: Public Safety & Health**

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

12. **F26.216**  
RESOLUTION; for publication; establishing an updated police extra duty fee.  
07/08/03 – Submitted by Rep. DeLuca  
07/28/03 – Failed in Committee 1-6-0  

**Failed by Machine Vote (6-27-0)**
Chair Skigen stated that there was a lengthy discussion on this item. OPM had come up with a variety of scenarios, two of which were presented at the meeting. One called for a 15.1% administrative fee to cover costs of administering the police extra duty program. The other scenario called for a 32% administrative fee, taking into account health insurance costs and other benefits. After lengthy discussion, the committee felt that two of the numbers needed to be looked at thoroughly, one was for bad debt or uncollectible debt in the amount of $48,000. The second related to workers’ compensation costs of approximately $145,000. Because of uncertainty about these numbers, the Committee voted 1-6-0 to the resolution establishing a new police extra duty fee, leaving the fee where it currently is.

Chair Skigen stated that he asked Peter Privitera to convene a meeting that would include representatives of OPM, the Law Department, the Stamford Police Department, the Stamford Police Association and other parties and to report back at next month’s meeting. Rep. DeLuca stated that Joe Kennedy met with Peter Privitera and Don Whitting on Friday regarding the workers’ compensation numbers, and Don Whitting stated his numbers were correct. He has not heard anything from Joe Kennedy disputing this.

Chair Skigen moved Item No. F26.216 with the committee recommendation that the item be defeated; said motion was seconded and failed by a machine vote of 6-27-0 (See Vote Record #419.)

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 through 11, was approved by voice vote.

LEGISLATIVE & RULES COMMITTEE: Maria C. Nakian, Chair
(Attendance) Jim Shapiro, Vice Chair
(Votes) Meeting: Monday, July 21, 2003
(Report) 7:00 p.m. – Democratic Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on July 21, 2003. Present were Committee Member Reps. Nakian, Shapiro, Nowakowski, Zelinsky, Benyus and Browne. Reps. Spandow and Esposito were excused. Also present were Reps. Day, DeLuca and Loglisci; William Forker of the Office of Assessment and Taxation; Sybil Richards and James Minor from the Law Department; Herb Kohn from the Office of Operations; and Lawrence Davidoff, the proposed purchaser of 36 Underhill Street.

1. **LR26.029**

   **RESOLUTION; for publication & final adoption:**
   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
   06/23/03 – Committee Approved to Publish 7-1-0
   07/21/03 – Failed in Committee 1-5-0

   **FAILED BY MACHINE VOTE (1-30-0)**
Chair Nakian stated that one person attended the public hearing. Chair Nakian stated that this is a long-standing state program which grants to commercial companies an exemption on commercial vehicles and manufacturing machinery and equipment. The purpose of the program was to entice businesses to come to Connecticut and to entice them to expanding their business equipment. Two years ago, the State had reimbursed the City 100% for this program, reduced its reimbursement to 80%. For this year, the State has cut back to 65%. Originally, the State was reimbursing the City approximately $2.2 million. Under the 80% reimbursement, it was $1.696 million, and this year, it will be down to $1.278.

The State, this year, passed a public act that allows municipalities to recoup the difference between the 65% and the 80% by taxing the businesses directly. This must be done in this fiscal year, and it has to be before 6/30/04, but because of tax laws in the State, the last real date is April 15, 2004 with the tax paid by May 15. The amount of revenue that would be brought to the City is $318,122, and it can be recovered by this one time special levy.

The Committee voted 1-5-0, and Chair Nakian moved the item. Said motion was seconded.

Rep. Zelinsky stated that he voted against this resolution. At first glance, this would seem a good idea to receive funds from manufacturing firms. Rep. Zelinsky asked if these funds were included in the budget, and he was advised that they were not. As a result of the member of the public that did attend, he decided to vote against it. This individual stated that these small companies had not included these taxes in their budgets, and because the State changed its formula, it seems unfair to create a hardship for these small businesses. Stamford should strive to keep these businesses in its City.

Rep. Day stated that there is a fallacy here. If we enact this, we are entitling ourselves to a property tax that would not have been collected had the State not passed the incentive program. As a matter of public policy, this is not a good idea.

Rep. Lyons stated that it is an interesting situation. The State of Connecticut keeps taking these programs that they initiated to help municipalities, and then we hit a tight budget cycle, then they give us taxes that we can impose – the conveyance tax, now this special tax that should never have existed in the first place. Fortunately, we have a balanced budget, so we don’t really have the need to take this money from these independent businesses. It is unfortunate that the State government doesn’t realize that these special situations they create are just undone time and time again making the municipalities look like they are the taxing bodies. Rep. Lyons urged the Board to vote against this.
Rep. Shapiro stated that the answer to this is simple. Enough is enough. We have taxed both corporate and residential citizens enough this year. Now is the perfect opportunity to show the wisdom of restraint.

The item failed by a machine vote of 1-30-0 (See Vote Record #420).

2. LR26.028 PROPOSED ORDINANCE; for publication; concerning publishing entire text of ordinances prior to a public hearing.
   05/03/03 – Submitted by Clerk Summerville & Rep. Nakian
   05/19/03 – No Quorum
   06/23/03 – Committee Held 9-0-0
   07/21/03 – Held in Committee

3. LR26.030 Resolution RESOLUTION; approving a lease agreement between the City of Stamford and Saturn of Stamford; term of lease: November 1, 2003 to October 31, 2005.
   05/29/03 – Submitted by Mayor Dannel P. Malloy
   06/24/03 – Approved by Planning Board
   06/23/03 – Held in Committee 8-0-0
   07/10/03 – Approved by Board of Finance
   07/21/03 – Committee approved 6-0-0

Chair Nakian stated that this is a 36-month lease. The Committee voted in favor of this 6-0-0, however, it is not on the Consent Agenda because there is one change to the contract that came in after the Committee meeting.

When the contract came to the Committee, the Committee was first told that the term had been changed from May 1, 2001 to November 1, 2002. Six months were added to the beginning of the lease. And the rent for that period was increased proportionately. The Committee approved the lease with that change. The new change is that either side has the option to terminate the lease with 180 days; the revised contract has shortened that period of time to 90 days, which is what the Committee had asked about. So, while the Committee does not changes to the contract, the Board is voting on this lease with a 90 day termination clause, not 180 days.

Chair Nakian moved the item; said motion was seconded.

Rep. O’Neill stated that while he appreciates the income from this contract, those gains would be short-sighted when measured against the future needs of additional parking spaces downtown, especially over the next three years. Already we are experiencing spill over of parking into adjacent areas due to construction projects immediately occurring. Public parking garages are built for public use. Setting aside two floors of parking for private use is not an idea he will support.
Rep. Zelinsky stated that as a member of the Committee he voted to support this. This is a win-win situation. The City did a physical count at the end of May at the Bell Street for one week. There were approximately 300 empty spaces. This agreement would leave at least 120 spaces available for the public. The City of Stamford would receive $216,000 during the 36-month period at the rate of $6,000 per month. The previous lease was for $4,000. The City can use this revenue. Saturn of Stamford has been an excellent tenant. Rep. Zelinsky added he spoke to Director Hamilton; $72,000 of these funds have been included in the new budget.

Rep. Skigen stated that contrary to the Advocate headlines, he did not oppose this lease. He feels that the Board should have looked closely at this lease. He thinks the reduction in the termination clause is positive, but he would like to see it 30 days. The survey of parking spaces was before the Target construction began. His concern with the Bell Street garage is for Friday and Saturday evenings, not during the day when the survey was done. Rep. Skigen does not oppose the lease in principle, but it should be terminable on a much quicker time frame, and he will vote against the lease tonight.

Chair Nakian moved Item No. LR26.030; said motion was seconded and was approved by a machine vote of 24-8-0 (See Vote Record #421).

4. LR26.031 Resolution
RESOLUTION; approving the purchase and sales agreement between the City of Stamford and Lawrence F. Davidoff, Trustee; regarding sale of city-owned property at 36 Underhill Street; amount of sale: $137,000.00.
06/11/03 – Submitted by Mayor Dannel P. Malloy
07/10/03 – Approved by Board of Finance
07/21/03 – Committee approved 4-2-0

Secondary Committee: Land Use
Defeated 2-5-0

Chair Nakian moved Item No. 4. Said motion was seconded.

Rep. Day stated that the Land Use Committee voted against this. The reason was based on the philosophy of some members that the City should not sell city-owned property; it had nothing to do with this specific transaction.

Rep. Shapiro stated that the property to be sold is the property of the citizens of Stamford. We are the stewards of this property, and if we do sell it, the benefits should go to the citizens of Stamford. In this deal, he sees very little public benefit. There is some benefit to a developer, a little bit of money but no long range benefits to the citizens. Rep. Shapiro stated that if we look across the city, each parcel, no matter how small, should be judged against this standard – what does it do for the people of the City of Stamford. And if we can’t answer that question with an overwhelming amount of evidence in the positive, you vote against the sale of the land. You bank it, you save it,
you preserve it until a point in time that it benefits all of the citizens of Stamford. That is
not the case here. Voting in favor of this sale would be a disservice to our position as
stewards.

Rep. Spandow stated that this piece of property is in her district, and this was a house.
It was a house that the City was forced into buying due to a problem with storm drains.
This is merely being returned to the neighborhood, put back on the tax rolls. That does
effect all of the citizens of Stamford, and she will vote for this.

Rep. Hunter stated that this property is in his district, and he has walked the property. It
was a residential lot for 50 years, and the City was forced to buy it as a result of an
attempt to repair a flooding problem. It should be returned to being a single family lot. It
cannot be anything but that as zoning will not allow it. As for its other potential use as a
park, it is too small to be a sports field or even a kiddie park. There is no assurance that
the City will continue to maintain it. It may just be abandoned, and the neighbors would
not like that. He will support the sale.

Rep. Nakian stated that the sale price is $137,000; the appraisal is $125,000, so the
City is getting a good price for it. There were 3 pieces of property that the City was
forced to purchase as a result of litigation. The other two were sold at a much less price
than this, and the person is buying it is willing to buy it with no guarantees from the City
that the land itself has no problems. He acknowledged to the Committee that he may
have to put in pilings and so forth to make it a buildable lot. It is difficult land. Even if
the City were to retain it for some use, the City may have to spend a considerable
amount of money to put up a structure that would hold any type of activity. It has
always been a residential lot, and it is not in the category of some other city-owned land
that the City has always owned. Rep. Nakian stated that this should be returned to the
use it has always enjoyed. It is a very nice residential neighborhood, and this particular
lot could have a dwelling that would add to the neighborhood.

Rep. Zelinsky stated that this should bring at least $5,000 per year in residential
property taxes.

The point is that you keep open space for the sake of open space. The Board should
not be seduced by the quick cash that it will get for the sale of the property. While it
was once residential, and it was unfortunate what happened when the City gained this
property, but it should keep this property. Not that it is necessarily going to be
developed for the public in any way – you keep it for open space. It adds to the quality
of that neighborhood. You don’t want every neighborhood so overbuilt that houses are
on top of one another. Just because the City is maintaining it now is not an argument to
sell it. If you use that argument, then you wouldn’t support any parks. Open space is
important to the quality of neighborhood and city life. Rep. White stated that it is a bad
precedent that a realtor came forward offering to sell this property.
Rep. Lyons stated that the Charter is very specific that if you sell parkland, you replace parkland with the same amount of acreage. This is not parkland. This is a distressed, vacant sinkhole sitting in a residential neighborhood. It is a very simple issue; it is not about the demolition of a school or the sale of a vast parcel of city land. It is a sinkhole that is being sold to an individual. What is actually at stake here is the return to that neighborhood a single family home which resided there for a very long period. What is at stake is allowing a family to move into a single family home in a nice neighborhood, instead of these neighbors living day after day with a vacant sinkhole next to their dwellings that the City is forced to maintain because of an unfortunate lawsuit.

Rep. Lyons added that the contractor will pay wages to workers who build the dwelling and you will have an assessable piece of property for the foreseeable future. Rep. Lyons stated it seems to be an easy issue.

Rep. Coppola moved the question; said motion was seconded and approved by voice vote (Rep. Browne opposed). Chair Nakian moved Item No. LR26.031; said motion was seconded and approved by a machine vote of 23-8-0 (See Vote Record #422).

5. LR26.032 REVIEW; of tax relief program for veterans.  
   07/09/03 – Submitted by Reps. Bocuzzi & DeLuca  
   07/21/03 – Held in Committee

6. LR26.033 REVIEW; effectiveness of combining the Commission on Aging and the Social Services Commission; possible amendments to Chapter 6, Article II of the Code of Ordinances.  
   06/23/03 – Submitted by Rep. Nakian  
   07/21/03 – Held in Committee

7. LR26.034 PROPOSED ORDINANCE; for publication; amending Chapter 191, Public Utilities, concerning revisions concerning pay telephones.  
   07/11/03 – Submitted by Jim Minor  
   07/21/03 – Committee approved 6-0-0

Chair Nakian moved the Consent Agenda, consisting of Item No. 7; said motion was approved by unanimous voice vote.

PERSONNEL COMMITTEE: Sanchia Spandow, Co-Chair  
(Attendance) 
(Votes)  
(Report)  
Mary Lisa Fedeli, Co-Chair  
Meeting: Wednesday, July 30, 2003  
7:00 p.m. – Democratic Caucus Room
Co-Chair Spandow reported that the Personnel Committee met on Wednesday, July 30, 2003. Present were Committee Member Reps. Spandow, Fedeli, Boccuzzi, Loglisci, Browne, Skigen and Pavia. Excused were Reps. Cannady and Figueroa. Absent were Reps. McCullen and DeLeo. Also in attendance was Bill Stover, Director of Human Resources and Matt Palmer of Firefighters Local 786.

1. **P26.045** PROPOSED ORDINANCE; for publication; repealing Code of Ordinances Sections 47-20 and 47-22, Wage Increases, Advertising Limits.  
06/30/03 – Submitted by Rep. Fedeli  
07/30/03 – Committee approved 7-0-0

2. **P26.046** summary Contract  
REJECTION; of a tentative agreement with the AIFF Local 786, representing the employees at Belltown, Glenbrook and Turn of River Fire Departments.  
07/14/03 – Submitted by Bill Stover  
07/30/03 – Positive Advisory from Board of Finance  
07/30/03 – Committee rejected 0-6-1

Co-Chair Spandow moved Item No. P26.046. Said motion was seconded. Co-Chair Spandow stated that the Committee voted 0-6-1 against rejection the contract. The item was defeated by a machine vote of 0-32-1 (See Vote Record #423).

Co-Chair Spandow moved the Consent Agenda, consisting of Item No. 1, and it was approved by unanimous voice vote.

**LAND USE/URBAN REDEVELOPMENT COMMITTEE:**

(Attendance) Patrick J. White, Co-Chair  
Harry Day, Co-Chair  

(Votes) Meeting: Monday, July 28, 2003  
7:30 p.m. – Republican Caucus Room

Co-Chair Day reported that the Land Use/Urban Redevelopment Committee met on July 28, 2003. Present were Committee Member Reps. White, Day, Benyus, Loglisci, Nakian, Shapiro and Spandow. Reps. Summerville and Boccuzzi were excused. Also in attendance was Sybil Richards from the Office of Legal Affairs; Joe Barbarotta from AFB; Ron Markey, Deputy Tree Warden; and Rachel Drucker from the NRZ.

1. **LU26.036** REVIEW; of the Demolition Ordinance.  
09/18/02 – Submitted by Rep. O’Neill  
06/30/03 – Report Made  
07/28/03 – Report Made

**REPORT MADE**
Co-Chair Day stated that this review will be leading to an ordinance amending the Demolition Ordinance.

2 LU26.039  REVIEW; of the Code of Ordinances, Section 227, Tree Ordinance.  
07/10/03 – Submitted by Rep. White  
07/28/03 – Held in Committee 7-0-0

Co-Chair Day stated that this is a review of the notice requirements of this ordinance and will continue next month.

3 LU26.040  REVIEW; URC’s relationship with the Urban Transitway Project.  
07/10/03 – Submitted by Rep. White  
07/28/03 – Held in Committee 6-0-0

Co-Chair Day stated that this item was held due to the unavailability of the Corporation Counsel to attend the meeting.

OPERATIONS COMMITTEE:  John R. Zelinsky, Jr., Co-Chair  
Anthony Imbrogno, Co-Chair  
(Attendance)  
(Votes)  
(Report)

Meeting: Wednesday, July 23, 2003  
7:00 p.m. – Democratic Caucus Room

Co-Chair Imbrogno stated that the Operations Committee met on Wednesday, July 23, 2003. Present were Committee Member Reps. White, Hunter, Pavia, Faham, Day, Coppola, Adams, Imbrogno and Zelinsky. Reps. McDermott and O’Neill were excused. Also present were representatives of the Engineering Department; Ellen Bromley and Mike Kane from Westhill High School and Carmen Bingham the Principal of Westhill High School.

1. O26.040  REVIEW; status of Norwalk Transit District’s operation of the former Dial-a-Ride service.  
07/08/03 – Submitted by Rep. Zelinsky  
07/23/03 – Report Made

Co-Chair Imbrogno stated that a report was provided to all representatives.

2. O26.041  APPROVAL; of long term agreement for street light maintenance between City of Stamford and Nxegen, Inc.; amount of contract per schedule.  
06/23/03 – Submitted by Mayor Dannel P. Malloy  
07/10/03 – Approved by Board of Finance  
07/23/03 – Committee Approved 9-0

APPROVED ON CONSENT AGENDA
07/14/03 – Submitted by Rep. Day

Secondary Committee: Education

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

Co-Chair Imbrogno moved the Consent Agenda, consisting of Item No. 2. Said motion was seconded and approved by unanimous voice vote.

PUBLIC SAFETY & HEALTH COMMITTEE:
(Attendance)  Richard Lyons II, Chair
(Votes)  Gail Clear, Vice Chair
(Report)  Meeting: Thursday, July 24, 2003
7:00 p.m. – Democratic Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on Thursday, July 24, 2003. Present were Committee Member Reps. Lyons, Adams, Clear, Coppola, DeLuca, Kernan, Mirkin and Zelinsky. Reps. DeLeo, Blackwell and DePina were excused.

1. PS26.030  PROPOSED ORDINANCE; for public hearing & final adoption: extending the alarm registration period from one year to three years.  
05/21/03 – Submitted by Mayor Dannel P. Malloy  
06/17/03 – Committee Approved 6-0-0  
07/24/03 – Committee approved 6-0-0

APPROVED ON CONSENT AGENDA

2. PS26.032  RESOLUTION; for public hearing & final adoption; setting fees for the massage establishment licensing program.  
07/07/03 – Submitted by Rep. Lyons  
07/24/03 – Committee approved 7-0-0

APPROVED ON CONSENT AGENDA

3. PS26.029  REVIEW; of the Board of Education policies regarding classroom and school safety issues.  
05/08/03 – Submitted by Rep. Mirkin  
05/29/03 – Report Made  
06/17/03 – Held in Committee  
07/24/03 – Report Made

HELD IN COMMITTEE

Secondary Committee: Education
4. PS26.033 REVIEW; feasibility of re-establishing the canine unit within the Stamford Police Department.  
06/01/03 – Submitted by Rep. DeLuca  
07/24/03 – Report Made

Secondary Committee: Personnel

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

Chair Lyons moved the Consent Agenda, consisting of Item Nos. 1 and 2. Said motion was seconded and approved by unanimous voice vote.

PARKS & RECREATION COMMITTEE: Linda Cannady, Co-Chair  
Steve McDermott, Co-Chair  
Meeting: Tuesday, July 22, 2003  
7:00 p.m. – Democratic Caucus Room

Co-Chair Cannady reported that the Parks & Recreation Committee met on Tuesday, July 22, 2003. Present were Committee Member Reps. Cannady, Clear, Fedeli, Giordano, Lyons, McDermott, Morrow, Pavia and White. Excused were Reps. Imbrogno and McCullen. Also present was Tim Curtin, Edward Gentile, Tim Beeble, Joe Barbarotta, Joanne Hand, Thomas Lombardo, John Corelli, Julian Sayer, Jane Pierson, Dave Stewart, Bill Murry and Kevin McCullen.

1. PR26.046 REVIEW; 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  
06/24/03 – Held in Committee 6-0-0  
07/22/03 – Report Made

Co-Chair Cannady stated that Rep. Lyons presented a draft copy of a Harbor Management Ordinance to be used as a working document. Copies of the draft are available in the Board office. No votes were taken.

2. PR26.047 APPROVAL; Kiwanis Park design plans.  
05/29/03 – Submitted by Tim Curtin  
06/24/03 – Approved design 6-0-0  
07/22/03 – Committee Approved 8-1-0

APPROVED BY MACHINE VOTE (28-2-0)
Co-Chair Cannady stated that an overview of the plan as presented to the Committee last month was again shown with details. Several questions as to the feasibility of uses and certain attention to details were discussed. Rep. White expressed his concern about the removal of healthy trees and the replacement with potted plants and masses of concrete. He also expressed concern that the park be there to serve the residents of the City and not to just serve the Palace Theater.

Co-Chair Cannady stated that this does not require the full Board’s approval. Rep. Fedeli asked for an explanation as to why this does not require the full Board’s approval.

Co-Chair Cannady stated that this was put on the agenda as an approval item, but it was not really a request for approval. They just wanted the committee’s opinions regarding the plans as a courtesy.

Rep. White stated that this matter was discussed at Steering. It was put on as an approval and it should be taken up as an approval.

Rep. Lyons stated that this item has been debated twice. In the prior month, the Parks & Recreation Committee dealt with the item, but in a report to the floor, the word “approval” happened to be mentioned. And when it was mentioned, although semantically, it meant that the Committee was comfortable with the plan. The Board of Representatives has no control over this plan. It is going to be built whether the Board likes it or not, based upon the agreement signed with the Palace Theater. So, the President held the item in committee and brought the item back this month in Steering for an “approval.” Director Curtin does not need our approval, so it is folly for our Board to vote on it tonight. It is a procedural issue; it should have been a review item both months, and Rep. Lyons moved to close debate.

Rep. Cannady stated that it was put on our agenda last month in error as an approval item, and was going to be put on as a review this time, but it was put on as an approval for a second time, which is why the Committee voted on it.

Rep. White stated it was a review last month, and it is an approval item this month. Therefore, the full Board must vote on it. Rep. White stated it is city parkland and he doesn’t see where the Palace Theater calls the shots on this. This should be the legislative body’s determination.

Acting President Boccuzzi asked the parliamentarians for their opinion. Rep. Skigen stated he agrees with Mr. White’s position because the Committee did take the item up as an approval item. Rep. Skigen stated he is not familiar enough with the item to determine whether the Board has any say over this or not, but he would be surprised if the city entered into an agreement with the Palace Theater that gives the Palace Theater and the administration to undertake design of a park with no approval from the Board.
Rep. Day stated that he concurs with Rep. Skigen by virtue of the way the item appears on the agenda.

Clerk Summerville stated that she believes Mr. Curtin is wrong. She stated that everything in the past that had to do with Kiwanis Park was voted on by this Board. At one time, the Board voted on design changes. Clerk Summerville offered to have the Board research past approvals on Kiwanis Park. Clerk Summerville stated that if we are not supposed to vote on it, it won’t harm anything, but in the past when it came to Kiwanis Park, we always voted. Clerk Summerville stated that it surely can’t be the Palace Theater’s right to do anything they want there – it is a City park. Clerk Summerville stated in her opinion it is proper to vote on it.

Rep. Loglisci stated that the City had imposed conditions on the park design that contributed positively to the design.

Rep. McDermott stated that Mr. Curtin came to the meeting and specifically asked for approval of the plans. Rep. McDermott stated that out of courtesy, the Board should provide the approval requested. He added that the Committee approved the plans, and the Board should supply its approval based on the Committee’s decision.

Rep. Zelinsky stated that the matter should be voted upon. He added that he was disappointed that the park didn’t have as much green as it did in the past.

Rep. White stated that when this was going to be used as a staging area, the Board had to provide permission. Because this is City parkland, it is up to the Board to approve the plans.

Rep. Lyons stated that in lieu of allowing them to use the park as a staging area several years ago, they agreed to restore the park to a condition approved by the City. Rep. Lyons stated the contractor is paying $300,000 to restore this park. The park that was removed was outdated and unpopular.

Rep. Cannady stated that since it is on the agenda as an approval item, the Board should vote on it based on the Committee’s recommendations.

Rep. White stated that at the time the area was approved to be used as a staging area, they agreed to come back for the approval of the redesign plans. Secondly, Rep. White stated while he is glad that they are spending $300,000 on the redesign, he believes the design does not follow the philosophy of vest pocket parks and it is designed primarily with the Palace Theater’s agenda in mind, and not really a park for the City of Stamford.

Rep. Nakian stated that after listening to all the debate, she agrees the Board should vote on the plan. However, there has not been one piece of printed information given out. Rep. Nakian stated she cannot vote on something where she has no facts. She will not vote on the matter.
Rep. O'Neill stated he agrees with Reps. Nakian and Pavia. When the Board agreed to close this park as a staging area for the Palace Theater some years ago, there was an agreement that they would come back before the Board with their designs for approval. Rep. O'Neill stated he has not seen the designs, and only the committee members have seen a brief presentation. Rep. O'Neill encouraged the Board to send the matter back to Committee. Rep. O'Neill stated that there is a problem with the timetable and when the theater would like to open, but this is not a problem of this Board’s making. They had years to present these plans to the Board.

Rep. Day stated that the item was on the Agenda, and while he understands Rep. Nakian’s concern, the rest of the representatives didn’t see pictures of Underhill Street but they still felt comfortable voting on it tonight. Information is available, it was on the Steering Agenda as an approval item. It was not a sense of the committee resolution. There were ways to find out about it, and if any of the representatives are not satisfied with their knowledge, they are free to abstain. At this point in time the Board should not hold the project up another month.

Rep. Lyons stated that two months ago Director Curtin told the Board about the budget constraints on this project and that the project is long overdue. If the Board does not act expediently, there may not be $300,000 left to do a park of this design.

Rep. Loglisci stated that the Engineering Department brought a rendering. The City has spent money on this design. The City engineer presented the parameters. The City engineers are okay with the design, and if Mr. Curtin and the engineers think this is as good as we can get and we made them spend as much as they are going to spend and if time is a real factor here, he doesn’t see why we shouldn’t vote on it.

Acting President Boccuzzi stated that a vote will be held. The Parks & Recreation Committee voted 8-1 in favor of approval. A machine vote will be held. The motion was approved by a machine vote of 28-2-0 (See Vote Record #424).

Clerk of the Board Summerville stated that Rep. McCullen has left, so now there are 33 members present and 7 members absent.


Co-Chair Cannady stated that John Corelli gave copies of a listing of findings, which is available in the Board office. Rep. Lyons alluded to the fact that some of the items might be capital projects. Rep. Clear gave a list of items that she had taken note of in addition to those on the list. The Committee was advised by Al Barbarotta of AFB that several items included on the list had already been resolved and several were presently being addressed.
4. PR26.049  APPROVAL; of submittal application for historic
designation for Rosa Hartman and Fort Stamford
Parks.
06/17/03 – Submitted by Rep. O’Neill
07/22/03 – Committee Held 9-0-0

Co-Chair Cannady stated that Dane Pearson of the Ft. Stamford Preservation Coalition
gave some information. The Committee has many questions and much more
information is required. The Committee voted to hold the item 9-0-0. Co-Chair Cannady
stated that she was later contacted by Rep. O’Neill was out of town and unable to
attend the meeting.

EDUCATION COMMITTEE:  Thomas Hunter, Co-Chair
(Attendance)  Brian O’Neill, Co-Chair
(Votes)

Meeting: Tuesday, July 22, 2003
7:00 p.m. – Republican Caucus Room

Co-Chair Hunter reported that the Education Committee met on Tuesday, July 22, 2003.
Present were Committee Member Reps. Mitchell, Day, Benyus, Molgano and Hunter. Rep.
O’Neill was excused.

1. E26.007  REVIEW; of school playing fields and conditions;
discussion on scheduled maintenance activities to
improve conditions.
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
07/22/03 – Held in Committee

Co-Chair Hunter stated that this matter would be held until after the Parks & Recreation
Commission meets in August.

2. E26.008  REVIEW; of consultants employed by the Board of
Education.
05/07/03 – Submitted by Rep. O’Neill
05/21/03 – Report Made
07/22/03 – Held in Committee

Co-Chair Hunter stated that this matter was held due to the absence of Rep. O’Neill.

3. E26.009  SENSE OF THE COMMITTEE RESOLUTION;
REPORT
Co-Chair Hunter stated that the Education Committee voted 6-0 in favor of a Sense of the Committee resolution recommending that the Board of Education use the Westport budget format and the Torrington budget income statement as its guide in developing Stamford’s new school budget formula. This is a result when nearly a year ago when the Education Committee first raised the issue of budget clarity and transparency. The Committee was asked by the Board of Education to suggest a format. The Committee took that request very seriously, and it studied many budget formats including State award winners. The award-winning budgets had excellent descriptions of educational goals and staffing, along with graphs and charts illustrating the various sources of revenues as well as expenditures.

Acting President Boccuzzi asked whether the full Board should vote on this matter.

Rep. Fahan stated that he appreciates the hard work that Reps. Hunter and O’Neill have done on Item No. 3, and for the record he feels that the full Board should vote on this matter. Considering they spent a year and a half on this issue – bringing transparency to the Board of Education budget – so from a structural standpoint, the Board should vote up or down on this resolution.

Rep. Lyons stated that having served on the Fiscal Committee and Education Subcommittee, he appreciates all of the work that the Education Committee has done on this, and if anyone was present at Steering, he/she will remember the debate about how this should be dealt with by the Education Committee, the Fiscal Committee and the Education Budget Subcommittee. It was agreed that since the Education Committee felt so passionately and so positively about the Westport budget format, that they could pass a sense of the committee resolution that would allow them to pass that document to the Board of Education without binding the full Board of Representatives to that approval process. While the Westport document is a good start, Rep. Lyons, having studied the Board of Education budget, realizes that there may be other municipal budget books that also may benefit the Stamford Board of Education. Rep. Lyons stated he supports the Sense of the Committee resolution as opposed to binding the full Board to a resolution or a budget format that has not been studied as in depth as the Education Committee. Furthermore, Rep. Lyons stated that the Board of Education has undertaken a reformat of its budget with the Public Education Foundation, so he feels it is even more imperative that this remain a sense of the committee resolution.

Rep. Day stated, in addition to Rep. Lyons accurate statements, this was clearly framed in the Steering Committee to recognize the input of this committee without obligating the entire Board to pass on it. There were two reasons given: 1) this Committee’s opinion was being solicited by the Education Foundation group studying it and 2) the entire matter is under the review of the Education Budget Committee.
Rep. Zelinsky stated that he can never remember when an item was referred to a committee of the Board and the full Board has not made the final decision. Also, in the rules of order regarding standing committees, it says under Item No. 3, “An item referred to a Committee and placed on the agenda for any meeting of the Board shall be fully investigated and reported to the full Board at said meeting. The Chair or his appointee shall make the majority report of the Committee, and any member may make a minority report.” Rep. Zelinsky stated the Board would be making a mistake or setting a precedent if the Board did not vote and just had a committee make a recommendation.

Rep. Skigen stated that the item is on the agenda as a sense of the committee resolution, so he does not feel it is appropriate for the Board to take it up. Either the Committee can move forward with its resolution or for the full Board to ask it not to move forward with its resolution, i.e., to not advise the Board of Education of its recommendation. These arguments being raised tonight should have been raised in Steering when the matter was placed on the agenda as a sense of the committee resolution.

Rep. Day stated he agrees with Mr. Skigen. Rep. Day stated that there is nothing in the rules in his opinion that Rep. Zelinsky recited that is inconsistent with what the Board is doing. This is a special situation where this item is also being taken up by another Committee, and it is premature for the Board to make a decision. There is a particular reason why this was set up this way in Steering and that was the time when someone should have objected to it.

Acting President Boccuzzi stated that with the approval of both parliamentarians, he will rule that the full Board will not vote on the Committee’s recommendation at this time.

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

Chair Shapiro stated that the State and Commerce Committee did not meet this month.

1. SC26.003      REVIEW; state and regional policies regarding Indian Point Nuclear Facility in Buchanan, New York.
                  05/07/03 – Submitted by President Martin
                  07/02/03 – Report Made

   Secondary Committee:  Public Safety & Health

HOUSING/COMMUNITY DEVELOPMENT/
SOCIAL SERVICES COMMITTEE:   Elaine Mitchell, Chair
                              Philip Giordano, Vice Chair
Vice Chair Giordano reported that the Housing/Community Development/Social Services Committee did not meet this month.

TRANSPORTATION COMMITTEE:  Robert “Gabe” DeLuca, Chair
                             John Fahan, Vice Chair

Chair DeLuca reported that the Transportation Committee did not meet this month.

SPECIAL COMMITTEES

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

Co-Chair Nakain reported that the Charter Committee did not meet this month.

EDUCATION BUDGET COMMITTEE:  Randall Skigen, Chair
    (Attendance)
Meeting:  Monday, July 28, 2003
          8:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Education Budget Committee met on Monday, July 28, 2003. Present were Committee Member Reps. Skigen, O’Neill, Loglisci, McCullen and Lyons. Also present was Rep. Molgano. Excused were Reps. Fedeli and Hunter.

1. SB26.001  REVIEW; status of Board of Education Budget.  REPORT MADE
            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
            06/30/03 – Report Made

Chair Skigen stated that final numbers have not been tallied, but Mr. Dunn believes there will be about a $300,000 surplus. He is going to recommend to the Board of Education that the funds be put into the IBNR account, which is for “incurred but not reported” insurance claims. As of now there is no reserve in that account, and he believes there should be a reserve there to deal with the claims as they come in.

2. SB26.002  REVIEW; establishment of new format for Board of Education budget.  REPORT MADE
            05/07/03 – Submitted by Rep. Lyons
Secondary Committee: Education & Fiscal Committees

Chair Skigen stated that the Public Education Foundation is rapidly moving by holding a series of meetings with members of the Board of Education, this Board, the Board of Finance, and other interested parties. The process is moving along very quickly, particularly in view of summer vacation schedules. Everyone is on the same page that changes will be made to the budget, both in terms of presentation and substance. There is an absolute determination on the Board of Ed’s part to have a new budget book next year. It may not have 100% of what we would like, but they will take incremental steps in the 50-80% range. There was a lot of reluctance on this Board to having the Public Education Foundation involved in this, but Rep. Skigen believes that it has helped the project along. There are five members of this Board who are sitting on the Steering Committee of that group and our voices are being heard.

Rep. Hunter stated that he believes the Public Education Foundation has made an enormous contribution to getting this on track. In his opinion, neither the Board of Representatives nor the City government nor the Board of Education has the resources necessary to create the type of budget that this Board would like to see. The Foundation has marshaled the resources to create this budget, and he is certain they will proceed. Rep. Hunter stated that in the final analysis the budget will come before the Board again, so changes can always be made in the future.

Rep. Browne stated that the Board has made great strides in this project. He hopes that we don’t lose the great amounts of information in our existing budgets that goes back 18 years. When these new formats are proposed, they should tie in with the existing codes, and if we do not have the ability to cross-tie the new formats with the prior formats, we will be unable to analyze the historical data that we have.

Rep. Skigen stated that this matter is being discussed with the Public Education Foundation, and next year most likely there will be a book of explanatory notes, that may be longer than the budget itself, explaining all of the changes.

Rep. Hunter stated that there is a federal document that explains what these codes are, and it is essentially School Board Accounting 101. It is detailed with a great deal of useful information for anyone that is interested.

RESOLUTIONS

1. **SENSE-OF-THE-BOARD RESOLUTION** congratulating Holy Name of Jesus Church on its 100th Anniversary.
   07/08/03 – Submitted by Rep. Zelinsky

   **APPROVED BY UNANIMOUS VOICE VOTE**
Rep. Zelinsky offered a correction to the minutes. Under the Operations Committee Report, change the following sentence: After much discussion, at Rep. Zelinsky’s suggestion, the Committee will ask Tim Curtin for a detailed study of the costs and advantages and disadvantages to provide garbage pickup to non-sewered areas of Stamford.

Upon motion duly made and seconded, the minutes were unanimously approved with the above correction.

COMMUNICATIONS

1. Rep. DeLuca announced that the Annual Softball Game will NOT take place on August 12. A new date, sometime in September, will be set in the near future.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 11:30 p.m.