

*The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held **Monday, August 2, 2004** at 8:00 p.m. in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, Stamford, Connecticut.*

Minutes

CALL TO ORDER: The meeting was called to order at 9:03 p.m.

INVOCATION: Led by Rep. Blackwell.

“Let us pray. Oh, God, our Father, Creator, Provider and Father of us all. We thank You for this privilege tonight to say thank You for allowing us to assemble together, to carry out the business of this community. We pray, our Father, that our hearts will commune together, that it will make all of our tasks easier to perform. Grant us wisdom as we go forth into the world. Bless each home that is represented here tonight. Amen.”

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

ROLL CALL: Conducted by Clerk of the Board Annie M. Summerville. There were 36 members present and 4 excused (Reps. Adams, Esposito, Figueroa and Morrow).

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

MOMENTS OF SILENCE: For the late: Anna C. Serafino, Elaine Balaban-Lew, Harry Mirkin and Jason R. Lorenti by the 26th Board of Representatives; Elder Doria C. Robinson and Luticia Z. Bradford by Clerk of the Board Summerville; Dorothy Robinson by Rep. Lyons; Angela Leybot by Rep. Figueroa; Louise E. Lenz, by Reps. Loglisci and Zelinsky; Robert J. Boccadora and Helen M. Iacuzio by Reps. Giordano, Loglisci and Zelinsky; Frank J. Boccuzzi, Sr., by Rep.

Loglisci; and McKinley Alexander, Louis J. Preli and Joseph E. Aulenti by Reps. Giordano and Zelinsky.

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, July 12, 2004
([Report](#)) 7:00 p.m. – Democratic Caucus Room

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

APPOINTMENTS COMMITTEE: Paul A. Esposito, Chair
Annie M. Summerville, Vice Chair
([Votes](#)) Meeting: Tuesday, July 27, 2004
7:00 p.m. – Democratic Caucus Room

Clerk of the Board Summerville reported that Mr. Boccuzzi will give the Appointments Committee report. Mr. Boccuzzi stated that the Appointments committee met on Tuesday, July 27, 2004. Present were Committee Member Reps. Blackwell, Boccuzzi, Clear, Coppola, Layton and Kernan.

1. [A26.160](#) Commission on Aging **HELD IN
COMMITTEE**
Roxana Greene Kelly (D)
6 Avon Lane
Stamford, CT 06907
Term Expires: 06/01/05
06/10/04 – Submitted by Mayor Dannel P. Malloy
07/06/04 – Held in Committee
07/27/04 – Held in Committee

Mr. Boccuzzi stated that this item was Held in Committee because Ms. Kelly could not attend the meeting.

2. [A26.162](#) Commission on Aging **APPROVED
ON CONSENT
AGENDA**
Peter J. Engelmann (D)
77 Aspen Lane
Stamford, CT 06903
Term Expires: 06/01/07
06/10/04 – Submitted by Mayor Dannel P. Malloy
06/30/04 – Held in Committee 8-0-0
07/06/04 – Held in Committee
07/27/04 – Committee approved 6-0-0

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|----------------------------|--|-----------------------------------|---|
| 3. A26.164 | <u>Traffic Hearing Officer</u>
Carmine Longo, Sr. (D)
830 Hope Street
Stamford, CT 06907
Term Expires: 12/01/05
07/07/05 – Submitted by Mayor Dannel P. Malloy
07/27/04 – Committee approved 6-0-0 | Reappointment
Term Exp. 12/1/3 | APPROVED
ON CONSENT
AGENDA |
| 4. A26.165 | <u>Traffic Hearing Officer</u>
Lori L. Longo-Legierse (D)
748 Hope Street
Stamford, CT 06907
Term Expires: 12/01/05
07/07/05 – Submitted by Mayor Dannel P. Malloy
07/27/04 – Committee approved 6-0-0 | Reappointment
Term Exp. 12/1/3 | APPROVED
ON CONSENT
AGENDA |

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 2 through 4, was approved by unanimous voice vote.

FISCAL COMMITTEE: Randy Skigen, Chair
 ([Attendance](#))
 ([Report](#))
Linda Cannady, Vice Chair
 Meeting: Monday, July 26, 2004
 7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, July 26, 2004. Present were Committee Member Reps. Skigen, DeLuca, DePina, Figueroa, Giordano, Hunter, Loglisci, Lyons and Mirkin. Reps. Cannady and Fedeli were excused. Also present were Joe Kennedy, Lou DeCarlo, Ron Devanney and Richard Priolo of the Police Department; Ellen Bromley and Bill Callion of the Office of Public, Safety & Health; Jay Sandak, attorney for the Police Union; Bob McGrath and John McCabe of the Stamford Fire Department; Antonio Iadarola of Engineering; and Peter Privitera of OPM.

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| 1. F26.420 &
F26.421
\$20,000.00 | ADDITIONAL APPROPRIATION (Grants Budget); (F26.420, \$10,000) Springdale Equipment & (F26.421, \$10,000) Glenbrook Equipment; Capital Equipment Other; to purchase breathing apparatus equipment for firefighters.
06/28/04 – Submitted by Mayor Dannel P. Malloy
07/08/04 – Approved by Board of Finance
07/26/04 – Committee approved 9-0-0 | APPROVED ON
CONSENT
AGENDA |
| 2. F26.422
\$25,000.00 | ADDITIONAL APPROPRIATION (Operating Budget); Employee Benefits; Social Security; to cover projected year end deficit. | APPROVED ON
CONSENT
AGENDA |

06/28/04 – Submitted by Mayor Dannel P. Malloy
07/08/04 – Approved by Board of Finance
07/26/04 – Committee approved 9-0-0

3. [F26.423](#)
\$900,000.00

ADDITIONAL APPROPRIATION (Operating Budget); Employee Benefits; Medical & Life; to cover projected year end deficit.
06/28/04 – Submitted by Mayor Dannel P. Malloy
07/08/04 – Approved by Board of Finance
07/26/04 – Committee approved 9-0-0

**APPROVED ON
CONSENT
AGENDA**

Secondary Committee: Personnel

Concur

4. [F26.424](#)

REVIEW; establishing new fees for police extra duty services.
07/06/04 – Submitted by Rep. DeLuca
07/26/04 – Report Made

**REPORT
MADE**

Chair Skigen reported that this item was reviewed this year. There were some disputes regarding the numbers that were contained in the report generated by OPM, and the committee had discussions regarding some of these numbers, such as bad debt, benefits charges and in particular whether workers' compensation charges should be included. It was agreed that Mr. Privitera will sit down with the union and with Don Whitting, the Risk Manager to discuss these matters and will report back to the September Committee.

5. [F26.412](#)
\$365,000.00
[\(memo\)](#)

ADDITIONAL APPROPRIATION (Operating Budget); Haulaway; Garbage; additional costs related to the State of Pennsylvania tax and increase in MSW volume.
06/08/04 – Submitted by Mayor Dannel P. Malloy
06/10/04 – Approved by Board of Finance
06/28/04 – Committee approved 8-0-0
07/06/04 – Failed by machine vote (13-21-0)
07/08/04 – Resubmitted by Mayor Dannel P. Malloy
07/26/04 – Committee approved 8-0-0

**APPROVED ON
CONSENT
AGENDA**

Secondary Committee: Operations

Concur 6-0-0

6. [F26.425](#) &
[F26.426](#)
\$311,465.00

ADDITIONAL APPROPRIATION; Smith House Administration; (F26.425 - \$163,937) to fund various year end deficits; Nursing Services/Overtime (F26.426 - \$147,528) to fund various deficits in overtime lines.
07/08/04 – Submitted by Mayor Dannel P. Malloy

**APPROVED ON
CONSENT
AGENDA**

07/08/04 - \$385,000 approved by Board of Finance
07/26/04 – Committee approved 9-0-0

Secondary Committee: Public Health & Safety

APP 9-0-0

7. F26.427 ADDITIONAL APPROPRIATION (Capital
\$250,000.00 Budget); Northeast School Sewage Disposal
Project: CIF# CP4957; appropriation of gift
monies from the Aquarian Water Company.
07/06/04 – Approved by Planning Board
07/08/04 – Approved by Board of Finance
07/26/04 – Committee approved 9-0-0

**APPROVED ON
CONSENT
AGENDA**

Secondary Committee: Operations

Concur 6-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 through 3 and 5 through 7, was approved by unanimous voice vote.

LEGISLATIVE & RULES COMMITTEE: Maria Nakian, Chair

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

[\(Attendance\)](#)

Jim Shapiro, Vice Chair

Meeting: Monday, July 19, 2004

7:00 p.m. – Democratic Caucus Room
- and -

Meeting: Monday, August 2, 2004

6:30 p.m. – Conference Room #1

Chair Nakian reported that the Legislative & Rules Committee met on Monday, July 19, 2004. Present were Committee Member Reps. Nakian, Esposito, Nowakowski, Spandow, Zelinsky, Greenberg, Browne and Layton. Excused were Reps. Mitchell and Shapiro. Also present was Tom Cassone, Corporation Counsel; and George Moschos the operator of the Patio Café.

1. [LR26.067](#) RESOLUTION; approving a lease agreement with
[Resolution](#) Domus Foundation for property located at 229
[Ethics Clause](#) North Street; term of lease: 5 years; amount of
[Letter](#) rent \$10.00.
06/29/04 – Submitted by Mayor Dannel P. Malloy
07/06/04 – Approved by Planning Board
07/19/04 – Committee approved 8-0-0
07/26/04 – Board of Finance approved 6-0-0 (as
amended)
08/02/04 – Committee voted 8-0-0 to amend and
6-0-0 for approval

**APPROVED BY
UNANIMOUS
VOICE VOTE
(as amended)**

Chair Nakian moved Item No. LR26.067; said motion was seconded. Chair Nakian reported that this item is to approve a lease agreement with Domus for city property

located at 229 North Street. The term of the lease is 5 years, and the amount of the rent is \$10 in total.

Chair Nakian stated that this is a rather complicated issue. The lease, as it was sent to our Board, was approved by the Committee at that meeting by a vote of 8-0-0. Subsequently, the Board of Finance held a special meeting on the 26th of July and approved the lease. However, they added to it a new section, section 28, which contains language prohibiting a “lessee from giving to any city employee or official any gift or any political contribution.” She added that everybody probably remembers that back in May, this Board passed ordinance No. 1031, which provided that any contract with the City, not lease, would have in it language saying that the contractor was prohibited from making gifts of money, goods, real or personal property or services. After much deliberation from our Board, it removed from the ordinance, with the knowledge and consent of Mr. Rubino, any language dealing with campaign contributions because we had from corporation counsel an opinion saying that this was an area that was reserved exclusively for the State. It is not mandated by our ordinance that this be added to a contract, and this is not even a contract – it is a lease, and language of this sort has never before been added to a lease. The Board of Finance approved this 6-0, and it came to the Board of Representatives in its amended form. Therefore, the Legislative & Rules Committee met again this evening with representatives Shapiro, Layton, Mitchell, Spandow, Nakian and Browne, which constituted a quorum, and voted on the lease, which is before the Board this evening, because it is the amended form, which is properly before us.

Chair Nakian stated that the Legislative & Rules Committee felt very strongly that it did not approve adding language to a lease based upon the opinion of a few people on the Board of Finance. It is a very complicated issue, there are many ramifications to be considered, and adding it to one contract means, in order not to discriminate against lessees, it would have to be added to all contracts. After discussion, the Committee voted 6-0-0 to delete the entire section 28 from the lease. The Committee then voted 6-0-0 to approve the lease as amended.

Chair Nakian moved that the Board amend the ordinance as recommended by the Legislative & Rules committee, which is removing section 28 from the lease. Said motion was seconded.

Rep. Loglisci asked whether this was a contract?

President Martin stated that without getting technical, he thinks what was meant is that it is not a purchasing contract that falls under the purchasing ordinance, it is in fact a lease which is technically a contract, but it is not under our purchasing ordinance.

The amendment was approved by unanimous voice vote. The lease was approved by unanimous voice vote.

2. LR26.060	PROPOSED ORDINANCE; for publication; amending the Code of Ethics and other sections of the Code of Ordinances relating to gifts. 03/03/04 – Submitted by the Democratic Caucus 03/22/04 – Held in Committee	HELD IN COMMITTEE
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04/07/04 – Held in Committee
05/18/04 – No quorum
06/07/04 – No action taken
07/06/04 – Held in Committee
07/19/04 – Held in Committee

3. [LR26.064](#)
[Resolution](#)

RESOLUTION and public hearing; approving a reinstatement and amendment to the 1999 Three-Party Purchase and Sale Agreement among the City, Wyeth and Collins Magee, LLC.
04/24/04 – Submitted by Mayor Dannel P. Malloy
05/13/04 – Withdrawn
05/18/04 – No quorum
06/01/04 – Approved by Planning Board
06/07/04 – No action taken
06/10/04 – Withdrawn by Board of Finance
06/21/04 – Committee approved 7-0-0
07/06/04 – Held by Board of Reps
07/08/04 – Approved by Board of Finance
07/19/04 – Committee approved 5-2-1

**APPROVED BY
MACHINE
VOTE (33-2-0)**

Chair Nakian moved Item No. LR26.064; said motion was seconded. Chair Nakian stated that this item was before the Committee the month before and approved. However, the Board of Finance had not approved it at that time, and it was held. They have now approved it, and the Committee re-voted on the agreement and it was approved. The item was approved by a machine vote of 33-2-0 (Reps. Browne and Mirkin opposed) ([See RCS Vote Record No. 542](#)).

4. [LR26.068](#)

APPROVAL; of a contract between the City of Stamford and the Patio Café for space at 888 Washington Boulevard; term of contract: 5 years; amount of contract: \$50,000 in improvements in Year 1 plus electrical expenses.
07/07/04 – Submitted by Mayor Dannel P. Malloy
07/19/04 – Committee approved 8-0-0

**HELD IN
COMMITTEE
BY
UNANIMOUS
VOICE VOTE**

Chair Nakian stated that Mr. Cassone requested this item be held because at the Board of Finance meeting, they were mistakenly given erroneous information on the amount of rent. In fact it is not a lease but a contract. Chair Nakian moved to hold Item No. LR26.068; said motion was seconded and approved by unanimous voice vote.

PERSONNEL COMMITTEE:
[\(Attendance\)](#)
[\(Votes\)](#)

Sanchia Spadow, Co-Chair
Mary Lisa Fedeli, Co-Chair
Meeting: Wednesday, July 28, 2004

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

Co-Chair Fedeli reported that the Personnel Committee met on Wednesday, July 28, 2004. Present were Committee Member Reps. Fedeli, Spadow, Figueroa, Boccuzzi, Loglisci, Browne, Pavia, Skigen, Layton and Nowakowski. Also present was Dennis Murphy, Director of Human Resources.

1. [P26.057](#) PROPOSED ORDINANCE; **for final adoption & public hearing**; establishing benefits for pay plan employees.
05/17/04 – Submitted by Fred Manfredonia
07/06/04 – Approved for publication
07/28/04 – Committee approved 8-0-0 **APPROVED ON CONSENT AGENDA**

2. P26.060 REVIEW; current labor negotiations policy.
07/06/04 – Submitted by Co-Chairs Fedeli & Spadow **REPORT MADE**
07/28/04 – Report Made

Co-Chair Fedeli stated that due to the nature of the topic, the Committee went into Executive Session.

3. [P26.052](#) APPROVAL; of revisions to the City's pay plan.
12/02/03 – Submitted by Fred Manfredonia
01/12/04 – Withdrawn **APPROVED ON CONSENT AGENDA**
07/08/04 – Approved by Board of Finance
12/16/03 – Committee approved 7-0-0

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

LAND USE COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Patrick White, Co-Chair

Harry Day, Co-Chair

Meeting: Wednesday, July 28, 2004

7:30 p.m. – Republican Caucus Room

Co-Chair Day reported that the Land Use Committee met on Wednesday, July 28, 2004. Present were Committee Member Reps. Day, White, Boccuzzi, Greenberg, Loglisci, Nakian and Spadow; Reps. Shapiro, Mitchell and Summerville were excused. Also present were Reps. Browne, Clear, DeLuca, Molgano and O'Neill; Robin Stein from Land Use; Tom Cassone, Corporation Counsel; Director of Operations Tim Curtin; Tom Bruccoleri, Engineering; Mani

Poola, Traffic Engineering; David Emerson from EPB; Milton Puryear from the Mill River Project.

1. [LU26.049](#) RESOLUTION; of the Code of Ordinances related to property owners with illegal units within their dwellings. **APPROVED BY UNANIMOUS VOICE VOTE** (Reps. Mitchell, DePina, and Summerville abstaining)
- 01/06/04 – Submitted by Rep. DeLuca
01/27/04 – Meeting Cancelled
02/17/04 – No action reported
03/01/04 – Report Made
03/29/04, 04/07/04, 05/24/04, 06/07/04, 07/06/04 – Held in Committee
07/28/04 – Committee suspended rules (7-0-0) and adopted resolution 7-0-0

Co-Chair Day stated that this matter has been under consideration for several months, and Mr. Day drafted a resolution expressing the Board's opinion on it. The Committee suspended its rules to take up the resolution and approved it 7-0-0. Chair Day moved to suspend the rules to take this resolution up; said motion was seconded and approved by unanimous voice vote.

Upon motion duly made and seconded, Item No. 1 was approved by unanimous voice vote (Reps. DePina, Mitchell and Summerville abstaining).

- 2 LU26.047 REVIEW; of the feasibility of instituting an architectural review board or commission as part of the land use permitting process. **REPORT MADE**
- 11/14/03 – Submitted by Reps. Browne & O'Neill
12/22/03, 01/05/04 – Held in Committee
01/27/04 – Meeting Cancelled
02/17/04 – No action reported
03/01/04 – Report Made
03/29/04 – No action reported
04/07/04; 05/24/04; 06/07/04, 07/06/04 – Held in Committee
07/28/04 – Report Made

Co-Chair Day stated that the Committee approved the formation of a sub-committee to be chaired by Rep. Greenberg to fully evaluate and study this matter; Reps. Spandow and Nakian agreed to be on the committee and Rep. O'Neill will participate as a non-voting member.

3. LU26.050 REVIEW; of decision to construct a pedestrian only bridge to replace a vehicular bridge over the Mill River **REPORT MADE**
- 07/12/04 – Submitted by Reps. Loglisci & O'Neill

07/28/04 – Report Made

Co-Chair Day stated that this item encompasses two issues: 1) whether it is a good idea to have a pedestrian bridge vs. a vehicular bridge. The Committee was most troubled to learn that the administration was going to proceed to do this without any approvals from city boards. Co-Chair Day stated at the February meeting, it was clear that every member of the Committee had serious reservations about the pedestrian bridge concept – not that they all necessarily opposed it but they had reservations about it. The Committee felt the administration would come back to the committee on it. Mr. Cassone indicated that they determined they needed no authority to decide to proceed. There was considerable discussion on the item, and Mr. Day asked hypothetically what if someone in the administration wanted to change Broad Street from a roadway to a pedestrian way. Intuitively, the Planning Board should have something to say about that and the Board of Representatives should have something to say about it. Rep. Day stated that Rep. Nakian cited Charter C8-61, which involves the Board of Representatives in this type of matter – even if the provision doesn't exactly apply. The Committee did not feel the Charter section was irrelevant.

Co-Chair Day stated that the Committee also raised the question if this constitutes a substantial change under the Mill River Corridor Plan, and Mr. Cassone's answer was that the plan talks about a park, not roadways. However, Mr. Day feels that the Plan talks about Washington Boulevard. There is also a map appended to the Mill River plan that shows streets that are discontinued, and it doesn't show this one. The Plan specifically shows Main Street as a continuing road.

Co-Chair Day stated that Rep. Loglisci spoke at length about the implications to this concept, and whether it is formally required or not, it should come before the Board of Representatives if not the full Planning Board. It was the consensus of the Committee that Mr. Cassone further research the issue and encourage the administration to submit the matter for approval, even if he continues to conclude that the approval is not formally required.

President Martin stated that some people know that he feels a pedestrian bridge may be the wiser course at this time, but there are important legal issues being raised and he will request a formal written opinion from Corporation Counsel.

Rep. Loglisci stated that when the Plan was approved, the URC said they would come before this Board for permission to make changes like this, and that this Board was to have a say in every part of this Mill River Corridor. He sees this as the first effort to bypass this Board, and the Board must be very vigilant and make sure that what goes on in this Plan is approved by this Board.

OPERATIONS COMMITTEE:

John R. Zelinsky, Co-Chair

[\(Attendance\)](#)

Scott Mirkin, Co-Chair

[\(Votes\)](#)

Meeting: Wednesday, July 21, 2004

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

Co-chair Zelinsky reported that the Operations Committee met on Wednesday, July 21, 2004. Present were Committee Member Reps. Zelinsky, Fahan, Day, Hunter, Coppola and O'Neill; excused were Reps. Mirkin, Pavia and McDermott; Reps. Adams and White were absent. Also present were Rep. DeLuca; Director of Operations Tim Curtin and Engineering Bureau Chief Antonio Iadarola.

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| 1. O26.058 | REVIEW; WPCA's resolution regarding 90-day requirement for hooking to sanitary sewers.
06/21/04 – Submitted by President David Martin
07/21/04 – Report Made | REPORT MADE
AND HELD IN
COMMITTEE |
|----------------------------|--|--|

Co-chair Zelinsky stated that Director Curtin answered questions and handed out possible word changes to the current WPCA ordinance. The wording will be forwarded to the Law Department for review and final language. Mr. Cassone and Mr. Curtin will be invited to the next meeting. The item was held.

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| 2. O26.059 | REVIEW; repair Rotary/Traffic Island at High Clear and Dann Drive.
07/08/04 – Submitted by Gabe DeLuca
07/21/04 – Report Made | REPORT
MADE |
|------------|---|------------------------|

Co-chair Zelinsky stated that Director Curtin reported that work was completed.

Co-chair Zelinsky stated that Rep. Fahan will be resigning from the Board later this month, and he stated that Rep. Fahan was a conscientious, hard-working representative not only for his district but also an asset to the Operations Committee and will be sorely missed. Co-chair Zelinsky wished Rep. Fahan the best of luck in his future endeavors.

Rep. Fahan asked to reserve comments for later tonight and thanked Rep. Zelinsky for his comments.

**PUBLIC SAFETY &
HEALTH COMMITTEE:**

Richard Lyons II, Chair

[\(Attendance\)](#)

Gail Clear, Vice Chair

[\(Votes\)](#)

Meeting: Thursday, July 29, 2004

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on Thursday, July 29, 2004. Present were Committee Member Reps. Lyons, Clear, Coppola, DeLuca, Blackwell, Kernan, Pia, Mirkin and Zelinsky; absent were Reps. DePina and Adams. Also present were Rep. Loglisci; Police Chief Lou DeCarlo; Chief Frank Lagan; Fire Marshall Barry Callahan; Director of Legal Affairs Tom Cassone; Ellen Bromley; and Haven Health Care representatives.

1. PS26.051 REVIEW; regulation and use of pocket bikes in the City of Stamford. **REPORT MADE AND HELD IN COMMITTEE**
07/06/04 – Submitted by Reps. Boccuzzi, Fedeli & Loglisci
07/29/04 – Report Made

President Martin noted that normally the State reserves all action with regard to any type of vehicle on a state or city street, and the City has no authority on any moving violations with the exception of parking tickets. It appears this particular area, pocket bikes, has not been regulated by the State. There may come a time when it is, but until then, it is a pretty serious issue, and President Martin encouraged everyone to pay attention as this puts the Board in a new legal area. The Board may in fact be adopting a model ordinance for other cities in the State of Connecticut.

2. PS26.052 REVIEW; of Code of Ordinances Chapter 74 Amusements, Chapter 81 Bazaars and Raffles and Chapter 187 Public Gatherings. **REPORT MADE**
07/06/04 – Submitted by Reps. Lyons, White and Clear
07/29/04 – Report Made
3. PS26.054 REVIEW; of State Regulations regarding the use and sale of Fireworks. **REPORT MADE AND HELD IN COMMITTEE**
07/07/04 – Submitted by Reps. Lyons & Coppola
07/29/04 – Report Made

Suspension of Rules:

The Committee took up under suspension of the rules the following item. The item is time-sensitive and is a contract extension with Haven Health Care to continue to operate Smith House while the RFPs for a new vendor are reviewed.

Upon motion duly made and seconded, the rules were suspended to take up an item not appearing on the agenda.

4. [PS26.053](#) APPROVAL; of contract with Haven Health for management of Smith House. **APPROVED BY UNANIMOUS VOICE VOTE (as amended)**
07/29/04 – Submitted by Mayor Dannel P. Malloy
07/29/04 – Committee suspended rules 7-0-0 and approved 8-0-0

Chair Lyons moved Item No. PS26.053; said motion was seconded. Chair Lyons stated that this was sent to the Board Office on July 8, 2004. There are several external factors that have affected the RFP process. It is a simple extension of the original agreement with Roncalli Healthcare, which was then superseded by Haven Healthcare.

Chair Lyons stated that this is a boiler plate extension from the legal department, and he moved the item; said motion was seconded.

Rep. Nakian moved to amend the contract, to delete from this extension Section 3, gifts and political contributions, to take out that language and substitute for it the language which is in Ordinance 1031, which was approved by our Board in May of this year, which prohibits making gifts of money, goods, real or personal property or services, but does not deal with campaign contributions. Rep. Nakian's motion is to delete Section 6 and replace it with the language, which is mandated by Ordinance 1031.

A motion to amend the language to confirm with Ordinance No. 1031 by removing Section 3 and replacing it with the following language:

“During the term of this contract, including any extensions, Haven Health Care shall refrain from making gifts of money, goods, real or personal property or services to any appointed or elected official or employee of the City of Stamford or the Stamford Board of Education or any appointed or elected official or employee of their Boards, Commissions, Departments, Agencies or Authorities. All references to the Contractor shall include its officers, directors, employees, and owners of more than 5% equity in the contractor. Violation of this provision shall constitute a material breach of this Agreement, for which this Agreement may be summarily terminated.:

Rep. Mirkin stated that if we change language, this becomes a new contract.

Chair Lyons stated that if it is as simple as that, no one would have added Section 3 to this boilerplate extension, and the language that was added is clearly not the language that this Board adopted as municipal law, codified by Ordinance No. 1031. Chair Lyons stated he became aware of it after the Committee meeting, and it should be eliminated.

Rep. Skigen stated that if we were to have a simple extension of the contract, neither the language that was adopted in May nor the language that was adopted in front of us would be before us as neither were in the original Roncalli contract. If we are going to have either of these in, what the Board set as policy is preferable to something that violates that policy.

Said motion was seconded and approved by a machine vote of 25-11-0 (Reps. Benyus, Coppola, Day, DeLuca, Fedeli, Greenberg, Loglisci, McDermott, Mirkin, Molgano and Pavia opposed; Reps. Blackwell, Boccuzzi, Browne, Cannady, Clear, DePina, Fahan, Giordano, Hunter, Kernan, Layton, Lyons, Martin, McCullen, Mitchell, Nakian, Nowakowski, O'Neill, Pia, Shapiro, Skigen, Spadow, Summerville and White in favor) ([See RCS Vote Record No. 543](#)).

The main motion was approved by unanimous voice vote.

PARKS AND

RECREATION COMMITTEE: Linda Cannady, Co-Chair
Steve McDermott, Co-Chair

No meeting; no report.

EDUCATION COMMITTEE: Brian O'Neill, Co-Chair
Thomas Hunter, Co-Chair
Meeting: Thursday, July 22, 2004
7:00 p.m. – Democratic Caucus Room

Co-chair O'Neill reported that the Education Committee met on Thursday, July 22, 2004. The Education Committee report will be given under the State & Commerce Committee report.

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|-------------|---|------------------------|
| 1. SC26.006 | REVIEW; reimbursement and allocation of funding for the City of Stamford with regard to grants and direct reimbursements. | REPORT
MADE |
| | 06/09/04 – Submitted by 26 th Board | |
| | 06/30/04 – Report Made | |
| | 07/06/04 – Report Made | |
| | 07/22/04 – Report Made | |

Co-Committee: State & Commerce

STATE & COMMERCE COMMITTEE: Jim Shapiro, Chair
[\(Attendance\)](#) John Morrow, Vice Chair
Meeting: Thursday, July 22 2004
7:00 p.m. – Democratic Caucus Room

Chair Shapiro reported that the State & Commerce Committee met on July 22, 2004, in conjunction with the Education Committee. Present for the State & Commerce Committee were Committee Member Reps. Shapiro, Morrow, Day,

DeLuca, Fedeli, Nakian and Spadow; excused were Reps. Skigen, Summerville, Greenberg and Esposito.

1. SC26.006 REVIEW; reimbursement and allocation of funding for the City of Stamford with regard to grants and direct reimbursements. **REPORT MADE**
06/09/04 – Submitted by 26th Board
06/30/04 – Report Made
07/06/04 – Report Made
07/22/04 – Report Made

Co-Committee: Education

Chair Shapiro stated that Speaker of the House Lyons and State Representative Carlo Leone along with Ben Barnes were invited to address education funding issues. Speaker Lyons talked about the difficulties changing the ECS formula, not including that monies added in to the ECS on behalf of one town automatically adds funds to the other cities and towns. She said that the priority schools grants is a pool of money that Stamford does particularly well under, and she would highlight for the Board of Representatives ways in which we could maximize grants in that area that would benefit Stamford. She also laid out a road map for the next session, whereby Stamford would benefit from a variety of projects that were in the pipeline.

Rep. Loglisci stated that while he thanks Moira Lyons for assistance in getting funds, one of the problems at the State level is that they believe that people in Fairfield County believe we cannot change the law. We were looked at incredulously at that idea and that we should accept it. Rep. Loglisci stated that when you are an aberration and no one else suffers the same thing we do, maybe the State can do better than to leave us out here always so that we are always fighting with our Board of Ed, while the funds that should be given to us go elsewhere. Rep. Loglisci stated that people at the State level should not accept that, and we should let them know that.

Chair Shapiro stated that he heard something different at the meeting. He stated that Speaker Lyons acknowledged the difficulty of Stamford's position, but he never heard her say it couldn't be changed but she did say it would be difficult. While we can proceed that path, in conjunction with other changes, we should pursue this.

Rep. Day stated that he maintains that legal action should not be dismissed as a step by the City of Stamford, and it may be based on a discrimination theory. Speaker Lyons told Rep. Day that we absolutely cannot do that because the reason we are in this spot is because of a lawsuit. Rep. Day stated that the Sheff lawsuit would not hold that Stamford has to be treated like Greenwich and New Canaan. There is an anomaly in the formula that has a certain cap that has the effect of placing Stamford in the same situation as our wealthier neighbors. If

nothing else, the lawsuit would increase our leverage to get the legislature to focus on the complete and total unfairness of this formula.

Rep. Hunter stated that the formula is clearly unfair, but the purpose of the meeting was to develop potential avenues to increase our revenues from the State and it is an inclusive effort. Therefore, the Committee is considering a lawsuit along with many other ideas.

Rep. Lyons stated he echoes the sentiments of Rep. Day. In five years, we have not seen anything but a pittance trickle down from Hartford, and as long as we have to fight 168 other municipalities and their coalitions, there is no way we will get our fair share. The only way it will happen is through a judge's gavel or through forcing a settlement through a lawsuit.

Rep. Zelinsky stated one of his constituents attended the Education Committee meeting and explained how the ECS grants are given to municipalities, and he mentioned that the only way Stamford could get the proper funding for our children would be a possible lawsuit. Rep. Zelinsky wants the lawsuit possibility considered.

Rep. Hunter stated that the Committees are not excluding a lawsuit, but he cautions members that we are unlikely to have allies in a lawsuit because our position is unique. Second, a lawsuit will take about 6 years and will cost several million dollars. So, we have to take careful consideration when deciding whether to enter into a lawsuit.

Chair Shapiro stated that one of the issues Tom Cassone is looking at is whether Stamford has standing to sue, and the kind of lawsuit that Rep. Day is talking about sounds like an individual's taxpayer suit.

2. [SC26.007](#) REVIEW: Aquarion Water Company's requested 14%-72% rate hike before the State Department of Public Utility Control, and Aquarion's long term water facility and supply plans for Stamford. **REPORT MADE**
06/09/04 – Submitted by 26th Board
06/30/04 – Report Made
07/22/04 – Report Made

Chair Shapiro stated that the Committee discussed action and decided to send a letter based on the Committee's findings, through the president, to address the initial 11.5% hike, which resulted from a variety of improvements, including the Roxbury water tank, increased pipes from the Ridgefield connection and various hydrant improvements. Since there was not an increase since 1996, and it was going to result in a \$26-27 annual increase, and people did need these improvements, the committee did not recommend to the full Board against the initial hike. However, there is a second hike coming down the road, which we are all aware of, which could be 58%, which could be a large number, however,

Aquarion has not yet proposed it to the DPUC, so the Committee did not take a position on it yet until the matter could be reviewed. The letter to the DPUC states we reserve the right to make recommendations on the second rate increase.

HOUSING/COMMUNITY DEVELOPMENT/

SOCIAL SERVICES COMMITTEE: Elaine Mitchell, Chair
Philip Giordano, Vice Chair

No meeting. No report.

TRANSPORTATION COMMITTEE: Robert “Gabe” DeLuca, Chair
John Fahan, Vice Chair
[\(Attendance\)](#)
[\(Votes\)](#)
[\(Report\)](#)
Meeting: Tuesday, July 20, 2004
7:00 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on Tuesday, July 20, 2004. Present were Committee Member Reps. DeLuca, Fahan, Kernan, Giordano and Zelinsky. Also present were Rep. Molgano; Ellen Bromley and a former Dial-a-ride driver.

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| 1. T26.053 | RESOLUTION; approving an agreement with Norwalk Transit District for Stamford’s Senior Transportation Program.
06/22/04 – Submitted by Mayor Dannel P. Malloy
07/08/04 – Approved by Board of Finance
07/20/04 – Committee approved 5-0-0 | APPROVED
ON CONSENT
AGENDA |
|----------------------------|--|---|

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

Chair DeLuca thanked John Fahan for being a dedicated vice chair of the Transportation Committee.

Rep. Fahan thanked Mr. DeLuca for his comments.

SPECIAL COMMITTEES

CHARTER COMMITTEE: Maria Nakian, Co-Chair
Robert “Gabe” DeLuca, Co-Chair
[\(Attendance\)](#)
[\(Report\)](#)
Meeting: Tuesday, July 27, 2004
8:00 p.m. – Democratic Caucus Room

Co-Chair reported that the Charter Committee met on Tuesday, July 27, 2004. Present were Committee Member Reps. Day, DeLuca, Lyons, Nakian, Skigen and Spandow present; Reps. Summerville, Fedeli and Benyus were excused. Also present was Rich Wareing, the attorney whom the Board has hired to work with the Committee in preparing the questions for the ballot.

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|----|---|---|
| 1. | Charter Revision questions for the November 2, 2004 ballot.
06/14/04 – Submitted by Steering Committee
07/27/04 – Committee approved questions
6-0-0 | APPROVED
ON CONSENT
AGENDA |
|----|---|---|

Chair Nakian stated that the Committee discussed the questions and came up with ten questions, specifically limited to one subject, purposefully phrased as succinctly as possible so that the entire question can be on the ballot rather than in abbreviated form. All questions were distributed to all members. Chair Nakian moved a resolution approving the questions; said motion was seconded. Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 1, was approved by unanimous voice vote.

Chair Nakian stated that in the long process of charter revision, the last step is to do an explanation of the questions, but at this point she thanked the members of the Committee for all the time and effort they put into the process. She thanked Rep. DeLuca as co-chair.

**EDUCATION BUDGET
COMMITTEE: Randall Skigen, Chair**

No meeting. No Report.

President Martin announced that the Education Budget Committee is now disbanded.

RESOLUTIONS

MINUTES

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|----|--|---|
| 1. | June 7, 2004 Regular Board Meeting | APPROVED BY
UNANIMOUS
VOICE VOTE |
|----|--|---|

2. [June 14, 2004 Special Board Meeting](#)

**APPROVED
BY
UNANIMOUS
VOICE VOTE**

3. [July 6, 2004 Regular Board Meeting](#)

**APPROVED BY
UNANIMOUS
VOICE VOTE**

COMMUNICATIONS

1. Gabe DeLuca announced the ballgame would be held on August 19, 2004 at 5:30 p.m. at Belltown Field.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:14 p.m.