

The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Monday, January 5, 2004 at 888 Washington Boulevard, Stamford, CT in the Legislative Chambers, 888 Washington Boulevard.

Minutes

CALL TO ORDER: By President David Martin at 9:25 p.m.

INVOCATION: Led by Representative Michael Pavia

“May we ... as the New Year is upon us, thank God for life and freedom; for the good health of our minds and bodies; for the peace and security of our homes and country; for the love and fellowship of our family and friends; for all the success from our daily work and efforts; and even for the trials and tribulations that reveal the stamina and strength of our human character. Lord, for all this we are grateful to you. 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-four members present and six members excused (Reps. O’Neill, DePina, Mitchell, DeLeo, Mirkin and Browne.)

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

MOMENTS OF SILENCE: For the late: Joseph S. Bitteto and Benton H. Grant by the 26th Board of Representatives; Thomas Lane by Rep. White; Yolanda V> Pia by Reps. Zelinsky, Lyons and White; Katherine Jones by Rep. O’Neill; Olga Suchensky by Reps. White and Lyons; Patricia Murphy by Reps. Summerville and Loglisci; Charles J. Daly, by Reps. Giordano, Zelinsky and Loglisci; Daniel Romaniello, Mark Anthony Spremullo, Norman Leibowitz and Viola P. Kelley by Reps. Zelinsky and Loglisci; Edna L. Frantz and Ronald J. Petrucci by Rep. Loglisci; and Jennie M. DeLaventura by Rep. Giordano; John Mitchell, Harold E. Shippee, Jr., Katherine Nocita, Allen J. Schaps, Orlando D. Mallozzi, Ruthann E. Fulton, Elliot J. Mandel, Paul Huberty, Robert L. Trivelli, Peter A. Slavinsky, Rose V. DiBlasio, Earl Hindman, Allan W. Wasco, Sophia W. DeCrescenzo, Joseph R. Gerard, Jeanmarie Falatico, Julia A. Boehn, Virginia E. Wasil and Janet Lee Gigichi by Rep. Zelinsky.

OATH OF OFFICE: President Martin administered the oath of office to Representative Gail Clear.

PAGES:

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, Dec. 8 2003
[\(Minutes\)](#) 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, December 30, 2003
7:00 p.m. – Democratic Caucus Room

Chair Esposito reported that the Appointments Committee met on December 30, 2003. Present were Committee Member Reps. Esposito, Summerville, Boccuzzi, Kernan, Clear, Blackwell, Morrow, Coppola and Zelinsky.

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|----------------------------|--|---|
| 1. A26.115 | <u>Zoning Board of Appeals – Alternate</u>
Ernest Matarasso (D)
17 Buckingham Court
Stamford, CT 06902
Term Expires: 12/01/10
11/12/03 – Submitted by Mayor Dannel P. Malloy
12/30/03 – Committee approved 6-0-2 | APPROVED
ON
CONSENT
AGENDA |
| 2. A26.116 | <u>Zoning Board of Appeals</u>
Zachary Weinberger (D)
25 Chester Street
Stamford, CT 06905
Term Expires: 12/01/06
11/12/03 – Submitted by Mayor Dannel P. Malloy
12/30/03 – Held in Committee 8-0-0 | HELD IN
COMMITTEE |

Chair Esposito reported that Mr. Weinberger was unable to attend the meeting.

3. [A26.117](#) Board of Tax Assessment Appeals **APPROVED
ON
CONSENT
AGENDA**
 John J. Hogan, Jr. (D) Reappoint.
 30 Glenbrook Road (Exp 12/01/03)
 Stamford, CT 06902
 Term Expires: 12/01/06
 11/12/03 – Submitted by Mayor Dannel P. Malloy
 12/30/03 – Committee approved 8-0-0
4. [A26.118](#) Board of Tax Assessment Appeals **APPROVED
ON
CONSENT
AGENDA**
 Michael E. Berg (D) Repl. Sutton
 1906 Bedford Street, #1 (Exp 12/01/02)
 Stamford, CT 06905
 Term Expires: 12/01/05
 11/12/03 – Submitted by Mayor Dannel P. Malloy
 12/30/03 – Committee approved 8-0-0
5. [A26.119](#) Health Commission **HELD IN
COMMITTEE**
 Steffi Block (D) Reappoint.
 6 Coopers Pond Road (Exp. 12/01/03)
 Stamford, CT 06905
 Term Expires: 12/01/06
 11/12/03 – Submitted by Mayor Dannel P. Malloy
 12/30/03 – Held in Committee 8-0-0

Chair Esposito reported that Ms. Bloch was unable to attend the meeting.

6. [A26.120](#) Golf Authority **APPROVED
ON
CONSENT
AGENDA**
 Patricia H. McGrath Reappoint.
 99 Unity Road (Exp. 01/01/04)
 Stamford, CT 06905
 Term Expires: 01/01/07
 12/03/03 – Submitted by Mayor Dannel P. Malloy
 12/30/03 – Committee approved 8-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 and 3 and 4 through 6, was approved by unanimous voice vote.

FISCAL COMMITTEE: **Randy Skigen, Chair**
[\(Attendance\)](#) **Linda Cannady, Vice Chair**
[\(Votes\)](#) Meeting: Monday, December 22, 2003
[\(Minutes\)](#) 7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on December 22, 2003. Present were Committee Member Reps. Skigen, Cannady, Giordano, Fedeli,

Hunter, Loglisci, Lyons and Mirkin ; Reps. DeLuca, DePina and Figueroa were excused. Also present were John Chardavoyne, Kim Olds and Hugh Murphy of the Board of Education; Mike Pensiero of the IT Department, Frank Lagan of the Stamford Police Department; Peter Privitera of OPM, and Sandra Dennies of the Grants Department.

1. [F26.279](#) \$25,000.00 ADDITIONAL APPROPRIATION (Grants Budget); Building Capacity for Success; to create database for tracking all HUSKY patients at Oral Health sites that interact with Stamford Public Schools' Star Base System.
12/02/03 – Submitted by Mayor Dannel P. Malloy
12/11/03 – Approved by Board of Finance
12/22/03 – Committee approved 7-0-0
- APPROVED
ON CONSENT
AGENDA**

Secondary Committee: Education

Concur 6-0-0

2. [F26.280](#) RESOLUTION; authorizing an agreement with the Connecticut Office of Policy and Management for assistance provided through the Neighborhood Youth Center Grant; amount of grant: \$35,538.
12/02/03 – Submitted by Mayor Dannel P. Malloy
12/22/03 – Committee approved 8-0-0
- APPROVED
ON CONSENT
AGENDA**

3. [F26.281](#) RESOLUTION; authorizing an agreement with the U.S. Department of Justice for assistance provided through the Local Law Enforcement Block Grant; amount of grant: \$56,582.00
12/02/03 – Submitted by Mayor Dannel P. Malloy
12/22/03 – Committee approved 8-0-0
- APPROVED
ON CONSENT
AGENDA**

4. [F26.285](#) \$35,000.00 ADDITIONAL APPROPRIATION (~~Capital~~ Operating Budget); Big Five Volunteer Fire Department; Building Addition New Hope; to repair Glenbrook Fire House roof and interior and exterior walls.
12/02/03 – Submitted by Mayor Dannel P. Malloy
12/11/03 – Approved by Board of Finance (as operating item)
12/22/03 – No action reported
01/08/04 – To be considered by Board of Finance as a capital item
- ITEM
WITHDRAWN**

Secondary Committee: Public Safety & Health

Chair Skigen stated that the Board of Finance changed this item to an Operating Item, and the matter has been withdrawn pending the resubmission of this item reflecting this change.

5. F26.270 ADDITIONAL APPROPRIATION (Operating Budget); Board of Finance; Auditing; to fund audit plan for FY 2003-04 according to the Board's 2003-2004 Audit Plan (plan to be released in near term).
\$75,000.00 12/03/03 – Submitted by Board of Finance Office
12/22/03 – Item Withdrawn
- ITEM
WITHDRAWN**

Chair Skigen stated that the Board of Finance withdraw this item.

6. [F26.282](#) APPROVAL; of an agreement with Nextel Communications for wireless telecommunications services; approximate annual cost of contract: \$150,000.
12/02/03 – Submitted by Mayor Dannel P. Malloy
12/11/03 – Approved by Board of Finance
12/22/03 – Committee approved 8-0-0
- APPROVED
ON CONSENT
AGENDA**

7. [F26.283](#) APPROVAL; of an agreement with SBC-SNET for dedicated central office switched service; approximate annual cost of contract: \$500,000.
12/02/03 – Submitted by Mayor Dannel P. Malloy
12/11/03 – Approved by Board of Finance
12/22/03 – Committee approved 8-0-0
- APPROVED
ON CONSENT
AGENDA**

8. [F26.284](#) APPROVAL; of an agreement with SNET and SNET American, Inc. for a unified custom call plan; approximate annual cost of contract: \$40,000
12/02/03 – Submitted by Mayor Dannel P. Malloy
12/11/03 – Approved by Board of Finance
12/22/03 – Committee approved 8-0-0
- APPROVED
ON CONSENT
AGENDA**

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
12/01/03 – Held in Committee
12/22/03 – Report Made
- REPORT
MADE**

Chair Skigen reported that Kim Olds, the president of the Board of Education and one of the founders of the Save Our Schools/Kids Our Future program, appeared before the Committee. She provided a written response to a number of questions

that the Committee presented, and that response is available to all board members from the Board Office.

Suspension of the Rules:

Chair Skigen reported that upon motion duly made and seconded, the Fiscal Committee suspended its rules by a vote of 7-0-0 to take up the following item. Chair Skigen moved to suspend the rules of the Board to take up the following item; said motion was seconded and approved by unanimous voice vote.

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| 10. F26.286 | RESOLUTION; authorizing the Mayor to enter into agreement with the State Department of Public Health for development of capacity for public health response to bioterrorism incidents; amount of grant; \$114,946.
12/11/03 – Submitted by Mayor Dannel P. Malloy
12/22/03 – Committee approved 8-0-0 | APPROVED BY
UNANIMOUS
VOICE VOTE |
|-----------------------------|---|---|

Chair Skigen reported that this item was approved after the Steering Committee deadline. The deadline for submitting the item to the State is today. The State Department of Public Health has agreed to give us several extra days.

Suspension of the Rules:

Chair Skigen reported that upon motion duly made and seconded, the Fiscal Committee suspended its rules by a vote of 7-0-0 to take up the following item. Chair Skigen moved to suspend the rules of the Board to take up the following item; said motion was seconded and approved by unanimous voice vote.

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| 11. F26.287 | ADDITIONAL APPROPRIATION (Capital Budget); Operations – Engineering; Northeast School Sewage Disposal Project.
12/17/03 – Submitted by Mayor Dannel P. Malloy
12/22/03 – No action taken
01/08/04 – To be considered by Board of Finance
12/30/03 – Approved by Planning Board | NO
ACTION
TAKEN |
|-----------------------------|--|--------------------------------|

Chair Skigen stated that this item is required to go through charter in a specific order. Additional appropriations for the capital budget must be approved by the Planning Board, then the Board of Finance and then the Board of Representatives. The Committee wanted to be in a position that if the Planning Board and the Board of Finance had approved the matter, the Board of Representatives could have voted on it. Because the Board of Finance has not acted on it, it is not appropriate for the Board of Representatives to take a vote on the matter. The Committee did not take a vote on this matter.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1, 2, 3, 6, 7 and 8, was approved by unanimous voice vote.

LEGISLATIVE & RULES COMMITTEE: Maria Nakian, Chair

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Jim Shapiro, Vice Chair

Meeting: Monday, December 15, 2003

7:00 p.m. – Democratic Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on December 15, 2003. Present were Committee Member Reps. Nakian, Esposito, Shapiro, Spandow, Zelinsky, Benyus, Browne and Greenberg present. Rep. Mitchell was excused. Also present were Reps. Lyons, Loglisci, Molgano and DeLuca; Thomas Cassone, Ben Barnes; William Forker and Richard Fox, Director of the Housing Authority.

1. [LR26.033](#) PROPOSED ORDINANCE; **for public hearing and final adoption**; reinstating the Commission on Aging as a separate commission. **APPROVED BY MACHINE VOTE (34-0-0)**
- 06/23/03 – Submitted by Rep. Nakian
 - 07/21/03 – Held in Committee
 - 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
 - 12/01/03 – Approved for Publication (Consent)
 - 12/15/03 – Committee Approved 8-0-0

Chair Nakian reported that a public hearing was held; no members of the public were present. President Martin requested a machine vote. A motion to approve Item No. 1 was made; said motion was seconded and approved by a machine vote of 34-0-0 (See [Vote Record No. 462](#)). President Martin declared that this is now the law of the City of Stamford.

2. [LR26.041](#) RESOLUTION and **public hearing**; providing for an option agreement between the City of Stamford and the Housing Authority for the sale of properties known as 17, 21 and 23 Richmond Hill Avenue, Stamford. **APPROVED ON CONSENT AGENDA**
- 11/12/03 – Submitted by Mayor Dannel P. Malloy
 - 11/25/03 – Approved by Planning Board
 - 12/11/03 – Approved by Board of Finance (as amended)
 - 12/15/03 – Committee Approved 7-0-0

Chair Nakian reported that Item No. LR26.041 was approved by the Planning Board and the Board of Finance.

3. LR26.032 PROPOSED ORDINANCE; **for publication;** **APPROVED BY UNANIMOUS VOICE VOTE (as amended & attached hereto)**
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 and Zelinsky
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
12/01/03 – Held in Committee
12/15/03 – Committee Approved 8-0-0

Chair Nakian reported that the Committee approved this item, and then sent it to the Law Department for its review. The response from the Law Department was received today. Chair Nakian apologized to the Committee for the late response, because she had promised to send it to the members prior to the meeting.

Chair Nakian moved to amend the ordinance in Section 220-13 A, the very last sentence should read: "In the event that the number and incomes of eligible applicants would exceed that limit, the tax collector shall reduce the benefits proportionately." Chair Nakian stated that this is the same language in the ordinance, and Corporation Counsel stated the language should be the same as they are being passed at the same time.

A second was received to the amendment, and said motion was approved by unanimous voice vote.

Chair Nakian moved the main ordinance; said motion was seconded and approved by unanimous voice vote.

4. [LR26.040](#) PROPOSED ORDINANCE; **for publication;** **APPROVED BY UNANIMOUS VOICE VOTE (as amended & attached hereto)**
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.
10/20/03 – Submitted by Reps. 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
12/01/03 – Held in Committee

12/15/03 – Committee approved 8-0-0

Chair Nakian stated that this ordinance falls into the same category as the previous one, however, in this case, there were many changes that were proposed by Corporation Counsel. Most of the changes have to do with the ordinance as it is currently on the books, and which nobody in the Tax Department ever informed the Board that there were inconsistencies in the ordinance.

Chair Nakian moved the ordinance; said motion was seconded. Chair Nakian moved to amend the ordinance. Said motion was seconded.

Rep. Loglisci asked how this ordinance could go forward with the number of changes, in that no one has seen them before tonight. Rep. Day stated he shares Rep. Loglisci's apprehension about going forward with this ordinance.

President Martin stated that these changes were received today by the Board Office. Chair Nakian stated that she sent this to the Law Department two days after the Committee meeting, and the Law Department assured her that they would review it. Today, she called the Law Department to get their feedback and she received two pages of recommendations for changes to the ordinance.

Chair Nakian stated that this if this ordinance is approved for final adoption at the February meeting, we will be one day late for the application period, which begins February 1. If the Board doesn't approve it until the March meeting, applicants to the program will have lost an entire month, and it is not fair to the seniors who want to take advantage of it, and it is also not fair to the Tax Department, who will have to handle all the applications in a short amount of time. By their own testimony, the Department is short-handed, and may have a difficult time dealing with the applications even with three months.

Chair Nakian stated that the ordinance is not drastically different from what was approved by the Committee. The ordinance now has some necessary changes, which do not change the intent of what the Committee was doing at all.

Rep. Greenberg thanked Chair Nakian for her hard work on this ordinance, but as a Committee member of Legislative & Rules, he would feel more comfortable working on this matter in committee rather than tonight, having just received this information.

Rep. Day stated that his comments have nothing to do with Chair Nakian, and he shares her frustration with the Law Department. Rep. Day asked if the changes were substantive. Chair Nakian replied that they are not changes that would alter the intent of what the Committee approved.

Chair Nakian moved the first amendment; i.e., the schedule that lists the income levels and a corresponding benefit, are not given in the ordinance. This strikes in 220-9 A. the words "up to the maximum" and insert in "Section 220-9.1 below."

Section 9.1 below should also be corrected in the following Section. Said amendment was seconded and approved by unanimous voice vote.

Chair Nakian moved a second amendment; i.e., delete “interest-free deferral of property tax” and insert “interest-free” in Section 220-9.1 below. The motion was seconded and approved by unanimous voice vote.

Chair Nakian stated that in the same section, it was pointed out that the deferral was both interest free and in accordance with the state statute, which charges interest, and the City must file a lien. So, to clarify that, the amendment deletes both A, B and C and adds a paragraph that corresponds word for word with State law. This basically says that the City may file a lien for the amount of this deferral, it is interest-free, however, in accordance with state law, if a person is receiving both this tax abatement and other state tax abatements that are approval, and the total of all of these abatements comes up to more than 75 percent of the property tax that the taxpayer would be liable for, then the City must establish a lien, and again, according to State law, must charge interest. The interest is not the same interest as that when the City files a lien for delinquent taxes. This is the interest that is set by the municipality, in our case, the Board of Finance and the Board of Representatives. The language is “at a rate to be recommended by the Board of Finance and approved by the Board of Representatives.” Said motion was seconded.

Rep. Loglisci stated that he felt that establishing liens and charging interest is quite a change to the original ordinance. Chair Nakian stated that the ordinance had said three things: that the City must file a lien each year, that the City would not charge interest and that the City would act in accordance with the General Statutes which provides for interest. In the interest of being able to approve it, Chair Nakian has the ordinance comply with state law, and this will provide for an interest-free tax deferral unless it totals 75% of the taxes owed.

The amendment was approved by unanimous voice vote.

Chair Nakian stated that the Committee, after reviewing all the figures provided by Mr. Forker, voted to put a cap on the total amount of the City’s abatement. The Committee voted to state that the Board of Representatives, would, by resolution, approve this limit for the total benefits every year as part of the budget process in April. The Law Department pointed out that the ordinance made no provision for the actual schedule of what income group gets what level of abatement or deferral. The Law Department stated that State law determines that it is the Board of Finance that recommends changes to the program, and the changes must be approved by the Board of Representatives, by legislative action, whether ordinance or resolution. Chair Nakian combined this into a new Section 9.1, so that in March the Board of Finance will recommend to the Board of Representatives the limit for the total benefits. The Board of Representatives will, by resolution, set the limit in April. The Tax Collector can reduce the benefits proportionately if the number of

applicants exceeds this limit, and the Tax Collector will prepare the actual schedule. Then the schedule will be approved by both the Board of Finance and the Board of Representatives. Chair Nakian stated that this is a new section.

Chair Nakian confirmed that no limits are being set this evening. The amendment was approved by unanimous voice vote.

Chair Nakian stated that the last amendment is in Section 220-11, under Miscellaneous Provisions. Chair Nakian stated that the reference to the State statutes is unclear, and she moved to remove this reference. Said motion was seconded and approved by unanimous voice vote.

Chair Nakian moved the main ordinance; said motion was seconded.

Rep. Greenberg stated he reiterated his earlier statement that he would like to review these amendments in Committee.

Rep. Day stated that he urges the board to consider the following point: he believes the issue of tax relief for seniors is a growing issue. Rep. Day stated that there are two separate programs that are available – an abatement and a deferral program. By not focusing on the deferral program is that we have an ordinance where someone has to keep track of age, length of residency, income, net worth; then the cap has to be administered. There are a lot of rules. An abatement program is basically a transfer of resources from one segment of the population to another. It requires the Board to make judgments as to which group is more worthy. Rep. Day stated he is extremely sympathetic with the need for seniors to have relief, there are nevertheless a lot of younger people who are stretched to the maximum, trying to pay for their first home, and raising their children.

Rep. Day stated that with the deferment, and setting aside the question of interest, if the Board encouraged a deferment program, it could be incredibly simple. You would just have to verify your age, yet the program, if properly administered, doesn't cost the City any money. It is a program that benefits seniors, but it doesn't cost the City anything. Rep. Day stated that the program is not popular, because seniors do not like to have liens on their homes. But, he feels there are easy ways to overcome these barriers. The issue of reduction of house equity is preposterous. The annual tax bill is 1 to 1 ½ percent of the value of the home, and in the last twenty years, there has probably been only 3-4 years when the values of homes have not gone up that much. This doesn't eat into the annual growth of the value of the homes. The individual homeowner is accumulating, albeit by 1-1/2 percent less, equity in their home. It may take something away from the heirs when they pass, but it is not up to the City to be providing subsidies for elders' children, which in effect an abatement program ultimately does. Rep. Day stated that this actually involves young people paying for other young people to benefit – and this is ridiculous.

Rep. Day stated he would support this program, because it is not going that far, but he feels the Board should look at a program where every person over 65 years of age, regardless of their wealth, to defer their property taxes. Rep. Day stated that those with high incomes are not going to take advantage of this program as they can deduct their property taxes.

The ordinance was approved by unanimous voice vote.

President Martin asked that a short letter be sent to the Corporation Counsel's office pointing out that 40 people sat around this evening, spending thirty minutes on a confusing set of changes, that should have been handled more expeditiously.

5. [LR26.045](#) PROPOSED ORDINANCE; **for publication**; **APPROVED
ON CONSENT
AGENDA**
amending Chapter 164 of the Code of Ordinances,
Noise, to change the fine from \$99 to \$90.
12/01/03 – Submitted by Reps. Nakian & Zelinsky
12/15/03 – Committee approved 8-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 2 and 5, was approved by unanimous voice vote.

PERSONNEL COMMITTEE: **Sanchia Spadow, Co-Chair**
[\(Attendance\)](#) **Mary Lisa Fedeli, Co-Chair**
[\(Votes\)](#) Meeting: Tuesday, December 16, 2003
[\(Report\)](#) 7:00 p.m. – Democratic Caucus Room
- and -
[\(Attendance\)](#) Meeting: Monday, January 5, 2004
[\(Votes\)](#) 6:30 p.m. – Democratic Caucus Room

Co-Chair Spadow reported that the Personnel Committee met on December 16, 2003. Present were Committee Member Reps. Spadow, Fedeli, Boccuzzi, Logtlisci, Figueroa, Brown, Pavia, Cannady and McCullen; Reps. Skigen and DeLeo were excused. Also present was Fred Manfredonia and John Mullin, Esq.

1. [P26.045](#) PROPOSED ORDINANCE; **for public hearing &
final adoption**; repealing Code of Ordinances
Sections 47-20 and 47-22, Wage Increases,
Advertising Limits. **APPROVED
BY MACHINE
VOTE (33-0-0)**
06/30/03 – Submitted by Rep. Fedeli
07/30/03 – Committee approved 7-0-0
08/04/03 – Approved for publication
08/27/03 – Held in Committee
09/08/03 – Placed on Pending Agenda
12/16/03 – Committee approved 7-0-0

A motion to approve Item No. 1 was made; said motion was seconded and approved by a machine vote of 33-0-0 (See [Vote Record No. 463](#)).

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| 2. P26.051 | PROPOSED ORDINANCE; for publication ; establishing a sick bank provision for non-union and appointed officials.
12/02/03 – Submitted by Reps. Fedeli, Martin, Skigen and Spadow
12/16/03 – Committee approved 8-0-0 | APPROVED
ON CONSENT
AGENDA |
| 3. P26.052 | RESOLUTION; amending the Pay Plan for Non-Union, appointed and elected officials.
12/02/03 – Submitted by Fred Manfredonia
12/11/03 – Held by Board of Finance
12/16/03 – Committee approved 7-0-0
01/08/04 – To be considered by Board of Finance | HELD IN
COMMITTEE BY
UNANIMOUS
VOICE VOTE |

Co-Chair Spadow stated that this matter is being held because it has not been approved by the Board of Finance.

Suspension of the Rules:

Co-chair Spadow reported that the Committee, upon motion duly made and seconded, suspended its rules to take up the following item. Co-chair Spadow moved to suspend the rules of the Board; said motion was seconded and approved by unanimous voice vote (Reps. Clear and White left the floor for the discussion of this item).

Clerk of the Board Summerville chaired the meeting for the discussion of this item.

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| 4. P26.053 | REJECTION; of arbitrated contract between the Board of Education and the Stamford Education Association.
12/16/03 – Submitted by Board of Education
12/16/03 – Meeting continued to 1/5/4 | REJECTED BY
UNANIMOUS
VOICE VOTE
(Rep. Martin
abstaining) |
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Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 2, was approved by unanimous voice vote.

LAND USE COMMITTEE:
[\(Attendance\)](#)
[\(Votes\)](#)
[\(Report\)](#)

Patrick White, Co-Chair
Harry Day, Co-Chair
Meeting: Monday, December 22, 2003
8:00 p.m. – Republican Caucus Room

Co-Chair White reported that the Land Use Committee met on December 22, 2003. Present were Committee Member Reps. White, Day, Summerville, Benyus, Greenberg, Loglisci and Spadow; Reps. Boccuzzi, Nakian, Shapiro and Mitchell were excused. Also attending were Reps. Browne, Lyons and O'Neill; Robin Stein; Rachel Drucker from the NRZ and Renee Kahn.

1. [LU26.036](#) PROPOSED ORDINANCE; **for public hearing and final adoption**; amending Section 8-2 of the Demolition Ordinance (requirements for older buildings). **APPROVED BY MACHINE VOTE (32-0-0)**
09/18/03 – 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 approved 6-0-0
12/01/03 – Approved for publication (Consent)
12/22/03 – Committee approved 6-0-0

Co-Chair Day stated that Ms. Kahn and Ms. Drucker spoke in favor of this ordinance. A motion to approve Item No. 1 was made; said motion was seconded and approved by a machine vote of 32-0-0 (See [Vote Record No. 464](#)).

2. [LU26.039](#) PROPOSED ORDINANCE; **for public hearing and final adoption**; amending the Code of Ordinances, Section 227, Tree Ordinance to change the notice period from ten to thirty days. **APPROVED BY MACHINE VOTE 32-0-0**
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 approved 6-0-0
12/01/03 – Approved for publication (Consent)
12/22/03 – Committee approved 6-0-0

Co-Chair Day reported that no one from the public was present for the public hearing. A motion to approve Item No. 1 was made; said motion was seconded and approved by a machine vote of 32-0-0 (See [RCS Vote Record No. 465](#)).

3. [LU26.041](#) PROPOSED ORDINANCE; **for publication**; regarding the placement of outdoor for profit clothing donation bins in shopping centers and parking lots. **NO ACTION TAKEN**
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 6-0-1
02/01/03 – Held in Committee
12/22/03 – Committee moved to remove item
from agenda 6-1-0

Co-Chair Day reported that after discussion, the proposal failed to gain a motion for approval; a motion to remove the item from the Agenda was approved by 6-1.

4. LU26.047 REVIEW; of the feasibility of instituting an architectural review board or commission as part of the land use permitting process. **HELD IN COMMITTEE**
11/14/03 – Submitted by Reps. Browne & O'Neill
12/22/03 – Held in Committee

Co-Chair Day reported that this item was held pending further information; and Jim Minor provided some background to the Committee. Rep. Summerville recommended perhaps having a subcommittee look at this matter. Co-Chair Day stated that this item will probably be on the agenda for several months.

5. LU26.042 REVIEW; process for obtaining permits and approval from EPB. **HELD IN COMMITTEE**
08/07/03 – Submitted by Rep. Mirkin
08/27/03 – Report Made
09/08/03 – Placed on Pending Agenda
12/22/03 – Held in Committee

Co-Chair Day stated he has been doing some research on this matter; the item is substantially complete and will be discussed at the next meeting.

OPERATIONS COMMITTEE: **John R. Zelinsky, Co-Chair**
[\(Attendance\)](#) **Anthony Imbrogno, Co-Chair**
[\(Votes\)](#) Meeting: Wednesday, December 17, 2003
[\(Report\)](#) 7:00 p.m. – Democratic Caucus Room

Co-Chair Zelinsky reported that the Operations Committee met on December 17, 2003. Present were Committee Member Reps. Zelinsky, Imbrogno, Adams, Fahan, McDermott and Pavia; excused were Reps. Coppola, Day, O'Neill and White. Also present were Reps. Martin, Browne, Blackwell, Clear, DeLuca, Kernan, Lyons, Mirkin and Skigen; Mickey Docimo; Tim Curtin; City Engineer Antonio Iadarola; Edward Gentile and Frank Smeriglio of the Engineering Department; Jeanette Brown of the WPCA; Dr. Johnnie Lee, Health Director; a representative from

Frattaroli Company; Thomas Lombardo and Jack Halpert of the North Stamford Association; Ethan Margolies, principal of Northeast School; and parents from Northeast School.

1. O26.050 REVIEW; of the process used to assess sewer charges for residential homes. **REPORT MADE**
11/14/03 – Submitted by Reps. Browne & O'Neill
12/17/03 – Report Made

Co-Chair Zelinsky reported that Jeanette Brown stated that they are related to the sewer project's cost, which are about 60% of the total project cost. The property owners are then assessed 40% of that amount. No action was taken.

2. [O26.051 RFP](#) APPROVAL; of a contract with AFB Construction Management of Trumbull, Inc. for management services for city parks maintenance operations; term of contract: 1/1/4 to 12/31/8; amount of contract: \$107,500 in 2004; \$110,725 in 2005; \$114,072 in 2006; \$117,494 in 2007 and \$121,102 in 2008. **APPROVED BY MACHINE VOTE (26-8-0)**
12/03/03 – Submitted by Mayor Dannel P. Malloy
12/11/03 – Held by Board of Finance
12/17/03 – Committee approved 5-1-0
01/08/04 – To be considered by Board of Finance

Co-Chair Zelinsky reported that Mickey Docimo reviewed the bid progress for the contract. There was only one bidder for the two RFPs that were issued. The second bid came in lower than the original bid. The Committee voted on a motion to hold the item; the vote was 9-2. The Committee then voted 5-1 to approve the contract.

A motion to approve Item No. 2 was made; said motion was seconded.

President Martin stated that within our purchasing ordinance, it provides that contracts over \$100,000 shall require the approval of the Board of Finance and the Board of Representatives, in that order. If the Board of Finance does not act within 30 days from receipt of the contract, the contract shall be deemed approved by that Board. The Board of Finance and the Board of Representatives received the contract on December 3, and thirty days after December 3 is last Friday. Since the Board of Finance has taken no action in that time period, it is President Martin's ruling that, as provided for by ordinance, it has been approved by the Board of Finance. It is now legitimate for the Board to vote on the contract.

Rep. Coppola stated that there was recently an article in the paper referring to AFB Construction Management taking over the Parks Department. He stated that some troubling issues were brought to his attention, and for that reason, he will vote

against the contract tonight. Rep. Coppola urged his colleagues to think carefully before voting for this contract. He added that this particular company admitted that it has give gratuities to people in the City. He feels that any company that does business with the City to this extent should be bound by the Code of Ethics, just like the director of a department. Based on Mr. Barbarotta's admissions, he cannot support the contract with the language in the contract.

Rep. McDermott stated that he did not vote for this in Committee, but feels the Board of Finance issue has been cleared up tonight.

Rep. Day asked whether the contract was extended for a sixty-day period under some power of the Mayor. President Martin stated he was out of town, but has heard a rumor that the existing contract was extended for two months, which would not affect this contract.

Rep. Zelinsky stated that the Mayor, on December 20, 2003, did sign a two-month extension for this contract, but this would not effect this Board approving this contract, which runs through 2008.

Rep. Shapiro stated that the Board should pay attention to this contract; he is aware they were the only bidder, but that doesn't mean that they are always going to be the only player. A five-year contract is a long period of time to grant this group the contract. New vendors could be available in a few years, resulting in more choice. Clearly, people are looking for more choice in this town, and he has received complaints about the job they have done.

Rep. Zelinsky stated that Mr. Shapiro's comment is valid, but in the contract, there is a termination clause that allows the City to terminate the contract at any time.

Rep. Day requested a two-minute recess. A two-minute recess was called by the President at 10:44 p.m.; the meeting was continued at 10:46 p.m.

The motion was approved by a machine vote of 26-8-0 (See [RCS Vote Record No. 466](#)). (Reps. Benyus, Coppola, DeLuca, Greenberg, Molgano, Morrow, Pavia and Shapiro opposed).

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| 3. O26.044 | REVIEW; of installation of sewer line/private lateral line or septic system to serve Northeast School.
08/06/03 – Submitted by Rep. Skigen
08/20/03 – Report Made
09/02/03 – Held in Committee
09/24/03 – Held in Committee
10/22/03 – Held in Committee
11/12/03 – Placed on Pending Agenda
12/17/03 – Report Made | REPORT
MADE |
|------------|--|------------------------|

Co-Chair Zelinsky reported that Director Curtin, Ms. Brown and Mr. Iadarola reviewed the progress, status and possible solutions to these problems. The system is almost unusable; it costs \$1,500 per week to be pumped out. The cost is paid by the Board of Education. A report has been provided to all representatives. A public hearing will be held on January 12, 2003 regarding this matter.

**PUBLIC SAFETY &
HEALTH COMMITTEE:**

[\(Attendance\)](#)

[\(Report\)](#)

Richard Lyons II, Chair

Gail Clear, Vice Chair

Meeting: Thursday, December 18, 2003

7:30 p.m. – Democratic Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on December 18, 2003 in conjunction with the Operations Committee. Present were Committee Member Reps. Lyons, Clear, Adams, Blackwell, DeLuca, Kernan, Loglisci, Mirkin and Zelinsky. Reps. DePina and Coppola were excused.

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| 1. PS26.043 | REVIEW; of any potential health hazards to students or staff as a result of potential sanitary issues inside of Northeast School.
12/04/03 – Submitted by Rep. Lyons | REPORT
MADE |
|-------------|---|------------------------|

Chair Lyons stated there was a review of potential health hazards to students and staff due to potential sanitary issues inside Northeast School. The Committee met in conjunction with the Operations Committee; please see the Operations Committee report for details.

**PARKS AND
RECREATION COMMITTEE:**

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Linda Cannady, Co-Chair

Steve McDermott, Co-Chair

Meeting: Tuesday, December 16, 2003

7:30 p.m. – Republican Caucus Room

Co-Chair McDermott reported that the Parks & Recreation Committee met on December 16, 2003. Present were Committee Member Reps. McDermott, Cannady, Clear, Fedeli, Giordano, Imbrogno, Lyons, McCullen, Morrow, Pavia and White; Tim Curtin and Laurie Albano from the Office of Operations.

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| 1. <u>PR62.046</u> | PROPOSED ORDINANCE; for public hearing and final adoption ; creating a Harbor Management Commission as defined and authorized under Connecticut General Statutes. | APPROVED BY
MACHINE
VOTE (31-2-0) |
|------------------------------------|--|--|

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)
12/01/03 – Approved for publication (34-1-0)
12/16/03 – Committee Approved 8-1-0

Co-Chair McDermott stated two citizens spoke at the public hearing; they shared the same views that a waterfront resident should be on the Commission. A letter of support was received from Ray Redniss. Co-Chair McDermott moved the item; said motion was seconded.

Rep. White stated that he voted against the item in Committee because of the structure. Four of the seven members are in the boating community, two of whom are from private marinas and they may have a significant number of non-residents. There is no representation from the neighborhoods that are on the waterfront. Over 50% of the members are codified to be from the boating community. He is also concerned that this might turn into a money-making opportunity for the City.

Rep. Lyons stated that he would like to commend Co-Chairs Cannady and McDermott for shepherding this through their Committee. This process was started last June. It has been through six drafts, many committee members have studied other commissions from around the State. A public hearing was held, it was discussed at length in committee. He feels that Mr. White's concerns are merely suspicions, and until the Commission is formed and acts, then it should be judged. The most important function of the Commission is to develop a harbor plan, the equivalent of a master plan for the city's waterfront (as described by Mr. Pavia). It is long overdue, many municipalities have done it with good results. Rep. Lyons urged all colleagues to adopt it.

Rep. White stated that his concerns were from the first day, and he has voiced them from then.

A motion to approve Item No. 1 was made; said motion was seconded and approved by a machine vote of 31-2-0 (See [RCS Vote Record No. 467](#)) (Reps. Kernan and White opposed.)

2. [PR26.055](#) REVIEW; of proposed use policies for school and city playing fields.
01/10/03 – Submitted by Rep. Hunter

**REPORT
MADE**

01/21/03, 02/25/03, 03/07/03, 05/05/03 – Report Made; 07/22/03, 08/04/03 – Held in Committee; 08/11/03 – Placed on Pending Agenda; 09/17/03 – Report Made; 10/08/03 – Moved to Parks & Rec Committee from Education; 10/21/03, 11/18/03, 12/01/03 – No action taken
12/16/03 – No action reported

Co-Chair McDermott stated that Laurie Albano presented a plan, and the consensus of the Committee was that the plan was in good order.

3. [PR26.056](#) RESOLUTION; setting the 2004 marina fees. **APPROVED
ON CONSENT
AGENDA**
12/02/03 – Submitted by Ben Barnes
12/16/03 – Committee approved 10-0-0

Co-Chair McDermott reported that it was the opinion of the Administration that it was in the best interests of the City to leave the marina fees as they were last year.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 3, was approved by unanimous voice vote.

EDUCATION COMMITTEE:
[\(Attendance\)](#)
[\(Votes\)](#)
[\(Report\)](#)

Brian O’Neill, Co-Chair
Thomas Hunter, Co-Chair
Meeting: Tuesday, December 16, 2003
7:00 p.m. – Conference Room #1

Co-Chair Hunter reported that the Education Committee met on December 16, 2003. Present were Committee Member Reps. Hunter, Molgano, O’Neill, Benyus, McCullen and Imbrogno; Reps. Mitchell, Depina and Day were excused.

1. E26.011 REVIEW; of status of grants process and administration of grants received and administered by the Board of Education. **REPORT
MADE**
11/12/03 – Submitted by Rep. Hunter
11/25/03 – Report Made
12/01/03 – Report Made
12/16/03 – Report Made

Co-Chair Hunter reported that Sandra Dennies gave a presentation on how grants were located, how they were applied for, how they were evaluated, how they were written and how they were administered. The Committee was impressed by the sheer volume of documentation that must be complied with. The presentation required an hour, and excluded the accounting required by federal and state agencies. It became clear to the Committee that grant writing is a highly technical subject, and success requires expertise. It has become increasingly obvious to the

Committee that the Board of Education's process in applying for grants is seriously flawed, and the City is missing tens of millions of dollars in grants.

STATE & COMMERCE COMMITTEE:

**Jim Shapiro, Chair
John Morrow, Vice Chair**

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

**Elaine Mitchell, Chair
Philip Giordano, Vice Chair**

TRANSPORTATION COMMITTEE:

**Robert "Gabe" DeLuca, Chair
John Fahan, Vice Chair**

SPECIAL COMMITTEES

CHARTER COMMITTEE:

**Maria Nakian, Co-Chair
Robert "Gabe" DeLuca, Co-Chair**

Co-Chair Nakian moved to suspend the rules to take an item up not on the Agenda; said motion was seconded and approved by unanimous voice vote.

1. [C26.004](#) RESOLUTION; extending the deadline for the submission of the Charter Commission's Report to March 10, 2004.
01/05/04 – Submitted by Rep. Nakian

**APPROVED BY
UNANIMOUS
VOICE VOTE**

The Charter Committee received a request from Mr. Lyons of the Charter Commission to extend the deadline for the draft report. Chair Nakian moved the resolution; said motion was seconded and approved by unanimous voice vote.

**EDUCATION BUDGET
COMMITTEE:**

Randall Skigen, Chair

RESOLUTIONS

MINUTES

1.

[December 1, 2003 Regular Board Meeting](#)

**APPROVED BY
UNANIMOUS
VOICE VOTE**

COMMUNICATIONS

- Clerk of the Board Summerville read a letter from Representative Adams thanking the Board members for their expressions of sympathy.
- Rep. DeLuca announced that the Holiday Party will be held this Friday evening.
- Clerk of the Board Summerville congratulated Rep. Greenberg on his new son.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded, the meeting was adjourned at 11:08 p.m.