

The Regular Meeting of the 26th Board of Representatives of the City of Stamford was held Monday, March 7, 2005 in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.

MINUTES

President Martin called the meeting to order at 9:55 p.m.

INVOCATION: By Representative Harry Day

“Dear Heavenly Father: We thank You for our blessings of liberty and free government. We pray that You grant to us the wisdom to make our decisions solely in the best interests of all our fellow citizens, free of rancor and favor; that You guide us on a path of enlightenment so that we may meet the fair expectations and hopes of those who have entrusted to us their representation; and that You continue to bless this wonderful City, our State and our beloved United States of America, and the devoted men and women who risk their lives to keep us free and safe.”

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 thirty-eight members present and one member absent (Rep. Fedeli). (Note: Rep. Mitchell arrived after roll call, bringing the total to thirty-nine members present.)

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

MOMENTS OF SILENCE: For the late:

Rep. George Schilling by Rep. Boccuzzi; Michael V. Sette by Reps. Fedeli, Zelinsky, Giordano and Boccuzzi; Philomena Mancusa by Rep. Fedeli; Antoinette M. Ciliherto; Emily K. Dudek; Joseph F. Turturino; Adeline O. Poltrack and Anthony J. Pryzypek by Reps. Giordano and Zelinsky; Carmela Cortese; James Davis, Jr.; Mary Panucci Slesh; Chris P. Spanos and Harold Bud Horton by Rep. Giordano; Virginia Cammarota; Dorothy G. Memale; Joann R. Catino; Anthony

Burriesci; Theresa DeCarlo; Christopher Edward Carroll; John V. Dedura; Mildred J. Chrostowski; Alfred W. Michelson; George S. Sotel; Geraldine Osuch; Anita J. Foley; and Leonard Ruszkowski by Rep. Zelinsky.

COMMUNICATIONS:

1. President Martin announced that on Saturday, March 12, 2005, a tour of the Clairol Property will be held. All representatives must notify the Board Office if they intend to participate.
2. President Martin announced that next Monday, March 14, 2005, the Mayor will present his budget to the Fiscal Committee after the Steering Committee meets. All members are invited to attend.

STEERING COMMITTEE: Wednesday, February 16, 2005
[\(Report\)](#) 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.

Rep. Esposito moved to take the State & Commerce Committee Report out of order. Said motion was seconded and approved by unanimous voice vote.

STATE & COMMERCE COMMITTEE: **Paul Esposito, Chair**
[\(Attendance\)](#) **John Morrow, Vice Chair**
[\(Votes\)](#) Meeting: Thursday, March 3, 2005
7:30 p.m. – Legislative Chambers

Chair Esposito reported that the State & Commerce Committee met on Thursday, March 3, 2005. Present were Committee Member Reps. Esposito, Morrow, Day, Greenberg, DeLuca, Fedeli, Rauh, Skigen, Diamond and Nakian. Also present were Reps. O'Neill, Hunter and Zelinsky; members of the public and an Advocate reporter.

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|--------------------------------------|---|---|
| 1. SC26.010 Contract | RESOLUTION; for public hearing ; approving the acquisition of 2 Blachley Road from Proctor & Gamble for the sum of \$15.6 million.
01/05/05 – Submitted by Mayor Dannel P. Malloy
02/08/05 – Approved by Planning Board
2/10/05 – To be considered by Board of Finance
01/26/05 – Report Made & approved for publication
02/07/05 – Report Made & approved for public | HELD IN
COMMITTEE
BY MACHINE
VOTE 34-3-0 |
|--------------------------------------|---|---|

hearing by 26th Board
02/14/05 – Approved by Board of Finance 4-2-0
03/03/05 – Motion to Hold defeated (5-5); Motion to
Approve defeated (5-5)

Chair Esposito reported that a meeting and public hearing was held on Item No. SC26.010. Members of the public spoke, and then the committee defeated 5-5 a vote to hold. The Committee then entertained a motion to approve, and this motion was defeated 5-5.

Chair Esposito moved to hold Item No. SC26.010. Said motion was seconded and approved by a machine vote of 34-3-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, DeLuca, Diamond, Esposito, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, Lyons, Martin, McCullen, McDermott, Mirkin, Molgano, Munger, Nowakowski, O’Neill, Pavia, Pia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps Day, Morrow and Nakian opposed) (See [Vote Record No. 587](#)).

Rep. Mitchell arrived at 10:13 p.m.

STANDING COMMITTEES

APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Paul A. Esposito, Vice Chair

Meeting: Tuesday, February 22, 2005

7:00 p.m. – Democratic Caucus Room

Chair Summerville reported that the Appointments Committee met on Tuesday, February 22, 2005. Present were Committee Member Reps. Summerville, Blackwell, Boccuzzi, Coppola, Molgano, Nowakowski and Munger. Excused were Reps. DePina and Layton. Absent was Rep. Kernan.

1. [A26.195](#) Social Services Commission **APPROVED
ON CONSENT
AGENDA**
Suzanne Doyle (D) *Reappointment*
1197 Hope Street *(Term Exp. 12/01/04)*
Stamford, CT 06907
Term Expire: 12/01/07
01/25/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0
2. [A26.185](#) Health Commission **APPROVED
ON CONSENT
AGENDA**
Thomas R. Getreuer, DDS (D)
95 Morgan Street, Apt.1A *Repl. Kopec*
Stamford, CT 06905 *(Term Exp. 12/01/04)*
12/01/07 – Term Expires
01/25/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0

3. [A26.189](#) Board of Ethics
Daniel M. Young (D) *Repl. Kaplan*
20 Fieldstone Terrace *(Term Exp. 06/30/04)*
Stamford, CT 06902
Term Expires: 06/30/09
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0
4. [A26.183](#) Golf Commission
Alice F. Lyons (D) *Reappointment*
38 Van Rensselaer Avenue *(Term Exp. 12/01/04)*
Stamford, CT 06902
Term Expires: 12/01/07
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0
5. [A26.184](#) Golf Commission
John Valmis (D) *Reappointment*
16-3 Bouton Street East *(Term Exp. 12/01/04)*
Stamford, CT 06907
Term Expires: 12/01/07
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0
6. [A26.191](#) Tax Assessment Board of Appeals
Leslie Gordon (D) *Repl. Hogan*
211 West Lane *(Term Exp. 12/01/06)*
Stamford, CT 06905
Term Expires: 12/01/06
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0
7. [A26.193](#) Police Commission
Stephen G. Maloney (D) *Reappointment*
1766 Shippin Avenue *(Term Exp. 11/30/04)*
Stamford, CT 06902
Term Expires: 11/30/07
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0
8. [A26.187](#) Zoning Board
Jacquelin Heftman (D) *Reappointment*
97 Acre View Drive *(Term Exp. 12/01/04)*
- APPROVED
ON CONSENT
AGENDA**
- APPROVED
ON CONSENT
AGENDA** (Rep.
Lyons abstained)
- APPROVED
ON CONSENT
AGENDA** (Rep.
DeLuca opposed)
- APPROVED
ON CONSENT
AGENDA**
- APPROVED
ON CONSENT
AGENDA** (Rep.
Franzetti
abstained)
- APPROVED
BY MACHINE
VOTE 30-5-2**

Stamford, CT 06903
Term Expires: 12/01/07
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0

Rep. Day asked that Item No. 8 be removed from the Consent Agenda. Chair Summerville stated that Ms. Heftman is up for re-appointment, and the Committee approved the appointment by a vote of 7-0-0.

Chair Summerville moved to approve Item No. A26.187 was made and seconded. Said motion was approved by a machine vote of 30-5-2 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Diamond, Esposito, Figueroa, Franzetti, Giordano, Hunter, Kernan, Lyons, Martin, McCullen, McDermott, Mitchell, Molgano, Munger, Nakian, Nowakowski, Pia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. DeLuca, Layton, Mirkin, Morrow and Pavia opposed; Reps. Day and Greenberg abstaining) ([RCS Vote Record No. 588](#)).

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| 9. A26.182 | <u>Economic Development Commission</u>
Joel P. Selden (D) <i>Reappointment</i>
165 Echo Hill Drive (<i>Term Exp. 12/01/04</i>)
Stamford, CT 06902
Term Expires: 12/01/07
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 10. A26.196 | <u>Southwestern Regional Tourism District</u>
Eric Churchill (D) <i>Repl. Blume</i>
500 Bedford Street #139 (<i>Term Exp. 06/30/05</i>)
Stamford, CT 06901
Term Expires: 06/30/05
02/03/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – No action taken | HELD IN
COMMITTEE |

Chair Summerville reported that Item No. A26.196 was held due to a scheduling conflict with the applicant.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 through 7 and No. 9 above, was approved by voice vote (Rep. Lyons abstaining on Item No. 4; Rep. DeLuca opposing Item No. 5; Rep Franzetti abstaining on Item No. 7).

FISCAL COMMITTEE: **Randall Skigen, Chair**
[\(Attendance\)](#) **Linda Cannady, Vice Chair**

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

Meeting: Wednesday, March 2, 2005
7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Wednesday, March 2, 2005. Present were Committee Member Reps. Skigen, Cannady, Lyons, Mirkin, Day, DeLuca, Fedeli, Giordano, Hunter and DePina. Also present were Clerk of the Board Summerville, Reps. Boccuzzi and Greenberg; Peter Privitera, Director of OPM; Bill Callion, Director of Public Safety, Health & Welfare, Bob Bennett of the Long Ridge Fire Company; Pat Battinelli of Patriotic & Special Events; Sandy Dennies of the Grants Office and Fire Chief McGrath.

1. [F26.488](#) CONTRACT APPROVAL; of an agreement between the City and MGT of America for an audit of the Board of Education's Special Education Program. **HELD IN COMMITTEE**
12/27/04 – Submitted by Mayor Dannel P. Malloy
01/31/05 – Held in Committee
02/07/05 – Held by 26th Board
03/02/05 – Held in Committee

Chair Skigen reported that this item was held as Mr. Abbazia of the Board of Finance was unable to attend.

2. [F26.504](#) GRANT RESOLUTION; authorizing an agreement with the State of CT for a \$2,500 grant for the Patriotic & Special Events Commission; to bring Marine Band from Albany, Georgia, for the Memorial Day Parade. **APPROVED ON CONSENT AGENDA**
02/09/05 – Submitted by Mayor Dannel P. Malloy
03/02/05 – Committee approved 7-0-0

3. [F26.471](#) ADDITIONAL APPROPRIATION (Capital Budget); **WITHDRAWN FROM AGENDA**
\$100,000.00 Engineering; relating to Terry Conners Ice Rink.
11/29/04 – Submitted by Mayor Dannel P. Malloy
12/07/04 – Approved by Planning Board
12/09/04 – Approved by Board of Finance
12/20/04 – Committee approved 8-0-0
12/27/04 – Withdrawn by Administration
01/03/05 – Held in Committee
01/31/05 – Held in Committee
02/07/05 – Held by 26th Board
03/02/05 – Item Withdrawn

Secondary Committee: Parks & Recreation

4. [F26.494](#) ADDITIONAL APPROPRIATION (Capital Budget); **HELD IN COMMITTEE BY VOICE VOTE**
\$40,000.00 Engineering; Rinks; to facilitate the feasibility and initial design and bid specifications for a second ice

rink.
01/19/05 – Submitted by Mayor Dannel P. Malloy
02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 4-1-2 (with letter
from administration to be provided by 3/7/5)

(Rep. Pavia
abstaining)

Secondary Committee: Parks & Recreation

Chair Skigen reported that the Committee approved the Item 4-1-2, with a proviso that a letter was to come from the Administration stating that they would not move forward with the use of any of these funds without coming back to the Board. A letter dated March 4, 2005, from Mr. Barnes to Mr. Martin, in which Mr. Barnes indicated that normally our procedure is to appropriate the full amount of the grant and then apply for reimbursement from the State as we spend the money. However, in this case, the State has agreed that they will reimburse the City for the \$56,733.50 that has been previously spent on a feasibility study for a second ice rink.

Chair Skigen stated that Mr. Barnes writes: "They indicate that should the City boards determine that the City does not want to move forward with the second rink, the City can make a written request to the Commissioner of the Department of Environmental Protection to use the remainder of the grant, totaling \$43,266.50 to fund one of the remaining portions of the Cove Island Improvement Programs passed by the State Bond Commission – the seawall restoration, wildlife sanctuary or the estuarine habitat restoration project. Approval of any proposed change to the agreement will remain at the sole discretion of the Commissioner of DEP. Given this information," Mr. Barnes writes, "I believe that the Board of Representatives has an option of not appropriating the \$40,000 for Terry Conners Ice rink at this time. Those funds can only reimburse the City for its architectural engineering feasibility study, design, development and preparation of construction documents for a new ice rink adjacent to the existing Terry Conners Ice rink. Should a determination be made at a later date to the appropriate use of the funds, with the concurrence of the Commissioner, the Boards could then appropriate the funds for use during the grant period to the appropriate project capital account." Chair Skigen stated that in view of Mr. Barnes' letter, he moved to hold Item No. F26.494; said motion was seconded and approved by a voice vote (Rep. Pavia abstaining).

5 [F26.505](#)
\$14,682.00

ADDITIONAL APPROPRIATION (Grants Budget);
Czescik Marina Pump; to fund replacement of a
peristaltic hose pump at the Czescik Marina;
includes 25% city match.
02/15/05 – Submitted by Mayor Dannel P. Malloy
03/02/05 – Committee approved 7-0-0

**APPROVED
ON CONSENT
AGENDA**

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| 6. F26.506
\$2,500.00 | ADDITIONAL APPROPRIATION (Grants Budget); Memorial Day Parade Grant; Contracted Services; to bring Marine Band from Albany, Georgia to perform in the Memorial Day Parade.
02/15/05 – Submitted by Mayor Dannel P. Malloy
03/02/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 7. F26.502
\$2,722.00 | ADDITIONAL APPROPRIATION (Grants Budget); 911 Telecommunications; Salaries; grant funds partial salary reimbursement; represents increase in amount allocated under grant.
02/08/05 – Submitted by Mayor Dannel P. Malloy
03/02/05 – Committee approved 6-0-0 | APPROVED
ON CONSENT
AGENDA |
| 8. F26.503
\$7,000.00 | ADDITIONAL APPROPRIATION (Grants Budget); Urban Forestry Grant; Contracted Services; DEP grant used toward developing a plan to remove invasive plant species from Rosa Hartman Park; requires \$7,000 match to be funded by in-kind services.
02/08/05 – Submitted by Mayor Dannel P. Malloy
03/02/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 9. F26.499
\$323,308.00 | ADDITIONAL APPROPRIATION (Operating Budget); Stamford Fire Department; Salaries; to cover contractual salary increases for Local #786 Collective Bargaining Agreement for the period 7/1/4 to 6/30/5.
01/26/05 – Submitted by Mayor Dannel P. Malloy
02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA (Rep. Munger abstaining) |

Secondary Committee: Personnel

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

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| 10. F26.498
\$99,192.00 | ADDITIONAL APPROPRIATION (Operating Budget); Stamford Fire Department; Overtime; to cover contractual salary increases for Local #786 Collective Bargaining Agreement for the period 7/1/4 to 6/30/5.
01/26/05 – Submitted by Mayor Dannel P. Malloy
02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA (Rep. Munger abstaining) |
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Secondary Committee: Personnel

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

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| 11. F26.500
\$15,000.00 | ADDITIONAL APPROPRIATION (Operating Budget); Long Ridge Fire Department; to fund increased operating expenses.
01/31/05 – Submitted by Mayor Dannel P. Malloy
02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 12. F26.501
\$25,000.00 | ADDITIONAL APPROPRIATION (Operating Budget); Harbor Master; Professional Consultant; to fund a Harbor Master Plan.
01/26/05 – Submitted by Mayor Dannel P. Malloy
02/10/05 – HELD by Board of Finance
03/02/05 – Held in Committee | HELD IN
COMMITTEE |

Secondary Committee: Parks & Recreation Committee

Chair Skigen reported that this Item has not yet been approved by the Board of Finance.

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| 13. F26.495
\$10,000.00 | ADDITIONAL APPROPRIATION (Operating Budget); Law; Professional Consultants; to contribute City's pro-rata share of its membership in the Connecticut Coalition for Justice in Education Funding.
01/28/05 – Submitted by Mayor Dannel P. Malloy
02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 14. F26.480
\$25,000.00 | ADDITIONAL APPROPRIATION (Capital Budget); Smith House; Boiler Replacement; to fund new piping and pumps on boilers.
01/05/04 – Submitted by Mayor Dannel P. Malloy
01/13/05 – Withdrawn by Board of Finance (<i>as PB had not acted upon</i>)
01/18/05 – Approved by Planning Board
01/31/05 – Held in Committee
02/07/05 – Held by 26 th Board
02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |

15. [F26.455](#) ADDITIONAL APPROPRIATION (Capital Budget);
\$1,600,000.00 Office of the Mayor; Housing Development Fund;
represents funds received in lieu of set-aside
affordable housing units and must be appropriated
for affordable housing purposes.
10/05/04 – Submitted by Mayor Dannel P. Malloy
10/12/04 – Approved by Planning Board
11/08/04 – Defeated by Board of Finance 3-2-1
11/29/04 – Held in Committee
12/09/04 – Defeated by Board of Finance 3-2-0
12/06/04 – Held by 26th Board
12/13/04 – Held in Steering Committee
01/31/05 – Held in Committee
02/07/05 – Held by 26th Board
03/02/05 – No action taken

**HELD IN
COMMITTEE**

Secondary Committee: *Housing/Community Development
Social Services*

Chair Skigen reported that this item was held as it had not yet been approved by the Board of Finance.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 2, 5-11, 13 and 14, was approved by voice vote (Rep. Pavia abstaining on Item 4; Rep. Munger abstaining on Item Nos. 9 and 10).

Chair Skigen stated that the Mayor will be presenting the City budget to the Fiscal Committee on Monday the 14th (after Steering). The public hearing will be held on Monday the 21st at Westhill High School.

LEGISLATIVE & RULES COMMITTEE: Maria Nakian, Chair

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Meeting: Wednesday, March 2, 2005

7:00 p.m. – Republican Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on Wednesday, March 2, 2005. Present were Committee Member Reps. Nakian, Diamond, Franzetti, Greenberg, Layton and Sweeney present; Reps. Esposito and Zelinsky were excused. Also present were President David Martin and Reps. Boccuzzi, Day, DeLuca, Fedeli, Lyons, Skigen and Summerville; Tom Cassone, Director of Legal Affairs; Tim Curtin, Director of Operations; Jeanette Brown, Director of WPCA and Tom Lombardo from the North Stamford Association.

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| 1. LR26.086 | <p>PROPOSED ORDINANCE; for publication;
 amending Sections 23-18 A and 23-18.4 of the
 Code of Ordinances Concerning Contracts.
 02/07/05 – Submitted by Chair Nakian
 03/02/05 – Committee approved 6-0-0</p> | <p>APPROVED
 ON CONSENT
 AGENDA</p> |
| 2. LR26.091 | <p>PROPOSED ORDINANCE; for publication;
 amending Chapter 9 of the Code of Ordinances
 regarding procedures for leases of city-owned or
 city-leased real properties.
 02/07/05 – Submitted by Chair Nakian
 03/02/05 – No action reported</p> | <p>HELD IN
 COMMITTEE</p> |
| 3. LR26.092 | <p>PROPOSED ORDINANCE; for publication;
 amending Chapter 103, Contractors, to clarify
 prohibited gift provision.
 02/10/05 – Submitted by Rep. Nakian
 03/02/05 – Committee approved 6-0-0</p> | <p>APPROVED
 ON CONSENT
 AGENDA</p> |
| 4. LR26.082
Resolution | <p>RESOLUTION; and public hearing; approving a
 lease agreement between the City of Stamford and
 the Women’s Business Development Center;
 property located at Government Center; term of
 lease: 10/1/2004 through 9/30/2009; rent: \$0.
 12/02/04 – Submitted by Mayor Dannel P. Malloy
 12/13/04 – Placed on Pending Agenda
 01/13/05 – Item Withdrawn
 01/24/05 – Held in Committee
 02/07/05 – Held by 26th Board
 02/10/05 – Approved by Board of Finance
 03/02/05 – Committee approved 6-0-0 (as
 amended)</p> | <p>HELD IN
 COMMITTEE BY
 UNANIMOUS
 VOICE VOTE</p> |

Chair Nakian reported that since the Committee met, some questions were raised on some terms of the Contract. Chair Nakian moved to hold Item No. LR26.082; said motion was seconded and approved by unanimous voice vote.

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| 5. LR26.090
Resolution | <p>RESOLUTION; and public hearing; approving a
 lease agreement between the City of Stamford and
 the Stamford Historical Society for property located
 at 1508 High Ridge Road; term of lease: 5 years;
 rent: \$10.00.
 01/28/05 – Submitted by Mayor Dannel P. Malloy
 02/08/05 – Approved by Planning Board
 02/10/05 – Approved by Board of Finance</p> | <p>APPROVED BY
 MACHINE VOTE
 33-0-0 (as
 amended in
 Committee)</p> |
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03/02/05 – Committee approved 6-0-0 (as amended)

Chair Nakian moved to approve Item No. LR26.090 was made and seconded. Chair Nakian advised that the Committee **amended the lease by deleting Sections 28 and 29.**

Rep. O'Neill asked to take the item off the Consent Agenda.

Chair Nakian stated that this is a lease with the Historical Society. It is a term of five years with an option to renew for five years. The rent is \$10 for the entire term of the lease. It is replacing a lease that expired many years ago and she is unsure why the City has not renewed it. This is the old Martha Hoyt School, and being a very, very old school, it does have maintenance problems. The City is responsible for major maintenance of, for example, the roof and the boiler. The Historical Society is responsible for minor maintenance and keeping the building in good repair. The Committee approved the item 6-0-0.

Rep. O'Neill stated that while he supports the work of the Historical Society, Director Curtin has brought to his attention the fact that this organization has not produced its annual financial report, and so its ability to sustain a lease of five years or longer is in question. Rep. O'Neill moved to hold the item until such time as the annual financial report is received. Said motion was seconded.

Rep. Boccuzzi asked if the question is whether this organization is able to sustain a lease of \$10 for five years.

Rep. O'Neill stated that Mr. Curtin advised him that it is proper procedure for any non-profit requesting a lease with the City of Stamford to submit its annual financial information prior to any extension of a lease agreement. This organization has failed to do so, and this puts into question its ability to sustain a lease for this amount of time. Rep. O'Neill added they will have operating costs that exceed \$10.

Rep. Day stated he would like to know what Mr. O'Neill's position would be if they came back with a report that says they might not be able to pay the \$10 or ongoing operating costs. Is he proposing to not lease the facility in that event?

Rep. O'Neill stated that it is his understanding that if they are in dire financial straits, perhaps the City can step in with more assistance or modify the lease according to what its needs are. As the repository of major historical documents for the City and items of historical items, it is imperative for the City to know what its financial condition is at this time.

Rep. Nakian stated that the lease requires that they provide the City with an audit every year, and this is standard in all leases. She added that if they don't provide the financial reports in compliance with the lease, the lease can be terminated,

but it is not a reason to hold it at this point. Rep. Nakian stated that once the lease is in place, the requirement of providing audited financial statements is in effect. Chair Nakian suggested we not hold the item because there would not be any further information the Committee could get.

Rep. Zelinsky stated he is a strong supporter of the Historical Society, but since Director Curtin is requesting that we hold the item, he doesn't see any reason why it couldn't be held for one month.

A motion to move the question was made and seconded. Said motion was approved by a machine vote of 35-1-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Day, DeLuca, DePina, Diamond, Esposito, Figueroa, Giordano, Greenberg, Hunter, Kernan, Layton, Lyons, Martin, McCullen, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Rep. Coppola opposed) (See [Vote Record No. 589](#)).

A motion to hold Item No. LR26.090 was made and seconded and failed by a machine vote of 6-30-0 (Reps. Diamond, Figueroa, Giordano, Lyons, O'Neill and Zelinsky in favor; Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DeLuca, DePina, Esposito, Greenberg, Hunter, Layton, Martin, McCullen, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, Pavia, Rauh, Skigen, Summerville, Sweeney and White opposed) (See [Vote Record No. 590](#)).

The main motion was approved by a machine vote of 33-0-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Day, DePina, Diamond, Esposito, Giordano, Greenberg, Hunter, Kernan, Layton, Lyons, Martin, McCullen, McDermott, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, Pavia, Pia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor) (See [Vote Record No. 591](#)).

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| 6. LR26.087 | PROPOSED ORDINANCE; For Final Adoption & Public Hearing; amending Section 220-8B(1) of the Code of Ordinances to increase the income limits to allow additional veterans to be eligible for property tax reductions.
01/10/05 – Submitted by Chair Nakian
01/24/05 – Committee Approved 8-0-0
02/07/05 – Approved for publication by 26 th Board
03/02/05 – Committee approved 6-0-0 | APPROVED
ON CONSENT
AGENDA |
| 7. LR26.050
Summary
ordinance | PROPOSED ORDINANCE; For Final Adoption & Public Hearing; amending Chapter 200 of the Code of Ordinances to merge the Sewer Commission into the WPCA, define or modify the | APPROVED BY
MACHINE VOTE
29-9-0 |

geographic authority, fiscal process, sewer approval, board representation, board approval of rate setting and other procedures of the WPCA; to be published in summary form.

01/08/04 – Submitted by President Martin

01/20/04, 02/02/04, 03/01/04 – Held in Committee

07/13/04 – Placed on Pending Agenda

09/20/04, 10/04/04 – Held in Committee

11/22/04 – Committee approved 7-0-0

12/06/04 – Approved for publication

12/20/04 – Committee approved 7-0-0

01/03/05 – Publication vote rescinded & approved for publication

01/24/05 – Committee approved 6-1-1 for republication (as amended-see report)

02/07/05 – Approved for republication by 26th Board

03/02/05 – Committee approved 4-1-1

Chair Nakian stated there were no amendments made to the ordinance by the Committee, and the Committee approved the Item by a vote of 4-1-1. Chair Nakian moved Item No. LR26.050; said motion was seconded.

Rep. Lyons stated that all parties have done an extensive amount of research on this issue, and he asked his fellow members to consider the following:

“I believe this item is an item that all representatives should consider as a monumental ordinance for the 26th Board and an ordinance that leaves a legacy for the 26th Board. I know firsthand, having done extensive research on this item, that this concept, and the creation of a sewer avoidance area within it, is a major land use issue on par and perhaps equal with the Mill River Corridor Plan. I believe that this ordinance, the sewer avoidance area, and its subsequent requirements are going to have undesirable and unintended consequences on the districts that lie below the Merritt Parkway. I believe that this ordinance and all it entails is living proof that good government is not a transparent process. The sewer avoidance area will create an unbalanced relationship between North Stamford and the rest of Stamford. The rest of Stamford that constantly has to deal with development, subdivisions, over land use development and poor planning- or decision-making. Developers choose the path of least resistance, and by the creation of the sewer avoidance area and this ordinance, developers will naturally look toward neighborhoods that are currently sewered and do not require the current thresholds required in the sewer avoidance area.

“It is clear that the bucolic and pristine neighborhoods of North Stamford that exist and should exist will remain that way, because the requirements of the connection thresholds and the creation of the sewer avoidance area will for sure not allow for the creation of affordable housing, recreational units, recreational

complexes or apartment complexes or condominium units above the Merritt Parkway, especially within the sewer avoidance area.

“I further believe the passage of this ordinance is going to lead the City into a long and protracted and expensive legal battle that will cost the taxpayers hundreds of thousands of dollars ultimately. This ordinance is legally challengeable on many areas, not the least of which is that the sewer avoidance area and its creation is not based on a land use study or a scientific and/or engineering based study but merely adjusted to prohibit development and growth within a certain segment of our community.

“I urge my colleagues to consider voting against this item carefully. I urge them to consider a vote approving it and the magnitude and resulting issues it will create for the City, both residentially and legally.

“Lastly, the ordinance has got to be living proof that backroom politics and handshakes and horse-trading will be the existing features that are needed in order for connections to be made for singular or spot or particular locations within the sewer avoidance area. I do not believe it is in the best interest of this community nor of the elected members of the 26th Board to approve this ordinance as is, and I recommend we vote it down and create a scientific and legally sound ordinance that deals with the same particular issues. Thank you.”

Rep. O’Neill stated that he believes that the public process as it exists today and as it has existed for many years has served Stamford well regarding its sewers. The public planning process and the Sewer Commission has worked diligently in the past and has been a public check and balance so that the sewer projects being proposed are in keeping with the best interests of the citizens of Stamford. He added he believes the WPCA already has enough power, and we do not need to further eliminate a public process and incorporate it into the WPCA. Therefore, he added, he is opposed to adopting this new ordinance.

The item was approved by a machine vote of 29-9-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Day, DeLuca, DePina, Diamond, Esposito, Giordano, Greenberg, Hunter, Martin, McCullen, Mirkin, Mitchell, Morrow, Munger, Nakian, Nowakowski, Pavia, Pia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Clear, Coppola, Figueroa, Kernan, Layton, Lyons, McDermott, Molgano and O’Neill opposed) (See [Vote Record No. 592](#)).

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| 8. LR26.088 | PROPOSED ORDINANCE; for publication ;
amending Section 220 of the Code of Ordinances
to allow co-op owners to participate in the senior
citizens tax relief program.
01/10/05 – Submitted by Chair Nakian
01/24/05 – Held in Committee & requested
ordinance drafting | APPROVED
ON CONSENT
AGENDA |
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02/07/05 – Held by 26th Board
03/02/05 – Committee approved 6-0-0

9. LR26.089 **PROPOSED ORDINANCE; for discussion;** **HELD IN**
amending section 220-9 of the Code of Ordinances **COMMITTEE**
regarding the senior citizen tax deferral program.
01/10/05 – Submitted by Chair Nakian
01/24/05 – Held in Committee
02/07/05 – Held by 26th Board
03/02/05 – No action reported

A motion to approve the Consent Agenda, consisting of Item Nos. 1, 3, 6 and 8, was made and seconded and approved by unanimous voice vote.

PERSONNEL COMMITTEE: **Mary Lisa Fedeli, Chair**
[\(Attendance\)](#) Meeting: Wednesday, March 2, 2005
[\(Votes\)](#) 6:30 p.m. – Democratic Caucus Room
[\(Report\)](#)

Majority Leader Boccuzzi reported that the Personnel Committee met on Wednesday, March 2, 2005. Present were Committee Member Reps. Boccuzzi, Cannady, Morrow, Fedeli, Pavia, Rauh, Skigen, Sweeney and Layton. Also present were Dennis Murphy, Director of Human Resources; Fred Manfredonia, Human Resources; Gloria Kelley, UAW President and Lou Casolo, Engineering Department.

1. P26.069 **REJECTION;** of a tentative labor agreement with **HELD IN**
Cover memo the United Auto Workers Union. **COMMITTEE BY**
Exec Summ 01/06/05 – Submitted by Human Resources Dept. **UNANIMOUS**
02/02/05 – No action taken **VOICE VOTE**
02/07/05 – Held by 26th Board
03/02/05 – Committee voted 0-9-0 (not to reject
contract)

Majority Leader Boccuzzi moved to hold Item No. P26.069; said motion was seconded and approved by unanimous voice vote.

2. P26.071 **REVIEW;** of funding levels for all City pension **HELD IN**
plans. **COMMITTEE**
02/07/05 – Submitted by Chair Fedeli
03/02/05 – No action reported
3. P26.070 **APPROVAL;** of a personal services contract for the **APPROVED**
Legislative Aide in the Board of Representatives **ON CONSENT**

Office.
02/02/05 – Submitted by Mayor Dannel P. Malloy
03/02/05 – Committee approved 8-0-0 (as
amended 8-0-0-deleting paragraph 2E)

**AGENDA (as
amended in
Committee)**

Majority Leader Boccuzzi moved Item No. P26.070; said motion was seconded.

Rep. Skigen reported that there was one change made in Committee, Paragraph 2E was removed from the Contract. This paragraph provided for a 90-day notice, which conflicted with an earlier paragraph that provided for a 30-day notice.

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

Majority Leader Boccuzzi reported that the Personnel Committee voted 8-0-0 to suspend its rules to take up the two items not appearing on the Agenda. A motion was made to suspend the rules to take up two items not appearing on the Board's Agenda; said motion was seconded and approved by unanimous voice vote.

4. P26.072 APPROVAL; of a clerk of the works contract with Sheryl Gerard.
02/28/05 – Submitted by Human Resources
03/02/05 – Committee approved 8-0-0 (as amended 8-0-0)

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

Majority Leader Boccuzzi reported that the Committee had **deleted the 6-6 Inter-district magnet school project** from the list of work responsibilities. Chair Boccuzzi moved Item No.P26.072; said motion was seconded.

Rep. Lyons stated that he doesn't know what the Committee's intent was, but he assumes it is because the 6-6 school has not yet been approved. Rep. Lyons stated that there is no harm in leaving it in, and if it is approved, this may preclude having to hire another Clerk of the Works to work on this project. Majority Leader Boccuzzi stated that if it is approved, they will simply have to come back to the Board to include this project in the specifications for the job.

Rep. Lyons stated that he would rather there be more job details in the contract as opposed to limiting them.

Majority Leader Boccuzzi stated that the person will be in charge of numerous projects, and he feels that this is a pretty extensive list for any one person.

Rep. Lyons stated that in a recent audit, it was revealed that certain Clerks of the Works were working on projects they were not approved for.

The item was approved by unanimous voice vote.

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| 5. P26.073 | APPROVAL; of a clerk of the works contract with Felicia R. Holland.
02/28/05 – Submitted by Human Resources
03/02/05 – Committee approved 8-0-0 | APPROVED BY
UNANIMOUS
VOICE VOTE |
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Majority Leader Boccuzzi moved Item No. P26.073; said motion was seconded and approved by unanimous voice vote.

LAND USE COMMITTEE: (Attendance) (Votes) (Report)	Patrick White, Co-Chair Harry Day, Co-Chair Meeting: Wednesday, March 2, 2005 7:30 p.m. – Republican Caucus Room
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Chair Day reported that the Land Use Committee met on Wednesday, March 2, 2005. Present were Committee Member Reps. Day, Boccuzzi, Clear, Diamond, Franzetti, Summerville, Greenberg and Nakian. Also attending were Robin Stein of the Land Use Bureau and Milton Puryear representing the Mill River Park Collaborative.

Chair Day reported that because there were many committee meetings happening simultaneously, the Committee decided in advance to hold Item Nos. 2 and 3.

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| 1. LU26.057 | APPROVAL; of an agreement with Olin Partnership, Ltd. for design work related to the Mill River Urban Waterfront Park; amount of contract: not to exceed \$633,000 plus \$61,000 in expenses.
02/01/05 – Submitted by Mayor Dannel P. Malloy
02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 8-0-0 (as amended 8-0-0) | APPROVED ON
CONSENT
AGENDA (as
amended in
Committee) |
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Co-Chair Day reported that **Paragraph 18 was replaced** with the Board’s language from Ordinance No. 1031, which reads as follows:

“During the term of this contract, including any extensions, Olin Partnership, Ltd. 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.”

Co-Chair Day stated that there is a detailed report provided to each representative.

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| 2. LU26.058 | REVIEW & PRESENTATION; on status of Urban Transitway Project.
02/08/05 – Submitted by Lou Casolo
03/03/05 – Held in Committee 8-0-0 | HELD IN
COMMITTEE |
| 3. LU26.059 | REVIEW; zoning enforcement process, policies and procedures for dealing with illegal housing units within the City of Stamford.
02/10/05 – Submitted by Reps. Greenberg, DeLuca, Mirkin, Coppola & Zelinsky
03/03/05 – Held in Committee 8-0-0 | HELD IN
COMMITTEE |

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

President Martin added he has had two-three discussions with the Mayor regarding the resolution calling for increased zoning enforcement that this Board passed eight months ago. This was prior to the recent call for increased enforcement by some members of the Board of Finance.

OPERATIONS COMMITTEE: (Attendance) (Votes) (Report)	John R. Zelinsky, Co-Chair Scott Mirkin, Co-Chair Meeting: Wednesday, March 2, 2005 7:00 p.m. – Democratic Caucus Room
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Co-Chair Zelinsky reported that the Operations committee met on Wednesday, March 2, 2005. Present were Committee Member Reps. Zelinsky, Mirkin, Adams, Coppola, McDermott, Munger and Pavia; excused were Reps. Hunter, O’Neill and Sweeney. Absent was Rep. White. Also present were Director of Operations Tim Curtin; Director of Planning & Zoning Robin Stein; Jeanette Brown, Director of the WPCA; Nancy Dominziano of Operations; Tom Bruccoleri, Transportation Planner; Mr. Wall, Mr. Shapiro and members of the public in favor of Item No. 2.

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| 1. O26.071 | APPROVAL; of contract with TPA Design Group for East Main Street Transportation and Development Plan.
01/10/05 – Submitted by Mayor Dannel P. Malloy | APPROVED BY
UNANIMOUS
VOICE VOTE (AS
AMENDED) |
|----------------------------|---|--|

02/10/05 – Approved by Board of Finance
03/02/05 – Committee approved 5-0-1

Co-Chair Zelinsky moved to approve Item No. O26.071; said motion was seconded.

Rep. Nakian moved to **amend the contract by deleting Paragraph No. 17 and replacing it with the language from Ordinance No. 1031** to read as follows:

“During the term of this contract, including any extensions, TPA Design Group 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.”

The motion was seconded and approved by a machine vote of 27-10-2 (Reps. Adams, Blackwell, Boccuzzi, Cannady, Clear, Day, DePina, Diamond, Esposito, Giordano, Hunter, Layton, Lyons, Martin, McCullen, McDermott, Mitchell, Morrow, Nakian, O’Neill, Pia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Benyus, Coppola, DeLuca, Greenberg, Kernan, Mirkin, Molgano, Munger, Nowakowski and Pavia opposed) (See [Vote Record No. 593](#)).

Clerk of the Board Summerville announced that Rep. Franzetti left the meeting at 10:10 p.m.

A motion to approve the contract as amended was made and seconded and approved by unanimous voice vote.

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| 2. O26.072 | RESOLUTION; supporting Stamford’s participation in the 20% by 2010 energy reduction program.
02/09/05 – Submitted by Rep. Zelinsky
03/02/05 – Committee approved 6-0-1 | APPROVED BY
MACHINE VOTE
30-0-3 |
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Co-Chair Zelinsky moved to approve Item No. O26.072; said motion was seconded.

Rep. McDermott stated that he felt that this resolution should be held. He does not disagree with the idea and actually supports it. His concern is with the representations made in the resolution – for example, it states that 1,680 in children in Stamford have asthma, and he is uncertain if this number is accurate. Other areas that are of concern are 1) the statement that this is cost-effective as

sometimes these new energies cost more in the short-run; 2) the statement that the City of Stamford is a member of the Cities for Climate Protection Campaign as he has spoken with several people who have never heard of it and he is uncertain if the City is in fact a member; 3) the statement that the Board of Representatives will work with the Administration to create a clean energy task force.

The motion to return Item No. O26.072 to Committee was made and seconded. Said motion failed by a machine vote of 14-19-0 (Reps. Benyus, Boccuzzi, Esposito, Greenberg, Kernan, Layton, Lyons, McDermott, Mitchell, Morrow, Nakian, O'Neill, Summerville and Sweeney in favor; Reps. Adams, Cannady, Clear, Coppola, DeLuca, Diamond, Figueroa, Giordano, Hunter, Martin, McCullen, Mirkin, Molgano, Pavia, Pia, Rauh, Skigen, White and Zelinsky opposed) (See [Vote Record No. 594](#)).

The main motion was approved by a machine vote of 30-0-3 (Reps. Adams, Benyus, Boccuzzi, Cannady, Clear, Coppola, DeLuca, DePina, Diamond, Esposito, Figueroa, Giordano, Greenberg, Hunter, Kernan, Layton, Martin, McCullen, Mirkin, Mitchell, Molgano, O'Neill, Pavia, Pia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Lyons, McDermott and Morrow abstaining) (See [Vote Record No. 595](#))

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| 3. O26.073 | REVIEW; of the agreement between the Town of Darien and the WPCA for wastewater treatment and reimbursement.
02/09/05 – Submitted by Rep. Lyons
03/02/05 – Held in Committee | HELD IN
COMMITTEE |
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Clerk of the Board Summerville announced that Reps. Munger, Day, Nowakowski and Blackwell left the meeting at 11:20 p.m.

PUBLIC SAFETY &

HEALTH COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Richard Lyons II, Chair

Gail Clear, Vice Chair

Meeting: Thursday, February 17, 2005

7:00 p.m. – Democratic Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on Thursday, February 17, 2005. Present were Committee Member Reps. Lyons, Clear, DeLuca, Kernan, Adams, Blackwell, Coppola, Mirkin and Zelinsky. Also present were Reps. Fedeli, Layton and White; Dr. Giovanni and Dr. Schuster; Mike Miranda, SPA President; Brent Larrabee, Police Chief; Bill Callion, Director of Public Safety, Health & Welfare; Guy Poticchio of the Stamford Police Union;

Ellen Bromley, Social Services; and Pepe Barbarotta and Prakesh Chakavardi of the WPCA.

1. [PS26.051](#) PROPOSED ORDINANCE; **For Final Adoption & Public Hearing**; regulating pocket bikes in the City of Stamford. **APPROVED ON CONSENT AGENDA**
08/02/04 – Submitted as Review Item & Held
10/04/04 – Report Made
12/02/04 – Held in Committee
12/06/04 – Held in Committee
12/30/04 – Committee approved 7-0-0 as amended)
01/03/05 – Report Made
02/03/05 – Committee approved 8-0-0
02/07/05 – Approved for publication by 26th Board
02/17/05 – Committee approved 8-0-0

2. [PS26.066](#) APPROVAL; of a contract with Premier Health Care for the operation of the Smith House Facility. **APPROVED BY MACHINE VOTE 25-5-0 (as amended)**
01/28/05 – Submitted by Ellen Bromley
02/10/05 – Approved by Board of Finance 3-1-2
02/17/05 – Committee approved 8-1-0

Chair Lyons moved Item No. PS26.066; said motion seconded. Chair Lyons stated that the Committee approved the item 8-1-0 with Rep. Lyons dissenting.

Rep. Nakian moved to amend Item No. PS26.066 was made and seconded. The motion was to **delete Paragraph 21 and replace it with the language from Ordinance No. 1031** to read as follows:

“During the term of this contract, including any extensions, Premier 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.”

The amendment was seconded and approved by a machine vote of 26-7-0 (Reps. Adams, Benyus, Boccuzzi, Cannady, Clear, DePina, Diamond, Esposito, Figueroa, Giordano, Hunter, Kernan, Layton, Lyons, Martin, McCullen, Mitchell, Morrow, Nakian, O’Neill, Pia, Rauh, Skigen, Summerville, Sweeney and White in favor; Reps. Coppola, DeLuca, Greenberg, McDermott, Mirkin, Molgano and Pavia opposed) (See [Vote Record No. 596](#)).

Rep. Skigen stated he will be voting against the contract despite being confident it will pass tonight. In comparing this contract and the potential financial benefit to the City with the bid that Haven had submitted in the first RFP, he is not sure that this contract is as good a contract as Haven responded to in the first RFP.

Rep. Lyons stated that he will vote against the contract not because of the vendor but because he does not think this is the proper way to manage a skilled nursing facility by rotating the management franchisee every 1,000 days nor does he believe that this contract is in the best interest of the City or the residents of Smith House.

Rep. Mirkin stated that apart from the fact that the management of the Smith House might change every three years, the unions that are there caring for the people remain the same and there is a good chance that Premier may keep three positions. Mr. Callion and Ms. Bromley went to visit a Premier-operated site and came back with very good reports. He intends on supporting this item.

Rep. Greenberg stated he supports this contract. Regarding the memo from Haven Healthcare distributed tonight, there is no letterhead nor any signature and it appears unprofessional in manner.

Rep. DeLuca stated that he sat in on the selection committee when Premier and Haven Healthcare came before it. Haven submitted this unprofessional letter tonight, said they didn't submit the RFP because they claim they didn't know about it, and when they made their presentation in August they read a letter saying 1199 supported them, and the next day 1199 submitted a petition saying they never supported Haven. Haven also had the audacity to bring in two patients to read letters of support, even though letters opposing Haven existed. High recommendations from Mr. Callion and Ms. Bromley have been received for Premier, and he is in support of this contract.

Rep. Skigen stated that he received a call at 4:40 this afternoon from Mr. Doyle. Mr. Doyle had been operating under the impression that he would have an opportunity to address the Board tonight. He got that impression from Ossie Lewis in OPM and found out late today that he would not be able to present anything to the Board in a verbal presentation. Rep. Skigen stated he encouraged him to submit something via the Board via email to the Board Office, which is why it is not signed and not on letterhead.

Chair Lyons stated that this contract was before his committee, the committee approved it 8-1-0, and he has no issues with the vendor selection. This memo sent at this late hour has nothing to do whatsoever and deserves little consideration, and he urges the Board to move ahead.

The main motion was approved by a machine vote of 26-5-0. Reps. Adams, Benyus, Boccuzzi, Cannady, Clear, Coppola, DeLuca, Diamond, Giordano, Greenberg, Hunter, Kernan, Layton, Martin, McCullen, McDermott, Mirkin, Molgano, Morrow, Pavia, Pia, Rauh, Summerville, White and Zelinsky in favor; Reps. Figueroa, Lyons, Nakian, Skigen and Sweeney opposed (See [Vote Record No. 597](#)).

3. PS26.067 REVIEW; status of use of defibrillators by Stamford Police Department. **HELD IN COMMITTEE**
02/02/05 – Submitted by Reps. DeLuca, Mirkin & Zelinsky
02/17/05 – Held in Committee 9-0-0

Chair Lyons stated a good meeting was held and defibrillators should be rolled out soon.

4. PS26.068 REVIEW; of conditions at Stamford's Animal Shelter. **REPORT MADE**
02/07/05 – Submitted by Chair Lyons and Reps. Munger, Layton & Zelinsky
02/17/05 – Report Made

Chair Lyons stated a report has been submitted to all representatives, and the matter will be taken up again next month.

5. PS26.069 REVIEW; of blighted and distressed railroad properties and yards. **HELD IN COMMITTEE**
02/09/05 – Submitted by Chair Lyons
02/17/05 – Held in Committee 9-0-0

PARKS AND

RECREATION COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

[\(Attendance\)](#)

[\(Votes\)](#)

Linda Cannady, Co-Chair

Steve McDermott, Co-Chair

Meeting: Tuesday, March 1, 2005

7:00 p.m. – Democratic Caucus Room

- and -

Meeting: Monday, March 7, 2005

6:15 p.m. – Democratic Caucus Room

Co-Chair McDermott reported that the Parks & Recreation Committee met on Tuesday, March 1, 2005. Present were Committee Member Reps. McDermott, Cannady, Clear, Morrow, Fedeli, Giordano and White; also present were President Martin and Rep. Zelinsky.

Present at the March 7, 2005 meeting were Committee Member Reps. Cannady, McDermott, Clear, Giordano, Lyons, McCullen and Morrow.

1. [PR26.075](#) RESOLUTION and **public hearing** establishing marina fees for the years 2005 and 2006.
[Mayor's Memo](#) 12/09/04 – Submitted by Ben Barnes
12/22/04 – Held in Committee 7-1-0
01/03/05 – Held in Committee
01/18/05 – Committee amended (eliminating 3rd year fees 10-0-0); public hearing & fees approved 7-3-0
02/07/05 – Committee defeated motion to waive public hearing 4-5-0
02/08/05 – Public Hearing approved by 26th Board
03/01/05 – Report Made & motion to reconvene
03/07/05 – Committee approved 6-1-0 (as amended in committee)
03/07/05 – Committee Approved 6-1-0

**APPROVED BY
MACHINE VOTE
23-9-0**

Co-Chair McDermott reported that a public hearing was held, and several members of the public talked about the condition of the marinas. There were also suggestions on how to better utilize the marinas to decrease vacancies and optimize revenue. The Committee discussed the item further and agreed to reconvene tonight. The Committee approved the item as amended 6-1-0.

Co-Chair McDermott moved to approve Item No. PR26.075; said motion was seconded.

Rep. Morrow stated that as the only nay vote, his reasons for voting against these are 1) a number of boaters were unhappy with the Czesik increases. Although difficult to verify, it appears that four years ago the increase was 19%, the following year 9%, last year 0% and this year 10% for a grand total of 38% over four years. While this may not seem like a lot, in the 25-28 foot range, it is hundreds of dollars. These are not wealthy boaters, and some boats are only valued at \$10-\$15,000. 2) We don't have a plan for Czesik, and these increases are somewhat onerous and the people don't get anything for it. Rep. Morrow stated that when fees go up this much, they should be getting something in exchange for it. 3) Another reason for increased fees given was improvements at Cummings, but the administration has not come up with an actual plan, they just have a tentative design. The Committee has been asking since December for a definitive plan, but they have not produced one. Therefore, Mr. Morrow stated he will be voting against this item.

Said motion was approved by a machine vote of 23-9-0 (Reps. Adams, Boccuzzi, Cannady, Clear, DeLuca, DePina, Esposito, Figueroa, Giordano, Hunter, Layton, Lyons, Martin, McCullen, McDermott, Mitchell, Nakian, O'Neill, Pavia, Pia, Rauh,

Skigen and Sweeney in favor; Reps. Coppola, Diamond, Greenberg, Kernan, Molgano, Morrow, Summerville, White and Zelinsky opposed) (See [Vote Record No. 598](#)).

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| 2. PR26.080 | REVIEW and meeting with Harbor Management Commission to discuss its role in marina operations.
01/18/05 – Submitted by Parks & Rec Committee
03/01/05 – Held in Committee | HELD IN
COMMITTEE |
| 3. PR26.082 | REVIEW; installation and lighting of Federal Little League Field.
02/09/05 – Submitted by Reps. Lyons & Zelinsky
03/01/05 – Held in Committee | HELD IN
COMMITTEE |

EDUCATION COMMITTEE: **Brian O’Neill, Co-Chair**
[\(Report\)](#) **Thomas Hunter, Co-Chair**
Meeting: Tuesday, March 1, 2005
7:00 p.m. – Republican Caucus Room

Co-Chair O’Neill reported that the Education Committee met on Tuesday, March 1, 2005. Present were Committee Member Reps. O’Neill, Hunter, Molgano, Rauh and Day; excused were Reps. Mitchell and McCullen. Also present were Clerk of the Board Summerville; Reps. Clear, Giordano, Mirkin and Lyons. Present from the Board of Education were Susan Nabel; John Chardavoyne; Dr. Singer; Dr. Harrison and Mr. Callahan; Al Barbarotta was present representing AFB.

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| 1. E26.023 | REVIEW; proof of residency requirements and process as administered by the Board of Education (including statistics on number of verifications, number unable to confirm residency; number rejected for enrollment).
02/04/05 – Submitted by Reps. DeLuca, Hunter and Mirkin
03/01/05 – Report Made | REPORT
MADE |
|------------|---|------------------------|

Co-Chair O’Neill stated that a report was submitted by the Board of Education at the meeting. The report indicated that proof of residency was provided by over 500 students. Dr. Singer explained the current situation, and after extensive discussion, Board President Nabel agreed to revise the current policy prior to next school year and to share the revisions with the Board of Representatives. Rep. Mirkin requested the Board of Education share information with the Zoning

Department to track possible illegal housing units. President Nabel stated that she believes that information is confidential. Rep. Mirkin stated that this opinion should be reviewed by the City Attorney.

2. E26.024 REVIEW; best educational use of the Clairol **REPORT**
[background](#) property with regard to enrollment projections **MADE**
[per pupil exp](#) 02/04/05 – Submitted by Rep. O’Neill & Hunter
03/01/05 – Report Made

Co-Chair O’Neill stated that a report was submitted by the Board of Education at the meeting. Rep. Rauh questioned if the Pre-K to Grade 8 6-6 model would best serve the needs of Stamford. She reported how a K-5 model would better serve Stamford’s needs.

3. E26.025 REVIEW; Superintendent of School’s plans to **REPORT**
improve CT Mastery Test results cost-to-benefits **MADE**
ratio (in view of the steady increase in the school
budget and status of CMT scores).
02/10/05 – Submitted by Chair Hunter
03/01/05 – Report Made

Co-Chair O’Neill stated that a report was submitted by the Board of Education. A request was made by the Chair to the Superintendent-elect for plans to address the 30% of students who fail to graduate.

HOUSING/COMMUNITY DEVELOPMENT/

SOCIAL SERVICES COMMITTEE:

Elaine Mitchell, Chair

Philip Giordano, Vice Chair

[\(Attendance\)](#)

Meeting: Tuesday, March 1, 2005

7:00 p.m. – Conference Room #1

- and -

Meeting: Saturday, March 5, 2005

9:00 a.m. – Democratic Caucus Room

[\(Votes\)](#)

Chair Mitchell reported that the Housing/Community Development/Social Services Committee met on Tuesday, March 1, 2005. Present were Committee Member Reps. Mitchell, McDermott, Molgano, Rauh and Giordano.

1. HCD26.34 RESOLUTION; establishing annual action plan **REPORT**
(budget) for Year 31 HUD entitlement funding for the **MADE &**
Community Development Block Grant and HOME **HELD IN**
Programs. **COMMITTEE**
01/05/05 – Submitted by Tim Beeble

01/25/05 – Report Made
 02/07/05 – Held by 26th Board
 03/01/05 – Report Made
 03/05/05 – Committee voted 5-0-0 to approve budget
 & Item Held in Committee

Chair Mitchell reported that this item will be held until May or June.

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| <p>2. HCD26.25 PROPOSED ORDINANCE; For Final Adoption and Public Hearing; amending the Linkage Ordinance.
 08/05/04 – Submitted by Tim Beeble
 09/07/04, 10/04/04 – Held in Committee
 11/08/04 – Returned to Committee
 11/29/04 – Committee approved 6-0-0 (as amended)
 12/06/04 – Approved for publication
 12/21/04 – Committee approved for publication 6-0-0 (as amended)
 01/03/05 – Approved on Consent Agenda
 01/25/05 – Committee approved 5-0-0
 02/07/05 – Approved for republication by 26th Board
 03/01/05 – Committee approved 5-0-0</p> | <p>APPROVED
 BY
 UNANIMOUS
 VOICE VOTE</p> |
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Chair Mitchell moved Item No. HCD26.025; said motion was seconded and approved by unanimous voice vote.

<p>TRANSPORTATION COMMITTEE: (Attendance) (Votes) (Report)</p>	<p>Robert “Gabe” DeLuca, Chair Terry Adams, Vice Chair Meeting: Thursday, March 3, 2005 7:00 p.m. – Republican Caucus Room</p>
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Chair DeLuca reported that the Transportation Committee met on Thursday, March 3, 2005. Present were Committee Member Reps. DeLuca, Adams, Mirkin, Franzetti, Blackwell, Giordano and Zelinsky. Also present were Rep. O’Neill; Tim Curtin, Director of Operations; Sandy Goldstein of the DSSD; Police Captain Tomlin; Mary Schaeffer and John Routolo of the DSSD; and an Advocate Reporter.

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| <p>1. T26.065 REVIEW; of public parking lot standards for size of spaces.
 02/07/05 – Submitted by Rep. O’Neill
 03/03/05 – Report Made</p> | <p>REPORT
 MADE</p> |
| <p>2. T26.066 REVIEW of proposed use of “No Blocking the Box” designations for intersection traffic.
 02/07/05 – Submitted by Rep. O’Neill</p> | <p>REPORT
 MADE</p> |

03/03/05 – Report Made

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| 3. T26.067 | REVIEW; Code of Ordinances Section 231-54 regarding administrative towing fee.
02/09/05 – Submitted by Rep. DeLuca
03/03/05 – No action taken | REPORT
MADE |
| 4. T26.064
Legal Memo | PROPOSED ORDINANCE; for publication ; amending Chapter 231 of the Code to conform to General Statutes Sec. 14-150 relating to <i>Abandoned or Unregistered motor vehicles and motor vehicles which are a menace to traffic. Notice. Removal. Storage. Hearing. Lien and Sale.</i>
01/05/05 – Submitted by Reps. DeLuca & Lyons
02/03/05 – Report Made
02/07/05 – Report Made
03/03/05 – Held in Committee 6-1-0 | HELD IN
COMMITTEE BY
UNANIMOUS
VOICE VOTE |
| 5. T26.068 | RESOLUTION; approving a reduced parking fee for employees of downtown establishments rate at the Bell and Bedford Street Garages.
02/10/05 – Submitted by President Martin
03/03/05 – Committee Approved 6-0-1 | HELD IN
COMMITTEE BY
UNANIMOUS
VOICE VOTE |

Vice Chair Adams asked to take Item No. 5 off consent.

Chair DeLuca stated that this is a program that began about 20 months ago, where this Board at its March meeting, approved a recommendation made by the Transportation Committee to grant first-level employees in the downtown areas of Bell Street and Bedford Street a reduced rate of \$40. When the program first started, there were 39 participants, and it is up to 150 people buying these monthly passes for \$40. As a result, it is a win-win situation, freeing up street parking. The merchants are happy with the program and it has been a profit maker for the City. The DSSD supports this program.

Chair DeLuca moved the item; said motion was seconded.

Rep. Adams stated that this agreement is out of order. This was an agreement made by Rep. DeLuca and the DSSD to give employees discounted parking without going through the proper procedures. Rep. Adams asked that this go back to Committee for a public hearing. Rep. Adams added that no Board members should have this type of power, and the Board should be conducting its business in a fair and open manner.

President Martin stated that for fees, our normal process is to have a public hearing, and then to adopt. There have been exceptions and it is not required nor is there a legal requirement.

Rep. DeLuca stated that procedures were properly followed with the full Board approving the fee reduction in February of 2003.

Rep. Skigen stated that it is the tradition of this Board to have a public hearing on fees, and for that reason he will support Rep. Adams' motion to return it to Committee for a public hearing.

Rep. Cannady asked for clarification as to how this program was initiated.

President Martin stated that while he did not want to debate this on the floor, it is his understanding that this program is in effect right now, and he knows it was presented at the Transportation Committee, and Mr. DeLuca has reported that it was approved by the full Board about 20 months ago on a pilot program. It was only to go for a certain amount of time, and at this point in time, the program has been in continuation, and it should have been approved by the full Board. President Martin stated he does not want to argue with Mr. DeLuca as to whether the full Board ever approved the pilot program or not, and he says that it did, and while that it is not his (President Martin's) understanding, he could be incorrect. It is his understanding that the pilot program has expired, and right now this program is in effect, probably should not be, and he is not recommending that the program be stopped. He is recommending that we either approve this program, approve a modification of the program or defeat the program. Mr. Adams is saying we should have a public hearing on this first.

A motion to return Item No. T26.068 to Committee was made and seconded. Said motion was approved by unanimous voice vote.

RESOLUTIONS

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| 1. | <u>SENSE OF THE BOARD RESOLUTION;</u>
congratulating Dr. Walter Schuchatowitz on being honored by Bi-Cultural Day School.
02/09/05 –Submitted by Reps. Zelinsky & Diamond | APPROVED BY
UNANIMOUS
VOICE VOTE |
| 2. | SENSE OF THE BOARD RESOLUTION;
congratulating Richard Robustelli on being named Man of the Year by the Jewish War Veterans.
02/09/05 –Submitted by Rep. Zelinsky | HELD IN
COMMITTEE |

MINUTES:

2. [February 7, 2005 Regular Board Meeting](#)

**APPROVED BY
UNANIMOUS
VOICE VOTE**

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT: Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 11:48 p.m.