

The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Monday, December 1, 2003 :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 8:47 p.m. by President David Martin.

INVOCATION: Led by Representative Ralph Loglisci.

Tonight my invocation actually comes from two Biblical lines – one from the Old Testament: Hebrews 10:7: “Behold, I come to do your will, O God.” May God, the Father of us all, guide our hearts and minds tonight so that we may fulfill the obligation we accept as representatives of all the people of Stamford. And the second, from John I, 4:21: “Whoever loves God must also love his brother.” During this Holy and joyous Christmas season, let the bond of brotherhood, which makes all of us one, become our first order of business as we ask God’s blessings and protection on all assembled in this chamber and on our loved ones, wherever they may be. Amen.

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

ROLL CALL: Conducted by Clerk of the Board Annie M. Summerville. There were thirty-six members present and four absent/excused (Reps. Clear, DeLeo, O’Neill and Lyons). Rep. Lyons arrived shortly after the roll call.

VOTING MACHINE STATUS: Per Clerk of the Board Summerville, the machine was in good working order. President Martin noted that the machine had been worked on extensively over the past month.

MOMENTS OF SILENCE: For the late: Leon A. Caviness, Willie Elma King and Amelia L. Scott by Rep. Summerville; J. Edward Kirchner and Hilary Inman by Rep. Lyons; Paul Jette by Reps. White, Lyons and McDermott; Maria Memoli, Dorothy S. Konspore, Ninfa V.

Moccia, Antoinette "Toni" Maher, Leonard A. Bonina and Cynthia Wallman, by Reps. Loglisci and Zelinsky; Mary Rizzi by Reps. Boccuzzi, Loglisci and Zelinsky; Vincent Bruno by Reps. Giordano and Loglisci; Joseph T. Pensiero, Jr., by Rep. Loglisci;

ADMINISTRATION OF OATH OF OFFICE: President Martin administered the Oath of Office to Representatives Adams, Molgano and Nowakowski.

PAGES:

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Wednesday, November 12, 2003
(Report) 7:00 p.m. – Democratic Caucus Room

Majority Leader Boccuzzi moved to waive the Steering Committee Report; said motion was seconded and approved by unanimous voice vote.

APPOINTMENTS COMMITTEE: **Paul A. Esposito, Chair**
Attendance **Annie M. Summerville, Vice Chair**
Votes Meeting: Wednesday, November 12, 2003
7:00 p.m. – Democratic Caucus Room

Chair Esposito reported that the Appointments Committee met on Wednesday, November 12, 2003. Present were Committee Member Reps. Summerville, Morrow, Boccuzzi, Blackwell, DePina, Nowakowski, Mirkin, Coppola, Clear and Kernan.

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| 1. A26.112 | <u>Southwestern Regional Tourism District</u>
Joseph K. Kelly <i>(Reappointment)</i>
Marriott Hotel
2 Stamford Forum
Stamford, CT 06901
Term Expires: 10/15/06
09/20/03 – Submitted by Mayor Dannel P. Malloy
10/28/03 – Held in Committee 10-0-0
11/12/03 – Committee approved 10-0-0 | APPROVED
ON CONSENT
AGENDA |
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Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 1, was approved by unanimous voice vote.

Suspension of the rules:

Clerk Summerville moved to suspend the rules to take an item up not on the agenda. Said motion was seconded and approved by unanimous voice vote.

Clerk Summerville moved the following item; said motion was seconded.

President Martin stated that Mr. Cassone had advised him that by approving the appointment, the Board had de facto waived the residency requirement. However, several of the leaders of the Board on both sides of the aisle felt it would be better to formally waive the residency requirement. He added that no one is challenging Mr. Cassone's opinion.

1. APPROVAL; of a waiver of the requirements that the Director of Administration be a resident elector in the City of Stamford. **APPROVED BY MACHINE VOTE (29-8-0)**

Rep. Zelinsky stated that he was the individual who discovered that Mr. Barnes was not a resident elector in Stamford. He added that the Charter clearly states in Section C5-20-20 that every person appointed to office shall be and remain a resident elector of the City. It adds that the Board may suspend this requirement by a majority vote of the entire membership. Rep. Zelinsky added that Mr. Hamilton did not reside in the City of Stamford, and the Board had waived this requirement in that case.

Rep. Zelinsky stated that when Mr. Barnes filled out the questionnaire, he stated that he was acquainted with the Code of Ordinances and the Charter provisions that govern the appointment for which he was chosen. Mr. Zelinsky stated that at that point, Mr. Barnes should have asked the Board to suspend the residency requirement and ask for a waiver.

Rep. Zelinsky stated that when the Board voted last month, it thought he lived in Stamford or was going to move to Stamford. Rep. Zelinsky stated that he believes the prudent thing to do is to take a vote to waive the requirement.

Chair Esposito stated that he is in favor of a quick vote on this but did not want what Mr. Zelinsky stated to go unchallenged. It is not Mr. Barnes' responsibility to request that we waive his residency; he stated it is the Chair's responsibility, and he takes responsibility for that. Chair Esposito stated he did not want it to go on record that it was Mr. Barnes' responsibility. He added that Mr. Barnes did everything appropriately. He filled out the form; he indicated that he lived in New Haven.

Rep. Zelinsky stated that the Appointments Questionnaire specifically asks whether the appointee is familiar with the Code of Ordinances and the Charter governing the appointment. The Charter specifically mentions that if the person is not a Stamford elector, that the Board of Representatives is required by a 2/3 vote to waive that requirement. Rep. Zelinsky stated he appreciates Mr. Esposito's

comments, but he thinks the responsibility should be borne by Mr. Barnes for not informing the Committee of this fact.

The item was approved by a machine vote of 29-8-0 (Reps. Browne, Coppola, Greenberg, Imbrogno, McDermott, Mirkin, Pavia and Zelinsky opposed) ([See Vote Record No. 451.](#))

Clerk of the Board Summerville stated we now have 37 members present; Mr. Lyons arrived.

FISCAL COMMITTEE: **Randall Skigen, Chair**
[\(Attendance\)](#) **Linda Cannady, Vice Chair**
[\(Votes\)](#) Meeting: Monday, November 24, 2003
[\(Report\)](#) 7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, November 24, 2003. Present were Committee Member Reps. Skigen, Cannady, Loglisci, Lyons, DeLuca, Depina, Fedeli, Figueroa and Giordano. Reps. Hunter and Mirkin were excused. Also present were Sandra Dennies, Tom Bruccolieri, Robin Stein, Ben Barnes, Pete Privitera, Susan Spondheim, Bill Hennessey, Terri Drew, Matt Mayounis and Roy Whitbret.

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| 1. F26.271 | RESOLUTION; approving an agreement between the State of CT and the City of Stamford for the construction, inspection and maintenance of the Mill River Bicycle/Pedestrian Path, utilizing Federal Funds under the enhancement component of the Surface Transportation Program.
10/16/03 – Submitted by Mayor Dannel P. Malloy
11/24/03 – Committee voted 6-1-1 | APPROVED BY
MACHINE VOTE
28-9-0 |
|----------------------------|--|--|

Chair Skigen moved Item No. F26.271; said motion was seconded.

Rep. Loglisci stated he voted against the item because he doesn't think it is a good area, that it is a dangerous area. He also believes it will be a lot more expensive than anticipated, particularly if they plan on going underneath the ground for safety. Rep. Loglisci stated that out of all the places they could have picked for a bike path, this is the poorest place to start.

The item was approved by a machine vote of 28-9-0 (Reps. Browne, Fedeli, Coppola, Greenberg, Imbrogno, Loglisci, McDermott, Molgano and Morrow opposed) ([See Vote Record No. 452.](#))

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| 2. F26.273 | ADDITIONAL APPROPRIATION (Capital Budget); | APPROVED |
|----------------------------|--|-----------------|

\$994,300.00 for land acquisition of West Park Place properties including Parcel Nos. 3, 7, 11, 15, 17, 21, 25 and 27. **BY MACHINE VOTE (25-9-0)**
10/23/03 – Submitted by Mayor Dannel P. Malloy
11/06/03 – Approved by Planning Board
11/13/03 – Approved by Board of Finance
11/24/03 – Committee voted 7-0-1

Secondary Committee: Land Use

Concur 5-0-1

Chair Skigen moved Item No. F26.273; said motion was seconded.

Rep. Loglisci stated that he abstained on this vote. He believes that the Mill River Corridor will become a boondoggle. He said that there is no indication that any one outside of the City wants to spend money in that area, despite the fact there have been so many rules relaxed to allow private enterprise. Rep. Loglisci stated we would be spending a tremendous amount of money. Further, this parcel will be next to a large apartment house. He stated he will vote against the item.

The item was approved by a machine vote of 25-9-0 (Reps. Browne, Coppola, Greenberg, Imbrogno, Loglisci, McDermott, Mirkin, Molgano and Morrow opposed) ([See Vote Record No. 453](#)).

3. [F26.277](#) RESOLUTION; authorizing the Mayor to enter into an agreement with the State of CT for Funding Assistance Regarding Operation of the Stamford Day Care Program. **APPROVED ON CONSENT AGENDA**
11/05/03 – Submitted by Mayor Dannel P. Malloy
11/24/03 – Committee voted 9-0-0
4. [F26.278](#) RESOLUTION; authorizing the Mayor to enter into an agreement with the State of CT for the 2003/2004 Local Substance Abuse Prevention Council Program. **APPROVED ON CONSENT AGENDA**
11/05/03 – Submitted by Mayor Dannel P. Malloy
11/24/03 – Committee voted 9-0-0
5. [F26.272](#) **\$22,500.00** ADDITIONAL APPROPRIATION (Operating Budget); Turn of River Volunteer Fire Department; to cover unanticipated vehicle maintenance costs. **APPROVED ON CONSENT AGENDA**
10/16/03 – Submitted by Mayor Dannel P. Malloy
11/13/03 – Approved by Board of Finance
11/24/03 – Committee voted 9-0-0
6. [F26.274](#) ADDITIONAL APPROPRIATION (Capital Budget); **APPROVED**

\$906,000.00 Board of Education; General Improvement Grant – Indoor Air Quality-Boilers; 100% grant funds to be used for district-wide.
10/23/03 – Submitted by Mayor Dannel P. Malloy
11/12/03 – Approved by Planning Board
11/13/03 – Approved by Board of Finance
11/24/03 – Committee voted 9-0-0

**ON
CONSENT
AGENDA**

Secondary Committee: Operations

Concur 6-0-0

7. F26.276 ADDITIONAL APPROPRIATION (Operating
\$61,559.00 Budget); Traffic Engineering; Equipment
Maintenance; to appropriate funds received
from insurance reimbursements to repair
signal knockdowns.
11/03/03 – Submitted by Mayor Dannel P. Malloy
11/13/03 – Approved by Board of Finance
11/24/03 – Committee voted 7-0-0

**APPROVED ON
CONSENT
AGENDA**

Secondary Committee: Operations

Concur 6-0-0

8. F26.275 ADDITIONAL APPROPRIATION (Capital Budget);
\$728,353.00 Water Pollution Control Authority; 18-1 Phase 2
Sanitary Sewers.
11/03/03 – Submitted by Mayor Dannel P. Malloy
11/06/03 – Approved by Planning Board
11/13/03 – Approved by Board of Finance
11/24/03 – Committee voted 8-0-0

**APPROVED ON
CONSENT
AGENDA**

Secondary Committee: Operations

Waived

A motion to waive the Secondary Committee Report was made, seconded and approved by unanimous voice vote.

9. F26.259 REVIEW; of fund-raising efforts on behalf of the
Board of Education and status of allocation of
funds raised.
10/02/03 – Submitted by Reps. DeLuca and Martin
10/27/03 – Report Made
11/24/03 – Held in Committee

**HELD IN
COMMITTEE**

10. F26.261 REVIEW; first quarter financial results and
transfers report.
10/02/03 – Submitted by Randy Skigen
10/27/03 – Held in Committee

**REPORT
MADE**

11/24/03 – Report Made

Chair Skigen reported that there is currently a \$1.8 million surplus. He also stated that if we have a hard winter, these funds will disappear rather quickly.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 3 through 8, was approved by unanimous voice vote.

LEGISLATIVE & RULES COMMITTEE:

(Attendance)

(Report)

Maria C. Nakian, Chair

Jim Shapiro, Vice Chair

Meeting: Monday, November 17, 2003

7:00 p.m. – Democratic Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on Monday, November 17, 2003. Present were Committee Member Reps. Nakian, Mitchell, Nowakowski, Shapiro, Spandow, Zelinsky, Benyus and Greenberg. Also present were Reps. Lyons, Loglisci, Molgano, DeLuca and Coppola; Board of Finance members Tarzia, Abbazia and Rubino; and Thomas Cassone, Ellen Bromley and Gloria Blick.

1. LR26.028 PROPOSED ORDINANCE; **for public hearing & final adoption**; concerning publishing a summary form of ordinances prior to a public hearing. **APPROVED BY MACHINE VOTE (34-3-0)**
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
08/04/03 – Held in Committee
08/11/03 – Placed on Pending Agenda
09/22/03 – No Action Taken
10/20/03 – Committee approved 9-0-0
11/17/03 – Committee approved 8-0-0

Chair Nakian stated that no one from the public appeared to speak; Chair Nakian moved Item No. LR26.028; said motion was seconded.

Chair Nakian stated that this provides upon the recommendation of a committee chair and the committee chair preparing the summary form, the Board of Representatives, by a vote of 21, can publish the ordinance in summary form. The full text will be available in the Office of the Town Clerk, will be mailed to anyone who asks for a copy, and the form that is published will state that the full text is available on the Board of Representatives website.

Rep. Skigen stated that he appreciates the good efforts of Chair Nakian and the committee members, but he does object to the fact that it requires only 21 votes. He feels the same number to waive publication should be required (27 votes).

Rep. Skigen stated that the idea of providing a summary will save money, and no one reads the full text. If the summary cannot generate the support of 27 members, the full text should be published.

Rep. Loglisci moved to amend Item No. LR26.028 by requiring 27 votes for approval by the Board for a summarized publication; said motion was seconded.

Chair Nakian stated that this amendment will require republication. She stated that the Committee discussed this and decided publication of an ordinance is a simple majority, waiving publication is an emergency case. This is not waiving publication, just the form of publication and the full text is available. The Committee thought that 21 votes was a good compromise, and the Committee did not feel a greater vote was required.

Rep. Day stated that he agrees with Chair Nakian. Twenty-one votes is still significant. This also imposes a duty on the chair to a) do a good job summarizing it, and b) make the case to the rest of the Board that it is appropriate. He stated that he does not feel that this will happen that often; this is also a step forward in communicating with the public.

Rep. Lyons stated that summary form will only be an option; it is not obligatory.

The amendment was defeated by a machine vote of 8-28-0 (Reps. Benyus, Coppola, Greenberg, Loglisci, Mirkin, Nowakowski, Pavia and Skigen in favor) ([See Vote Record No. 454](#)).

The main motion was approved by a machine vote of 34-3-0 (Reps. Loglisci, Mirkin and Skigen opposed) ([See Vote Record No. 455](#)).

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| 2. LR26.036 | PROPOSED ORDINANCE; <u>for publication</u> ;
revising the Ethics Ordinance.
07/26/03 – Submitted by Jim Rubino
08/11/03 – Moved to Pending Agenda
10/20/03 – Held in Committee 9-0-0
11/17/03 – Held in Committee 8-0-0 | HELD IN
COMMITTEE |
| 3. LR26.039 | PROPOSED ORDINANCE; <u>for publication</u> ;
revising the Purchasing Ordinance.
07/26/03 – Submitted by Jim Rubino
10/20/03 – Held in Committee 9-0-0
11/17/03 – Held in Committee 8-0-0 | HELD IN
COMMITTEE |
| 4. LR26.033 | PROPOSED ORDINANCE; <u>for publication</u> ;
reinstating the Commission on Aging as a
separate commission.
06/23/03 – Submitted by Rep. Nakian
07/21/03 – Held in Committee | APPROVED
ON CONSENT
AGENDA |

08/04/03 – Held in Committee
08/11/03 – Moved to Pending Agenda
10/20/03 – Report Made
11/17/03 – Committee approved 8-0-0

5. LR26.032 PROPOSED ORDINANCE; **for publication**; **HELD IN COMMITTEE**
amending Section 220.13 of the Code of Ordinances increasing the exemption and income allowance for veterans.
07/09/03 – Submitted by Reps. Boccuzzi, DeLuca & Zelinsky
07/21/03 – Held in Committee
08/04/03 – Held in Committee
08/25/03 – Held in Committee
09/22/03 – Report Made
10/20/03 – Held in Committee
11/17/03 – Held in Committee 8-0-0

6. LR26.040 PROPOSED ORDINANCE; **for publication**; **HELD IN COMMITTEE**
increasing the income limits, asset allowance and home exemption under Stamford's local tax relief program for the elderly, Sections 220-8 and 220-9 of the Code of Ordinances; and adding B (4)(a) establishing a Tax Freeze category for qualifying seniors and the disabled.
10/20/03 – Submitted by Rep. Lyons, Mirkin, DeLuca, Coppola, Pavia and Molgano
11/13/03 – [Advisory issued by Bd. Of Finance](#)
11/17/03 – Held in Committee 8-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 4, was approved by unanimous voice vote.

**PERSONNEL COMMITTEE: Sanchia Spandow, Co-Chair
Mary Lisa Fedeli, Co-Chair**

No report.

LAND USE/URBAN REDEVELOPMENT COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Patrick J. White, Co-Chair

Harry Day, Co-Chair

Meeting: Monday, November 24, 2003
8:00 p.m. – Republican Caucus Room

Co-Chair Day reported that the Land Use/Urban Redevelopment Committee met on Monday, November 24, 2003. Present were Committee Member Reps. Day, White, Boccuzzi, Mitchell, Nakian, Loglisci and Shapiro; Reps. Spandow and Summerville were excused. Also present were Reps. Adams, Lyons and O'Neill; Corporation Counsel Tom Cassone; Robin Stein of the Land Use Bureau; Rachel Goldberg from the URC; Rachel Drucker from the NRC and Louis Porter of the Advocate.

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| 1. LU26.036 | PROPOSED ORDINANCE; <u>for publication</u> ;
amending Section 8-2 of the Demolition Ordinance
(requirements for older buildings).
09/18/02 – Submitted by Rep. O'Neill
06/30/03 – Report Made
07/28/03 – Report Made
08/04/03 – Report Made
08/27/03 – Held in Committee 7-0-0
10/01/03 – Held in Committee 8-0-0
10/29/03 – Held in Committee 6-0-0
11/24/03 – Committee voted 6-0--0 | APPROVED
ON
CONSENT
AGENDA |
| 2. LU26.039 | PROPOSED ORDINANCE; <u>for publication</u> ;
amending the Code of Ordinances, Section 227,
Tree Ordinance to change the notice period from ten
to thirty days.
07/10/03 – Submitted by Rep. White
07/28/03 – Held in Committee 7-0-0
08/04/03 – Held in Committee
08/27/03 – Held in Committee 7-0-0
10/01/03 – Held in Committee 7-0-0
10/29/03 – Report Made
11/24/03 – Committee voted 6-0--0 | APPROVED
ON
CONSENT
AGENDA |
| 3. LU26.046 | REVIEW; update on URC and Mill River Corridor
Project.
09/15/03 – Submitted by Reps. Shapiro and Day
10/29/03 – Held in Committee
11/24/03 – Report Made | REPORT
MADE |

Co-Chair Day reported that Rachel Goldberg presented a review of the status of the Mill River Corridor Project. Items covered included the concept of extending the MRZ zone northward to Scalzi Park (which is currently not moving forward); a multi-residential development concept which would include affordable units under consideration for the Mandarino property; the Army Corps of Engineer study of the river which has been promised for months; the determination of whether there has been a tax increment relating to the project; and the bicycle and pedestrian path that is being undertaken.

4. [LU26.041](#) REVIEW; of the placement of outdoor for profit clothing c **HELD IN**
 parking lots. Should special signage or zoning be neces **COMMITTEE**
 with non-profit drop off centers?
 08/07/03 – Submitted by Rep. O’Neill
 08/27/03 – Held in Committee
 10/01/03 – Held in Committee 7-0-0
 10/29/03 – Report Made
 11/24/03 – Held in Committee 6-0-0

Co-Chair Day stated that Mr. Cassone has prepared an ordinance that addresses the concerns that members discussed. The item will appear next month in the form of an ordinance.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 and 2, was approved by unanimous voice vote.

OPERATIONS COMMITTEE: **John R. Zelinsky, Jr., Co-Chair**
(Attendance) **Anthony Imbrogno, Co-Chair**
(Votes) Meeting: Wednesday, November 19, 2003
(Report) 7:00 p.m. – Democratic Caucus Room

Co-Chair Imbrogno reported that the Operations Committee met on Wednesday, November 19, 2003. Present were Committee Member Reps. Imbrogno, Day, Fahan, McDermott, O’Neill, White and Zelinsky; excused were Reps. Adams, Coppola, Hunter and Pavia. Also present were Reps. DeLuca and Mirkin; Jeanette Brown of the WPCA; and Glen MacWilliams.

1. O26.047 REVIEW; status of Sewage Treatment Plant **REPORT**
 construction. **MADE**
 10/06/03 – Submitted by Reps. Martin and DeLuca
 10/22/03 – Held in Committee
 11/19/03 – Report Made

Co-Chair Imbrogno stated that a report from the WPCA is available in the Board Office.

Co-Chair Zelinsky stated that we are very fortunate to have an employee, Jeanette Brown, of such a high caliber, working for the City. She provided everyone with an updated status of the project and will send monthly updates.

2. O26.038 REVIEW; residential trash pickup to include **REPORT**
 expanding services to District C. **MADE**
 06/02/03 – Submitted by Rep. Mirkin
 07/14/03 – Placed on Pending Agenda

08/20/03 – Held in Committee
09/08/03 – Placed on Pending Agenda
10/22/03 – Report Made
11/19/03 – Report Made

Co-Chair Imbrogno stated that the Committee met with Glen MacWilliams who advised that expanding trash pickup to District C would save money; he also suggested that the Committee check with the Law Department to see if a charter change would be required. Co-Chair Imbrogno stated he has forwarded a letter to Mr. Cassone.

3. O26.049 REVIEW; of sunset provisions for building permits. **HELD IN COMMITTEE**
11/10/03 – Submitted by Rep. Browne
11/19/03 – Report Made

PUBLIC SAFETY & HEALTH COMMITTEE:

Richard Lyons II, Chair
Gail Clear, Vice Chair

No report.

PARKS & RECREATION COMMITTEE:

[\(Attendance\)](#)
[\(Votes\)](#)
[\(Report\)](#)

Linda Cannady, Co-Chair
Steve McDermott, Co-Chair
Meeting: Tuesday, November 18, 2003
7:00 p.m. – Republican Caucus Room

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

1. [PR26.046](#) PROPOSED ORDINANCE; **for publication**; **APPROVED BY MACHINE VOTE (34-1-0)**
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
08/04/03 – Report Made
08/19/03 – Committee Approved 7-1-0 (for publication)

09/02/03 – Report Made
09/23/03 – Committee approved 7-2-0
10/21/03 – Held in Committee 9-0-0
11/18/03 – Committee approved 7-1-0 (as amended)

Co-Chair Cannady moved Item No. PR26.046; said motion was seconded. Co-Chair Cannady stated that several amendments were proposed by the Law Department.

Rep. White stated that he voted against this because he does not like the structure. First of all, of the seven people on the committee, three are from yacht clubs and the fourth would be representing the public boating facilities in Stamford. The other three positions would be at large with only one from a conservation/non-recreation aspect. It is skewed in favor of boating interests. He also has questions concerning this ordinance related to state statutes. There were some questions about this in Darien, which is why Darien turned it down. It had something to do with crossing private property to access the water. He stated he has been trying to reach the person in Darien who is familiar with this, but has been unable to reach him. Rep. White stated he does not want to see this turn into some type of commission that becomes a money-making outfit for the City of Stamford. He will be voting against it.

Rep. Day stated that he is concerned about a commission of 7 members with the provision that no more than 5 be of the same party. He stated that in the spirit of cooperation, he would hope that the ultimate political makeup will be 4-3.

Rep. Day moved to amend the majority party designation from “no more than 5” to “no more than 4.” Said motion was seconded and approved by a machine vote of 35-2-0 (Reps. Boccuzzi and Hunter opposed) ([See Vote Record No. 456](#)).

Rep. Zelinsky asked what would happen if no one from one of the yacht clubs wanted to serve. Rep. Lyons stated there has been considerable interest in serving, and in the future if this is a problem, the ordinance can be amended.

Rep. Zelinsky asked why the requirements for meeting attendance were included. Rep. Lyons stated that it was to ensure attendance for this very important commission. Rep. Zelinsky stated we don't have this rule on our own Board. Rep. Zelinsky stated that he doesn't believe we should have this requirement, and he moved to eliminate Section 3; said motion was seconded.

Rep. Lyons stated that the language references an unexplained failure to attend; it doesn't mean that three consecutive absences would cause removal.

Rep. McDermott stated that he disagrees with Mr. Zelinsky's position, and if someone misses a quarter of a year on this Commission, someone else should serve. He felt that other boards and commissions should consider this rules.

Rep. Mirkin stated that he agrees with Rep. Lyons, and the difference is that if Board members don't show up, our constituents can vote us out.

Rep. Coppola concurred with Mr. McDermott. This provision should be considered for any new boards or commissions formed.

Rep. Skigen stated that Charter Section C6-00-3, Subsection C, which provides that the Mayor may initiate proceedings to remove a member of any appointed board or commission. There is a whole procedure for removing someone from a board, authority or commission.

Rep. Loglisci stated that attendance is important, and people should take these appointments seriously.

The motion failed by a machine vote of 0-37-0 ([See Vote Record No. 457](#)).

The main motion was approved by a machine vote of 34-1-0 (Rep. White opposed) ([See Vote Record No. 458](#)).

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| 2. PR26.058 | RESOLUTION; renaming the park that runs from 242 to 290 High Ridge Road after the late Louis Clapes.
10/23/03 – Submitted by Reps. DeLuca & Loglisci
11/18/03 – Held in Committee 8-0-0 | HELD IN
COMMITTEE |
| 3. PR26.055 | REVIEW; of proposed use policies for school and city playing fields.
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
07/22/03 – Held in Committee
08/04/03 – Held in Committee
08/11/03 – Placed on Pending Agenda
09/17/03 – Report Made
10/08/03 – Moved from Education to Parks & Rec Committee
10/21/03 – No action taken
11/18/03 – No action taken | NO ACTION
TAKEN |

Clerk Summerville asked what action will ultimately be taken on this item.

Rep. Fedeli stated that it was in the Education Committee for most of the year and recently came to Parks & Recreation.

Co-Chair Cannady stated that no one showed up to address the issue. She is did not feel anything was going to happen with the item.

Rep. Lyons stated that Tim Curtin's office has worked all year on this; they have formulated a use policy for the fields and they asked for feedback on it. Rep. Lyons stated he hopes that the Committee has an opportunity to discuss it. He also believes it has to be approved by the Parks & Recreation Commission.

Rep. Browne stated that because the Board of Education did such a good job in formulating field use policies, it was suggested that the policies apply to all city fields. This is why it was referred over to Parks & Recreation.

Co-Chair Cannady said that this is the second month that it was on the agenda, and no one has ever appeared before the Committee.

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| 4. PR26.057 | REVIEW; of status of archeological preserve designation status for certain portions of Ft. Stamford Park.
06/17/03 – Submitted by Rep. O'Neill
07/22/03 – Committee Held 9-0-0
08/04/03 – Held in Committee
08/19/03 – Committee Held 8-0-0
09/23/03 – Held in Committee
10/14/03 – Moved to Pending & Question Split
11/18/03 – No action taken | NO ACTION
TAKEN |
|-------------|---|----------------------------|

EDUCATION COMMITTEE:
(Attendance)

Thomas Hunter, Co-Chair

Brian O'Neill, Co-Chair

Meeting: Tuesday, November 25, 2003

7:00 p.m. – Democratic Caucus Room

Co-Chair Hunter reported that the Education Committee met on Tuesday, November 25, 2003. Present were Committee Member Reps. Hunter, Mitchell and Molgano.

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|-------------------|---|------------------------|
| 1. <u>E26.011</u> | REVIEW; of status of grants received and administered by the Board of Education.
11/12/03 – Submitted by Rep. Hunter
11/25/03 – Report Made | REPORT
MADE |
|-------------------|---|------------------------|

Co-Chair Hunter stated that according to a spreadsheet provided by Mr. Murphy, the new director of finance, grant income has been essentially flat, at about \$12 million for the past four years. Of the \$12 million, most of it is repetitive year after year. Information on available grants is a result of a part-time internet search by the director of grants oversight and extended day programs. In other words, the person has two jobs. The specific grant information is sent to interested persons. Grants are written on a part-time and voluntary basis by various interested parties – principals, teachers and staff with some part time assistance by the director of grants and oversight. This is not an efficient, organized operations that leaves no stone unturned in searching for and evaluating potential grants.

Mr. Hunter stated that in comparison the City grants department has three full-time employees and a part-time Washington lobbyist to search for and apply for grants. Last year, they generated some \$44 million in grant income, and this year, they have increased the grant income by \$29 million, or roughly \$24 million per person employed. Mr. Molgano asked Mr. Hunter how many potential grants that are offered year after year does the Stamford School System miss? The Committee was assured that the central staff was availing itself of on-line services and that it has contacts in Hartford and Washington. However, the Committee was also told that everyone is stretched to the limit in their job responsibilities.

Mr. Hunter stated that he does not believe that working in an environment where grant research, application and writing is an elective serves the city best. We owe the City of Stamford residents an educational grants program that aggressively searches for and applies for every potential dollar possible, and this must be a critical part of the Board of Education. Mr. Molgano proposed that it be made part of the grant administrator's job description to acquire new grants every year and the success/failure of job performance. Private companies impose such requirements upon their sales force, and Mr. Hunter finds it reasonable to impose the same requirements on anyone responsible in the City of Stamford for grants. This would apply to the present grants staff as well.

Mr. Hunter stated that he agrees with Mr. Molgano, and he suggests that the Board of Education fund a new position to fulfill Mike's proposal. This person can work with the city grant department experts, who have a proven track record in successful grant writing and administration. Mr. Hunter stated that each \$3 million in new grant money is a potential 1% decrease in the tax rate on constituents. Budget time is not far off, and the City cannot afford to wait.

Rep. Zelinsky stated that Sandy Dennies and the grants department is doing an outstanding job, and he would not be in favor of putting any employment requirements on them. He wouldn't want their jobs jeopardized as they have no control over federal and state grant opportunities.

Rep. Boccuzzi stated that he agrees with Mr. Hunter's statement. He added that when grants are received by the Board of Education that they should report to the

Board of Representatives as to how the money is being spent. Some people in the educational system called him and said that when grants come into the Board of Education, no one seems to know where they are going and whether they are being applied to the actual program they are supposed to fund.

Rep. Spandow asked for a written copy of Mr. Hunter's report. Mr. Hunter indicated he would provide it.

Mr. Hunter stated, in response to Mr. Boccuzzi's statement, that it is absolutely essential that a full accounting be made of all grant income and expenditures. There are strict requirements for grant accounting, and the penalties are if the federal or state government audits the grant money and they find the accounting is inadequate, the City of Stamford can be debarred from any federal grants and state grants for a period of 18 months. In addition, they can require that we repay whatever grants we have not properly accounted for. Therefore, it could cost the City several or many millions of dollars if the grant income is not properly accounted for. It is imperative that the City do this, and the sooner we clarify how accurate that accounting is and has been, the better off the City will be.

Mr. Molgano stated that the Grants Department for the City is separate from the Board of Education grants operation.

President Martin stated that some of the capital reimbursement grants are handled by the City Grants Department.

STATE AND COMMERCE COMMITTEE: Jim Shapiro, Chair

(Attendance)

John Morrow, Vice Chair

(Votes)

Meeting: Tuesday, November 25, 2003

7:30 p.m. – Republican Caucus Room

Chair Shapiro reported that the State and Commerce Committee met on Tuesday, November 25, 2003. Present were Committee Member Reps. Shapiro, Morrow, Nakian, Esposito, Skigen, Fedeli and DeLuca. Also attending were Reps. Giordano and Coppola.

1. SC26.004 RESOLUTION; supporting (i) the suspension of operations at Indian Point Nuclear Facility until the security of spent fuel rod storage is improved, and (ii) the reinstatement of the No-Fly Zone that prevented overflights of Indian Point after 9/11.
11/05/03 – Submitted by Rep. Shapiro
11/25/03 – Committee approved 4-3-0

**APPROVED BY
MACHINE VOTE (**

Secondary Committee: Public Safety & Health

Chair Shapiro moved Item No. SC26.004; said motion was seconded.

Chair Shapiro stated that Indian Point is a nuclear facility with two functioning reactors in Buchanan, New York, approximately 25 miles from Stamford. It has a 50-mile ingestion pathway that includes 20 million people. A report by Witt & Associates in late 2002 studied the safety, security and other issues at Indian Point and showed serious deficiencies including security, communication and evacuation.

The Committee has performed a lot of research, and Mr. Shapiro thanked both sides of the aisle for their diligence and raising the awareness of this situation. Mr. Shapiro felt in a way we have already done something positive.

Mr. Shapiro stated he proposes a two-pronged resolution. The first prong calls for suspension of operations at Indian Point until they relocate the spent fuel rods from the current pools to more secure underground concrete storage. The second prong is the reinstatement of the no-fly zone.

Mr. Shapiro stated we need this to provide security to the citizens of Stamford. It is a small step, but it is a step in the right direction. Mr. Shapiro stated that this is a measured Board. There is unlikely to be a nuclear incident, but there is a risk. The Nuclear Regulatory Commission, the governors of Connecticut, New York and New Jersey, the Department of Homeland Security say that nuclear plants are targets. Plans against nuclear facilities have been found in terrorist camps and individuals with terrorist ties have been flying planes over nuclear plants in Toronto. And even without terrorism, the plant operators acknowledge that Indian Point, one of their reactors, is one of the worst-performing safety reactors in the country when they bought it two years ago. They have taken efforts to improve it, but no one goes from worst to "city on the hill" in two years.

Furthermore, regardless of the reason for a nuclear incident, everyone knows there is no evacuation plan. If there is a nuclear incident, we will not be able to evacuate. Rep. Shapiro stated that this is a symbolic gesture, like all of our other resolutions. Forty-six other towns and cities have voted on measures like ours regarding Indian Point. The County of Westchester is suing the NRC so that Indian Point won't be re-upped in 2012 when its commission expires. Congressman Shays along with other congressmen have called for its closure.

Rep. Shapiro stated that this is not a referendum on the relative merits or defects of nuclear power. This is about a specific plant and 20 million people. This is also not about energy resources. It is not in the New England power grid, and Stamford does not receive power from it. Westchester and Manhattan do receive power, but they have a 2,000 megawatt surplus. Westchester wants to close Indian Point despite receiving its power, and Manhattan is considering doing the same.

Rep. Shapiro stated that this is not about Entergy. They spent a lot of money to increase security, but all the money in the world won't change the fact that they are engaged in a hazardous business in a populated area.

In sum, Rep. Shapiro stated that this is for our families, neighbors and constituents.

Rep. Lyons moved to waive the secondary committee report; said motion was seconded and approved by unanimous voice vote.

Rep. Zelinsky stated he has mixed feelings on this resolution. He understands that the NRC is the only body that can close this facility; the FAA is the only authority that can create no-fly zones. This resolution is clearly not binding. On the other hand, he believes the resolution should be passed for the benefit of our residents. He suggests that if it passes, that it be sent to U.S. Senators Lieberman and Dodd; U.S. Congressman Shays; Connecticut Governor Rowland; New York Governor Pataki and the regulatory agencies.

Rep. Hunter stated he studied atomic energy 30 years ago. He learned that the spent fuel, and there are tons of it at Indian Point, is highly radioactive and will remain so for thousands of years to come. To store this material underground is very important, and therefore he supports this resolution.

Rep. Day stated commended Rep. Shapiro for all of his hard work. He reluctantly comes down against the resolution. He believes the Board almost became jurors listening to experts in a trial. We are dealing in an area where none of us have any expertise nor the capability of acquiring it. The experts brought in were not true experts, in that they did not really speak to the science. Their agendas were frequently noticed during their testimony. Rep. Day stated that nevertheless, everyone is entitled to have an opinion. An opinion does not mean we should take a position as a legislative body. Finally, Mr. Day stated that even if the Board felt that it could reach this conclusion, it is really not ultimately within our purview to make this decision. He does not dismiss Jim's argument that there is symbolism involved, but ultimately he doesn't feel it is our responsibility to deal with symbols.

Rep. Morrow stated that a maximum release in a severe accident would not affect Stamford nor would there not be a need to evacuate Stamford. They have spent \$30 million in security; there have been force-on-force exercises. It is a difficult target. Finally, 38% of New York's power does come from this source, it does have the potential of impacting us. Shutting this source off on what we now know is a shaky grid is not the wisest course. This is not the only metropolitan area near a power plant. Therefore, other areas should recommend their plants to be shut down, thereby moving more power off the grid. The NRC will never let this happen, but this vote tonight is something that doesn't make a lot of sense, and if we did pass it, this will play into the hands of the terrorists.

Rep. Mirkin stated everyone is concerned with potential dangers, and we don't want to alarm the public. Information not mentioned is that currently there are FAA rules for Indian Point which basically means planes cannot fly below a 2,000 foot ceiling below the plant, and they need a registered flight plan. The plant receives a blanket of air protection by the Department of Defense. Indian Point also gets security assistance from the National Guard, the FBI, the New York State police, the county police, the local police force, the US Coast Guard, the Naval Militia, the Office of Homeland Security and the New York State Office of Public Security. In a recent security report, it was stated that security is "robust." With regard to what an airplane could do, a Time article stated that a study by the National Academy of Engineering says that "no airplane, regardless of size, can breach the 5' thick steel-lined concrete walls of a containment vessel." Based on this information, he feels the people mentioned are capable of providing security, and he will not vote for this resolution.

Rep. Shapiro stated that the Committee was told that something from the nuclear reactor would not reach Stamford, not from the spent fuel pools. Secondly, we are not talking about a blanket closure, so the analysis if the whole country did this, it wouldn't exist doesn't really hold water. We are talking about a specific incident – moving the spent fuel rods, and this is something the entire country should want to have done. Rep. Shapiro stated that regarding the 2,000 foot ceiling, it is only 2,000 feet, and it applies only to private planes, not commercial planes. Entergy said that the reactors were not designed to withstand plane crashes. Maybe, as a by-product they would, but they were not built that way in the first place.

Rep. Lyons stated that the same governmental agencies were in charge of our safety on September 11.

Rep. Skigen stated that he agrees with Mr. Day that a little knowledge is a dangerous thing. His vote tonight is relying in large part on the opinion of Representative Shays', who is the chairman of the National Security Subcommittee of the Government Reform Committee, which includes anti-terrorism efforts. On Rep. Shays' website, it says that "recent reports of emergency planning weaknesses at Indian Point ... compel neighboring communities to ask whether federal regulators are asking for enhancements to protect public safety ... and recent reports suggest the answer is no. One dangerous element not predicated on the cause of an incident but certainly capable of compounding the negative effects is poor communication between federal, state and local officials. County, city and town leaders wait at the far end of a dysfunctional daisy chain of confusing operations from FEMA, the NRC and plant operators. Those outside the arbitrary ten-mile emergency planning zone have little opportunity to know what is coming their way. Studies may show that radiation may only blow five or ten miles down range, but understandable concern, fear and panic will spread many miles farther. All communities within a 50-mile zone of nuclear plants must be included the planning and public information process. It is telling that no nuclear plant license has ever been suspended or revoked by the NRC due to serious weaknesses in emergency response. Deficiencies can linger for years. Compliance with critical incidence response and evacuation has allowed to be

a static, bureaucratic exercise. This has to change.” Congressman Shays wrote to the NRC saying, “in light of the significant problems identified by the Witt report” that Rep. Shapiro has referred to, he requested that “plant operations be immediately and temporarily shut down until the issues raised by the report are fully resolved.” Mr. Shays plans on holding hearings on this matter.

Rep. Skigen stated he is supporting the resolution based on large part on what Congressman Shays has written and said about this subject. He does not view Congressman Shays as an alarmist or an unreasonable person who would not take our energy needs into consideration. He thinks it is a reasoned response to a serious issue in our area.

Rep. Coppola stated that regarding the spent fuel rods, if Indian Point were closed down, the fuel rods are not going anywhere. If we were urging the NRC or Entergy to move along the process of getting the spent fuel rods into underground facilities, he would support it, but to say we want to suspend the operations due to the possibility of an accident, if that plant were closed down tomorrow there would still be the danger of a terrorist attack on that facility and the expulsion of nuclear waste. As far as the no-fly zone, good honest law-abiding people are the only ones who are going to honor the no-fly zone. We probably can't get our air force in the air fast enough to stop a plane that comes on the radar heading for Indian Point, This does us no good, and we should urge the powers involved to store the spent fuel rods underground.

Rep. Hunter stated that people are really fixated on the atomic reactor, but that is not the principal danger. It is very unlikely that a plane crash would cause an atomic cloud, but there is no doubt that the water in the pool is radioactive and the spent fuel rods are radioactive, and that is what a terrorist would go after. The water can escape underground and pollute groundwater.

Rep. Boccuzzi moved the question, seconded and approved by a machine vote of 23-14-0 (Reps. Benyus, Browne, Coppola, Day, DeLuca, Greenberg, Imbrogno, Loglisci, McDermott, Mirkin, Molgano, Morrow, Pavia and Summerville opposed) ([See Vote Record No. 459](#)).

The main motion was approved by a machine vote of 24-13-0 (Reps. Benyus, Coppola, Day, DeLuca, Fedeli, Greenberg, Imbrogno, Loglisci, McDermott, Mirkin, Molgano, Morrow and Pavia opposed) ([See Vote Record No. 460](#)).

HOUSING/COMMUNITY DEVELOPMENT/

SOCIAL SERVICES COMMITTEE:

(Attendance)

Elaine Mitchell, Chair

Philip Giordano, Vice Chair

Meeting: Tuesday, November 18, 2003

6:30 p.m. – Democratic Caucus Room

No report.

EDUCATION BUDGET COMMITTEE: Randall Skigen, Chair

No report.

RESOLUTIONS

MINUTES

1. [November 10, 2003 Regular Board Meeting](#)

Upon motion duly made and seconded, the minutes were approved by unanimous voice vote.

COMMUNICATIONS

1. Chair Martin stated that on December 2, 2003 there will be a program at Davenport Ridge School on the No Child Left Behind Act.
2. Chair Martin reminded everyone that the Steering Committee will meet next Monday evening; the deadline for submissions is Wednesday night.
3. Chair Martin thanked all who attended the Thanksgiving Day parade adding that it was a great success.
4. Rep. Zelinsky congratulated Rep. Molgano on receiving his award from Bishop Lorie.
5. Rep. DeLuca reminded everyone that the Holiday Party is scheduled for this Friday at 6:30 p.m.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:30 p.m.

