

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

MINUTES

The meeting was called to order at 9:53 p.m.

INVOCATION: Given by Rep. Layton

“Every time we meet in this Chamber, I am reminded that we are stewards of God’s will and of our obligations to the residents of Stamford. Lord, help us to become better stewards in service to our community. 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 thirty-seven members present and three members excused (Reps. DePina, McDermott and O’Neill).

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

MOMENTS OF SILENCE: For the late Pope John Paul II, by the 26th Board of Representatives; Jack Glucksman by Rep. Day; Julian W. Sayer by Reps. Giordano, O’Neill and Zelinsky; Rose Capparelle, Rose Virgulto Abate, Velma I. Smith, Augustina G. Koda, Albert “Buck” Celotto, Theresa Rizzi Lubaczewski, Helen Cosgrove Moran, Roger J. Darling and Arthur J. Mollo Jr. by Rep. Giordano; Jeanette DeLeo and Michael P. Macchio by Reps. Giordano and Zelinsky Sophie Kliff, Ann Katherine Copan, Anna J. Kulowiec, Robert A. Rozanski, Sr., Gerald Joseph Sullivan, Steven W. Zelem, Sr. and Elaine Natale Dellipoali by Rep. Zelinsky.

COMMUNICATIONS:

President Martin announced that the Budget Meeting will be held one week after the May Board Meeting. Steering will be held on the Tuesday following the budget meeting.

STEERING COMMITTEE: Monday, March 14, 2005
7:00 p.m. – Democratic Caucus Room

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

STANDING COMMITTEES

APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair
[\(Attendance\)](#) Paul A. Esposito, Vice Chair
[\(Votes\)](#) Meeting: Tuesday, March 29, 2005
[\(Report\)](#) 7:00 p.m. – Democratic Caucus Room

The Appointments Committee met on March 29, 2005. Present were Committee Member Reps. Summerville, Blackwell, Boccuzzi, Coppola, DePina, Munger and Nowakowski; excused were Reps. Esposito and Molgano.

1. A26.181	<u>Economic Development Commission</u>	DEFEATED
	Francine Pastore (D) Reappointment	(without
	214 Hubbard Avenue (Term Exp. 12/1/4)	prejudice) BY
	Stamford, CT 06903	UNANIMOUS
	Term Expires: 12/01/07	VOICE VOTE
	01/16/05 – Submitted by Mayor Dannel P. Malloy	
	02/16/05 – Placed on Pending Agenda	
	03/29/05 – No Action Taken	

Chair Summerville reported that due to expiring time limits, the Mayor will be asked to resubmit the name. Rep. Skigen moved to defeat the appointment without prejudice; said motion was seconded and approved by unanimous voice vote.

2. A26.186	<u>Water Pollution Control Authority</u>	WITHDRAWN
	Christina Padgett (D) Reappointment	
	158 Minivale Road (Term Exp. 1/1/5)	
	Stamford, CT 06907	
	Term Expires: 01/01/08	
	01/16/05 – Submitted by Mayor Dannel P. Malloy	
	02/16/05 – Placed on Pending Agenda	

03/29/05 – Item Withdrawn

3. [A26.188](#) Zoning Board
Phyllis Kapiloff (D) Reappointment
200 Quarry Road (*Term Exp. 12/1/4*)
Stamford, CT 06903
Term Expires: 12/01/07
01/16/05 – Submitted by Mayor Dannel P. Malloy
02/16/05 – Placed on Pending Agenda
03/29/05 – Committee approved 9-0-0
**APPROVED
ON CONSENT
AGENDA**
4. [A26.190](#) Stamford Golf Authority
Richard K. Freedman (D) Repl. Feighan
115 Haviland Road (*Term Exp. 1/1/5*)
Stamford, CT 06903
Term Expires: 01/01/08
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/16/05 – Placed on Pending Agenda
03/29/05 – Committee approved 8-0-1
**APPROVED
ON CONSENT
AGENDA**
5. [A26.192](#) Police Commission
Reverend Robert Perry (D) Reappointment
2009 Long Ridge Road (*Term Exp. 11/30/4*)
Stamford, CT 06903
Term Expires: 11/30/07
01/18/05 – Submitted by Mayor Dannel P. Malloy
02/16/05 – Placed on Pending Agenda
03/29/05 – Held in Committee
**DEFEATED
(without
prejudice) BY
VOICE VOTE**
*(Rep. Franzetti
abstaining)*
- Chair Summerville reported that due to expiring time limits, the Mayor will be asked to resubmit the name. Rep. Skigen moved to defeat the appointment without prejudice; said motion was seconded and approved by voice vote (Rep. Franzetti abstaining).
6. [A26.194](#) Health Commission
Dr. Bert Ballin (D) Reappointment
50 Stone Hill Drive (*Term Exp. 12/1/4*)
Stamford, CT 06903
Term Expires: 12/01/07
01/25/05 – Submitted by Mayor Dannel P. Malloy
02/16/05 – Placed on Pending Agenda
03/29/05 – Committee approved 9-0-0
**APPROVED
ON CONSENT
AGENDA**
7. A26.196 Southwestern Regional Tourism District
Eric Churchill (D) Repl. Blume
500 Bedford Street #139 (*Term Exp. 6/30/5*)
WITHDRAWN

Stamford, CT 06901
Term Expires: 06/30/05
02/03/05 – Submitted by Mayor Dannel P. Malloy
02/22/05 – No action taken
03/07/05 – Held in Committee
03/29/05 – Item Withdrawn

8. [A26.197](#) Tax Assessment Board of Appeals **APPROVED
ON CONSENT
AGENDA**
Dr. Anne S. Peskin (D) Repl. Leferman
127 Thornridge Drive (Term Exp. 12/1/4)
Stamford, CT 06903
Term Expires: 12/10/07
03/08/05 – Submitted by Mayor Dannel P. Malloy
03/29/05 – Committee approved 9-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 3, 4, 6 and 8, was approved by unanimous voice vote.

FISCAL COMMITTEE: Randall Skigen, Chair
[\(Attendance\)](#) **Linda Cannady, Vice Chair**
[\(Votes\)](#) Meeting: Monday, March 28, 2005
7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on March 28, 2005. Present were Committee Member Reps. Skigen, Cannady, DePina, DeLuca, Fedeli, Figueroa, Giordano, Hunter, Lyons and Mirkin; Rep. Day was excused.

1. [F26.488](#) CONTRACT APPROVAL; of an agreement between **APPROVED
ON CONSENT
AGENDA**
the City and MGT of America for an audit of the
Board of Education's Special Education Program.
12/27/04 – Submitted by Mayor Dannel P. Malloy
01/31/05, 03/02/05 – Held by Fiscal Committee
02/07/05, 03/07/05 – Held by 26th Board
03/28/05 – Committee approved 10-0-0
2. [F26.455](#) ADDITIONAL APPROPRIATION (Capital Budget); **NO ACTION
TAKEN**
\$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, 12/09/04 – Defeated by Board of Finance
3-2-1
11/29/04, 01/31/05 – Held by Fiscal Committee

12/13/04 – Held in Steering Committee
 12/06/04, 02/07/05, 03/07/05 – Held by 26th Board
 03/02/05 – No action by Fiscal Committee
 03/10/05 – No action taken by Board of Finance
 03/28/05 – No action taken

*Secondary Committee: Housing/Community Development
 Social Services*

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| <p>3. F26.508
 \$150,000.00</p> | <p>ADDITIONAL APPROPRIATION (Operating Budget); Assessor’s Office; Contracted Services; to hire outside financial consultants to provide personal property audit services on the City’s business personal property accounts.
 02/24/05 – Submitted by Mayor Dannel P. Malloy
 03/10/05 – Approved by Board of Finance
 03/28/05 – Committee approved 9-0-0</p> | <p>APPROVED
 ON CONSENT
 AGENDA</p> |
| <p>4. F26.532</p> | <p>RESOLUTION; approving a contract with Tax Management Associates, Inc. for personal property audit consulting services.
 03/10/05 – Submitted by Mayor Dannel P. Malloy
 03/14/05 – Approved by Board of Finance
 03/28/05 – Committee approved 9-0-0 (as amended (8-1-0) to delete Para.17 & replace with language from Ordinance 1031)</p> | <p>APPROVED
 ON CONSENT
 AGENDA</p> |
| <p>5.

 F26.509 -
 F26.510 -</p> | <p>CAPITAL BUDGET RESOLUTIONS; amending resolutions regarding adoption of the WPCA Capital Budget to enable it to finance the Sweet Briar Road sewer project using 2% clean water fund loans:
 Fiscal Year 7/1/99 to 6/30/00; and
 Fiscal Year 7/1/03 to 6/30/04
 02/24/05 – Submitted by Ben Barnes
 03/10/05 – Approved by Board of Finance
 03/28/05 – Committee approved both 9-0-0</p> | <p>APPROVED
 ON CONSENT
 AGENDA</p> |
| <p>6.

 F26.514 –
 F26.515 –
 F26.518 –
 F26.523 –
 F26.529 –
 F26.530 –
 F26.531 –</p> | <p>GRANT RESOLUTIONS; authorizing the Mayor to enter into agreement with the CT Dept. of Public Health for:
 Fiscal Year 2005-06 WIC Program-\$340,000;
 TB STD Treatment/Control-\$93,339;
 Preventive Health Block Grant-\$21,621;
 Childhood Immunization -\$856,141;
 2005-06 Per Capita Grant-\$112,874;
 Cardiovascular Health Program-\$30,000;
 AIDS Education Risk Reduction and HIV Mobile</p> | <p>APPROVED
 ON CONSENT
 AGENDA</p> |

- Prevention Services-\$353,490 plus \$20,590 city match;
[F26.516](#) – CT Agency on Aging for the Senior Health Program -\$40,000.
[F26.521](#) – CT Dept. of Mental Health & Addiction Services - Local Substance Abuse Prevention Council -\$7,130;
[F26.526](#) – Dept. of Social Services for the Counseling Services to the Elderly Program-\$52,496 with \$3,698 city match.
 03/01/05 – Submitted by Mayor Dannel P. Malloy
 03/28/05 – Committee approved all 9-0-0
7. [F26.513](#) GRANT RESOLUTION; authorizing the Mayor to enter into agreement with the CT Dept. of Public Health for Bioterrorism Emergency Response Preparedness-\$118,441.
 03/01/05 – Submitted by Mayor Dannel P. Malloy
 03/28/05 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
8. GRANT RESOLUTIONS; authorizing the Mayor to enter into agreement with the CT Dept. of Education for
[F26.517](#) – School Readiness and Child Day Care-\$2,880,884;
[F26.519](#) – Quality Enhancement Program Grant-\$83,072; and
[F26.528](#) – Funding assistance regarding operation of the Stamford Day Care Program-\$1,645,587.
 03/01/05 – Submitted by Mayor Dannel P. Malloy
 03/28/05 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
9. [F26.512](#) GRANT RESOLUTION; authorizing the Mayor to enter into agreement with the CT Dept. of Education for a Youth Services Bureau Grant; amount of grant: \$59,020.
 03/01/05 – Submitted by Mayor Dannel P. Malloy
 03/28/05 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
10. [F26.522](#) GRANT RESOLUTION; authorizing the Mayor to make application for funding assistance from the CT Judicial Court Support Services Division for a Juvenile Justice Center Grant; amount of grant: \$315,848.
 03/01/05 – Submitted by Mayor Dannel P. Malloy
 03/28/05 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
11. [F26.511](#) GRANT RESOLUTION; authorizing the Mayor to make application for funding assistance from: **APPROVED ON CONSENT**

US Dept. of Justice through the Edward Byrne Memorial Justice Assistance Grant to support training of police officers in mental health issues; amount of grant: up to \$54, 831.
03/01/05 – Submitted by Mayor Dannel P. Malloy
03/28/05 – Committee approved 9-0-0

AGENDA

12. [F26.520](#) GRANT RESOLUTION; authorizing the Mayor to enter into agreement with the CT Office of Policy & Management for the Neighborhood Youth Center Grant-\$35,538.
03/01/05 – Submitted by Mayor Dannel P. Malloy
03/28/05 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
13. [F26.524](#) GRANT RESOLUTION; authorizing the Mayor to enter into agreement with the Federal Transit Administration to apply for various programs that support projects administered by the Federal Transit Administration.
03/22/05 – Submitted by Mayor Dannel P. Malloy
03/28/05 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
14. GRANT RESOLUTION; authorizing the Mayor to enter into agreement for funding assistance with the State of CT's:
[F26.525](#) – Office of Emergency Management regarding the City's Emergency Management Performance Grant Program-\$30,000;
[F26.527](#) – Office of Public Safety for a Regional Public Safety Emergency Telecommunications Center-\$135,263.
03/01/05 – Submitted by Mayor Dannel P. Malloy
03/28/05 – Committee approved 9-0-0 **APPROVED ON CONSENT AGENDA**
15. F26.497 REVIEW; of \$399,549 of police overtime that lacks appropriate documentation, as reported in OPM Audits for FY 98-99, 99-00, 00-01 and 01-02.
02/01/05 – Submitted by Rep. Mirkin
02/16/05 – Placed on Pending Agenda
03/28/05 – Report Made **REPORT MADE**

Chair Skigen stated a report was received on Item No. 15. It is the intention of the Chair, along with the President of the Board, to do a follow up letter to the Chief of Police to make sure a similar situation does not happen in the future.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 and 3 through 14, was approved by unanimous voice vote.

Rep. Boccuzzi asked the Chair of Fiscal whether Item No. 2, regarding affordable housing in the City of Stamford for \$1.6 million, was being held up by the Board of Finance, and if so, how long has it been held up. Chair Skigen replied that the item has been held up by the Board of Finance since November, or for approximately six months.

LEGISLATIVE & RULES COMMITTEE: Maria Nakian, Chair

[\(Attendance\)](#)

Meeting: Monday, March 21, 2005

[\(Report\)](#)

7:00 p.m. – Republican Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on March 21, 2005. Present were Committee Member Reps. Nakian, Diamond, Esposito, Zelinsky, Franzett, Layton and Greenberg present. Rep. Mitchell was excused. Also present were Rep. Molgano and Thomas Cassone, Director of Legal Affairs. A public hearing was held on Item Nos. 1 through 4, and there was no one present from the public.

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| 1. <u>LR26.086</u> | PROPOSED ORDINANCE; for Final Adoption & Public Hearing; 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
03/07/05 – Approved for Publication on Consent
03/21/05 – Committee approved 7-0-0 | RETURNED TO COMMITTEE (23-14-0) |
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Chair Nakian stated she would be discussing Item Nos. 1 and 2 together as they are similar issues.

Chair Nakian stated that each of these ordinances was approved by the Committee for final adoption by a vote of 7-0-0. She added that in spite of the fact that this was hardly a stealth operation in working on these two ordinances; in spite of the fact that the issue of gifts and political contributions has been on the Board of Representatives' agenda since July of 2003 and during that time we have passed both a contractor's ordinance and an amendment to the ethics ordinance dealing with the issue of gifts and political contributions (each of these ordinances entailing countless meetings, public hearings and publications); in spite of the fact that since April of 2004 this Board has publicly amended contracts and leases to either replace or delete the Board of Finance language, which was not sanctioned by the ordinance that this Board passed; in spite of the fact that the Legislative & Rules Committee has had its monthly meeting on the Monday two weeks before the regular Board Meeting for four and a half years now; and in spite of the fact that the Board of Finance was provided with these ordinances and they still set the date of the budget public hearing on the same

night as the Legislative & Rules Committee meeting, Chair Nakian moved to send both of the ordinances back to Committee.

Chair Nakian stated she is requesting this so that the Board of Representatives might afford the Board of Finance and the public a second chance to come before it and provide input and comments on the ordinances. Chair Nakian stated that although she believes both ordinances are ready to be adopted, she does believe that the public has the right to participate in the process and she is certain that her fellow board members agree. Chair Nakian moved to send the items back to Committee. Said motion was seconded.

Rep. Mirkin stated that he does not support sending the items back to Committee, adding that it is true that the public did not come to the public hearing, but many representatives have heard from the public since the Stamford Advocate published a front page article on this matter. Rep. Mirkin stated that a lot of members of the public present tonight are probably here on this item. Rep. Mirkin stated he would prefer to speak to this matter tonight. This is a very, very serious matter in that it diminishes the power of the Board of Finance. He added that we don't have to look very far to see what happened to our former Governor, the former Mayor of Bridgeport and a current Senator from Bridgeport who is under investigation. Also, the City of Stamford is being looked at by the State. Rep. Mirkin stated that whether a Democrat or a Republican, unethical behavior and corruption knows no party affiliation. Rep. Mirkin asked that this matter be discussed this evening.

Rep. Mirkin stated that yesterday's Stamford Advocate editorial clearly laid out the issue. Rep. Mirkin stated that what is going on with corruption in this State is important, and it is ill-advised for us to send it back to Committee. Rep. Mirkin wants comments on the record tonight and to be afforded an opportunity to strike this item down now.

Rep. Day stated that he does not agree with Rep. Nakian that these are identical issues, and these are two entirely different ordinances, and he moves to divide the question. Chair Nakian agreed to handle each item separately. Chair Nakian moved to return Item No. 1 back to Committee; said motion was seconded.

A motion to move the question was made, seconded and approved by a machine vote of 25-12 (Reps. Adams, Blackwell, Boccuzzi, Cannady, Clear, DeLuca, Diamond, Esposito, Figueroa, Giordano, Hunter, Kernan, Layton, Lyons, Martin, McCullen, Mitchell, Nakian, Nowakowski, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Benyus, Coppola, Day, Fedeli, Franzetti, Greenberg, Mirkin, Molgano, Morrow, Munger, Pavia and Pia opposed) (See [Vote Record No. 602](#)).

The motion to return Item No. LR26.086 to Committee was approved by a machine vote of 23-14-0 (Reps. Adams, Blackwell, Boccuzzi, Cannady, Clear,

Diamond, Esposito, Figueroa, Giordano, Hunter, Layton, Lyons, Martin, McCullen, Mitchell, Nakian, Nowakowski, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Benyus, Coppola, Day, DeLuca, Fedeli, Franzetti, Greenberg, Kernan, Mirkin, Molgano, Morrow, Munger, Pavia and Pia opposed) (See [Vote Record No. 603](#)).

2. [LR26.092](#) **PROPOSED ORDINANCE; for Final Adoption & Public Hearing;** amending Chapter 103, Contractors, to clarify prohibited gift provision. **RETURNED TO COMMITTEE 35-2-0**
02/10/05 – Submitted by Rep. Nakian
03/02/05 – Committee approved 6-0-0
03/07/05 – Approved for Publication on Consent
03/21/05 – Committee approved 7-0-0

A motion to return Item No. LR26.092 to Committee was made and seconded. Said motion was approved by a machine vote of 35-2-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Lyons, Martin, McCullen, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, Pavia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Layton and Kernan opposed) (See [Vote Record No. 604](#)).

3. [LR26.088](#) **PROPOSED ORDINANCE; for Final Adoption & Public Hearing;** amending Section 220 of the Code of Ordinances to allow co-op owners to participate in the senior citizens tax relief program. **APPROVED ON CONSENT AGENDA**
01/10/05 – Submitted by Chair Nakian
01/24/05 – Held in Committee & requested ordinance drafting
02/07/05 – Held by 26th Board
03/02/05 – Committee approved 6-0-0
03/07/05 – Approved for publication on Consent
03/21/05 – Committee approved 7-0-0

4. [LR26.081 Resolution](#) **RESOLUTION; and public hearing;** approving a lease agreement between the City of Stamford and Domus Foundation, Inc.; property located at 17 Forest Street; term of lease: 7/1/2004 through 6/30/2007; amount of rent: \$1,500 per month. **APPROVED ON CONSENT AGENDA**
12/02/04 – Submitted by Mayor Dannel P. Malloy
12/13/04 – Placed on Pending Agenda
01/24/05 – Held in Committee
02/07/05 – Held by 26th Board
02/10/05 – Held by Board of Finance
02/16/05 – Placed on Pending Agenda
03/03/05 – Approved by Planning Board

03/10/05 – Approved by Board of Finance
03/21/05 – Committee approved 7-0-0 (as amended to conform to Ord. 1031)

5. [LR26.082 Resolution](#) RESOLUTION; 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) & Public Hearing Held
03/07/05 – Held by 26th Board
03/21/05 – Committee approved 7-0-0
6. [LR26.091](#) PROPOSED ORDINANCE; **for publication;** amending Chapter 9 of the Code of Ordinances concerning disposition of city-owned properties.
02/07/05 – Submitted by Chair Nakian
03/02/05 – No action reported
03/07/05 – Held in Committee
03/21/05 – Held in Committee
7. LR26.093 PROPOSED ORDINANCE; **for discussion;** regarding reimbursement from other municipalities who enroll children in Stamford's Inter-district Magnet Schools.
03/09/05 – Submitted by Reps. Diamond & O'Neill
03/21/05 – Held in Committee

Secondary Committee: Education

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 3, 4 and 5, was approved by unanimous voice vote.

Chair Nakian reported that the Legislative & Rules Committee will meet on Monday, April 18, 2005 at 7:00 p.m., the regular meeting date.

PERSONNEL COMMITTEE: Mary Lisa Fedeli, Chair
No meeting.

Chair Fedeli stated that the Personnel Committee report regarding this month's item was read into the record last month. The item before the Board tonight is a rejection of a tentative labor agreement with the United Auto Workers' union. This item is on consent to not to reject the contract.

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| <p>1. P26.069
Cover memo
Exec Summ</p> | <p>REJECTION; of a tentative labor agreement with the United Auto Workers Union.
01/06/05 – Submitted by Human Resources Dept.
02/02/05 – No action taken
03/02/05 – Committee voted 0-9-0 (not to reject contract)
02/07/05, 03/07/05 – Held by 26th Board
03/10/05 – Positive Advisory issued by Board of Finance</p> | <p>MOTION TO REJECT DEFEATED BY VOICE VOTE
<i>(Rep. Lyons abstaining)</i></p> |
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Upon motion duly made and seconded, the motion to reject the contract failed by unanimous voice vote.

<p>LAND USE COMMITTEE: (Attendance) (Votes) (Report)</p>	<p>Patrick White, Co-Chair Harry Day, Co-Chair Meeting: Tuesday, March 22, 2005 7:30 p.m. – Legislative Chambers</p>
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Co-Chair Day reported that the Land Use Committee met on March 22, 2005. Present were Committee Member Reps. Day, White, Boccuzzi, Clear, Diamond, Franzetti, Greenberg, Mitchell and Nakian. Rep. Summerville was excused. Also in attendance were Reps. Adams and Coppola; Rachel Goldberg of the URC; Lou Casolo from the Engineering Department; Ed Czesik who appeared at the public hearing and Joy Woodson of the Stamford Advocate.

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| <p>1. LU26.058 Request Report</p> | <p>RESOLUTION & public hearing; regarding final authorization of the acquisition of rights of way for the Stamford Urban Transitway Project.
02/08/05 – Submitted by Lou Casolo
03/03/05 – Held in Committee 8-0-0
03/07/05 – Held by 26th Board
03/22/05 – Committee approved 5-3-1</p> | <p>RETURNED TO COMMITTEE BY MACHINE VOTE 24-9-2</p> |
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Co-Chair Day stated that the Committee reviewed the purpose of the agenda item and the public hearing, noting that pursuant to the Charter and the prior authorization of the Board of Representatives following several public hearings, the following steps had been taken:

1. The Director of Administration had completed the estimate of damages to each of the 71 properties affected by the project;

2. The estimates and the time and place of hearing for each of the affected owners were published and sent to each owner;
3. Hearings have already been conducted with each property owner and each person affected who wished to be heard with respect to their property and
4. The Director of Administration has reported in writing to the Board of Representatives, the amounts that should be paid for each of the affected properties.

Co-Chair Day stated that the purpose of the proposed resolution, under Section 8-16-7 of the Charter, would constitute acceptance of the report and authorization and direction of the project to proceed. Co-Chair Day added that by adopting this resolution, we are not ordering that any particular property be acquired for the price stated in the list. We are doing what the Charter calls on us to do, which is approve the report.

Co-Chair Day stated that during the public hearing, Mr. Czesik appeared on behalf of his family members that own affected property. Mr. Czesik was complementary toward the project, but did voice some concerns about his particular issue of having to relocate and also with respect to the valuations. He focused on one issue, which are the amounts deducted from the appraisals based on the amount of lead in the buildings. At the meeting, Ms. Goldberg stated that only a portion of the estimated lead mitigation costs were being deducted and that the valuation was based upon a fair market analysis.

Co-Chair Day stated that following discussion, the public hearing was closed. Ms. Goldberg and Mr. Casolo reviewed the status of the on-going negotiations with respect to the seventy-one affected properties. The Committee members raised a number of questions about the report, with respect to the assessment of damages to the affected properties.

Co-Chair Day stated that it is important to understand that an assessment has been made with respect to each of the properties, and the total of \$15.8 million as set forth in the report is the summary of those respective appraisals. It is conceivable that some of the individual awards may go up, and at the same time it is conceivable that the total award could go down. The reason for this is that certain contiguous properties can be reconfigured so that when we pay for one property, we can actually use that property to mitigate the damages to the adjacent property. The most important property that this is taking place at is One Dock Street, where the award in the report is \$1.5 million, but ultimately could be as low as \$250,000 because the property at Two Dock Street, which is vacant, can be allocated back to One Dock Street to replace the lost parking. Rep. Day stated that the process is quite flexible.

Chair Day added that the Committee asked to be apprised as to the progress of the negotiations, because this is the last step this Board takes in approving the Stamford Urban Transitway.

Co-Chair Day stated that in Committee Mr. Greenberg felt that we were rushing the matter and that we could probably spend more time on it. Co-Chair Day stated that in Committee Co-Chair White indicated he will oppose the motion based upon his long-standing opposition to this project. The Committee voted 5-3-1 to approve the resolution. Co-Chair Day stated that this project has been in progress for years, it has gained the support of Congressman Shays and Senators Dodd and Lieberman. An enormous amount of work has gone into the project; this Board has been actively involved. There have been many, many public hearings, and this public hearing was not required by the Charter or by any ordinance, but was held nevertheless. This resolution is pursuant to a specific section of our charter and has a limited purpose – to approve the report. It does not mandate that any property be acquired for any particular amount of money. Co-Chair Day moved that the Resolution be adopted; said motion was seconded.

Rep. Adams asked for his fellow colleagues to support him in sending this item back to committee. Rep. Adams stated he was at the meeting, and he doesn't feel that the URC was being share to the individuals owning the 71 properties. There are only ten mutual agreements between the property owners and the URC. Rep. Adams stated that he has been made aware that something is not fair, and this is our last opportunity to make URC be fair with each and every one of those individuals. Rep. Adams added that if we pass this now, the URC will be given the power to acquire all the properties by eminent domain. Rep. Adams stated he wants to send a message back to the URC that they have to sit down, negotiate and make the percentage of those that have settled higher than ten people out of 71. Rep. Adams moved to send the item back to Committee. Said motion was seconded.

Rep. Greenberg stated his views have not changed since the Committee meeting in that he feels that this particular item has moved very quickly. He added he is concerned about the pace and is concerned that everything is being done correctly here. Rep. Greenberg stated he supports Rep. Adams' motion.

Rep. Day asked what the Committee is supposed to talk about if it goes back to Committee in that the Committee is doing what the Charter calls on it to do. He added that the guarantees of fairness in the project have little to do with the URC, they have to do with the statutory framework involved in this process plus a federal overlay of fairness that goes beyond the ordinary protections, and the federal overlay is a condition of the federal participation in this project. Rep. Day stated there is probably an unprecedented level of fairness in this process. The federal government is contributing \$40 million to this process, and we owe it to the taxpayers not to cause undue delay. This may raise the cost of this project and therefore the cost to the City.

Co-Chair Day stated that all of the property owners have been consulted, all of had hearings, and only one came to the public hearing. The previous public hearing had but a handful of property owners. Co-Chair Day stated he is concerned that the small property owners be treated fairly and that the big property owners treat us fairly. He is concerned that the additional delay works not to the advantage of the smaller owners but to the disadvantage of the City and our taxpayers vis-à-vis the handful of large property owners who are getting very large awards. Co-Chair Day stated he is wary of sending this back to Committee.

Rep. Diamond stated he agrees with Rep. Day, and that if he had the sense at the Committee meeting was ramming this down the throats of the taxpayers and residents affected, then he would agree to hold this, but he didn't get that sense at all. He has the sense that the City is bending over backwards to be fair, that it is negotiating in good faith, that the City is reaching agreements promptly and quickly, and he feels that property owners are going to reap a tremendous benefit long term as property values increase dramatically. Rep. Diamond stated this is a vital project for Stamford, and he fears that Stamford will lose jobs and employers. This project will bring economic development and jobs to the City, and the Board should move forward.

Rep. Lyons stated that this project stretches back 15-20 years, and a motion to hold for a month is probably not detrimental to the project, but he encourages anyone with questions about the process or the settlements, to call Engineering or connect constituents with Engineering or the URC to resolve these issues. Rep. Lyons stated that supplies are increasing, such as steel and asphalt. The City of Stamford could end up incurring additional costs as a result of delaying the project.

Rep. Cannady said that there are several people in her district that have been calling her and expressing their dissatisfaction with the process. She doesn't believe that there was adequate notice of the public hearing and by sending it back to committee, another opportunity for a public hearing can occur. She added no one is trying to prevent this project from going forward, but if the people in her district are unhappy with the process, she won't support it.

Rep. Zelinsky stated that he is in agreement with Reps. Adams and Cannady to return the item back to Committee. He stated he doesn't believe it will be costly to the City to hold the item for a month and that we have an obligation to the constituents. Not all constituents are aware of the public hearing process, and this will give another opportunity for constituents to voice their opinion.

Rep. Greenberg stated that the first time this item was on the Agenda, the meeting was cancelled due to a snowstorm. A presentation from the URC was supposed to be given to Committee. At the next Steering Committee meeting,

the item was changed from a review to an approval, and he stated he supported a public hearing at the Steering Committee meeting. He said that while the notice may have complied with legal requirements, it was not adequate for all members of the public to be heard. Rep. Greenberg stated he is in favor of returning the item to Committee.

Rep. Adams stated that we are talking about people's livelihoods – not just property. This project has been in process for twenty-five years, and there has been a tendency for people not to invest in their properties because of this pending project. Now, the property owners want to be compensated fairly. While construction costs have risen, real estate values have also increased. The compensation must be fair and must allow for people to uproot their home or business from this area and relocate somewhere else in Stamford, and the compensation should provide for this. Rep. Adams asked his fellow representatives to support him in returning this item to Committee.

Rep. Lyons stated that the Charter does not require a public hearing and next month will be the second public hearing. There is a legislative clock that is ticking, and he hopes that we are not causing any funding deadlines to expire. Rep. Lyons added that no one wants to see anyone not be compensated fairly, but we must move the timetable ahead.

Rep. Pavia made a motion to move the question; said motion was seconded and approved by a machine vote of 29-6 (Reps. Adams, Benyus, Blackwell, Cannady, Clear, Coppola, Day, DeLuca, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, McCullen, Mitchell, Molgano, Morrow, Munger, Nowakowski, Pavia, Pia, Rauh, Summerville, White and Zelinsky in favor; Reps. Boccuzzi, Diamond, Lyons, Martin, Nakian and Sweeney opposed) (See [Vote Record No. 605](#)).

Clerk of the Board Summerville reported that Reps. Skigen and Mirkin left the meeting.

The motion to return Item No. LU26.058 to Committee was made, seconded and approved by a machine vote of 24-9-2 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Coppola, Esposito, Figueroa, Franzetti, Greenberg, Hunter, Kernan, Martin, McCullen, Mitchell, Molgano, Munger, Nowakowski, Pavia, Pia, Summerville, Sweeney, White and Zelinsky in favor; Reps. Clear, Day, Diamond, Fedeli, Giordano, Layton, Lyons, Nakian and Rauh opposed; Reps. DeLuca and Morrow abstaining) (See [Vote Record No. 606](#)).

2. 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

**HELD IN
COMMITTEE**

03/03/05 – Held in Committee 8-0-0
03/07/05 – Held by 26th Board
03/22/05 – Held in Committee 9-0-0

Co-Chair Day reported that this matter was not taken up because Mr. Stein was unable to appear. The matter was held.

OPERATIONS COMMITTEE: **John R. Zelinsky, Co-Chair**
[\(Attendance\)](#) **Scott Mirkin, Co-Chair**
[\(Votes\)](#) Meeting: Wednesday, March 23, 2005
[\(Report\)](#) 7:00 p.m. – Republican Caucus Room

Co-Chair Zelinsky reported that the Operations Committee met on March 23, 2005. Present were Committee Member Reps. Zelinsky, Mirkin, McDermott, Munger, Pavia, O’Neill and White; Reps. Coppola, Hunter and Adams were excused. Also present were Reps. Day and Lyons; Jeanette Brown, WPCA; Mike Freimuth, Economic Development and Jeff Pardo, Engineering.

1. O26.073 REVIEW; of the agreement between the Town of Darien and the WPCA for wastewater treatment and reimbursement. **REPORT MADE**
02/09/05 – Submitted by Rep. Lyons
03/02/05 – Held in Committee
03/07/05 – Held by 26th Board
03/22/05 – Report Made

Co-Chair Zelinsky reported that Rep. Lyons and other committee members asked questions, and all were answered. A report has been provided to all representatives.

2. O26.074 REVIEW; municipal solid waste statistics, including volume collection by category (MSW, bulky waste, recyclables, co-mingled, cardboard, mixed paper). **HELD IN COMMITTEE**
03/08/05 – Submitted by Rep. Mirkin
03/22/05 – No action taken

Co-Chair Zelinsky reported that this item was held.

3. O26.075 RESOLUTION; approving a contract with Community Development Properties Stamford, Inc. for services in connection with the renovation and development of the Old Town Hall; amount of contract: \$390,000. **APPROVED ON CONSENT AGENDA**
03/10/05 – Submitted by Mayor Dannel P. Malloy

03/10/05 – Approved by Board of Finance
03/22/05 – Committee approved 6-0-0 (as amended)

Co-Chair Zelinsky stated that this is in connection with renovation of the Old Town Hall. The amount of the contract is \$390,000. The Committee voted to amend Section IV by including that a review can be conducted by elected officials as well. This amendment was approved 6-0-0. The Committee also voted 6-0-0 to amend the contract to eliminate Section 16 and replace it with the language from Ordinance 1031. The contract was approved 6-0-0 by the Committee.

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

PUBLIC SAFETY &

HEALTH COMMITTEE:

[\(Report\)](#)

Richard Lyons II, Chair

Gail Clear, Vice Chair

Meeting: Thursday, March 31, 2005

7:00 p.m. – Democratic Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on March 31, 2005. Present were Committee Members: Chair Lyons, Vice Chair Clear, Members Adams, Blackwell, Coppola, DeLuca, Kernan, Mirkin and Zelinsky. Also present were Peter Richter - Rail Administrator Connecticut DOT, Mark Mannix - Director Government Relations Metro North Railroad, John Wagner-Metro North, Rick Myers – Keep Stamford Beautiful, Lorell Guydon – South End NRZ, and Shelia Barney- South End NRZ.

Chair Lyons stated a report was provided to all representatives.

1. PS26.069 REVIEW; of blighted and distressed railroad properties and yards.
02/09/05 – Submitted by Chair Lyons
02/17/05 – Held in Committee 9-0-0
03/07/05 – Held by 26th Board
03/31/05 – Report Made

**REPORT
MADE**

PARKS AND

RECREATION COMMITTEE:

[\(Attendance\)](#)

[\(Report\)](#)

Linda Cannady, Co-Chair

Steve McDermott, Co-Chair

Meeting: Tuesday, March 22, 2005

7:00 p.m. – Democratic Caucus Room

- [per pupil exp](#) including a proposed charter school. **IN COMMITTEE**
 02/04/05 – Submitted by Rep. O’Neill & Hunter
 03/01/05 – Report Made
 03/07/05 – Report Made to 26th Board
2. E26.025 REVIEW; Superintendent of School’s plans to improve CT Mastery Test results cost-to-benefits ratio (in view of the steady increase in the school budget and status of CMT scores). **REPORT MADE & HELD IN COMMITTEE**
 02/10/05 – Submitted by Chair Hunter
 03/01/05 – Report Made
 03/07/05 – Report Made to 26th Board

Co-Chair Hunter reported that the new superintendent commented on both of these items. Both of these items are being held.

Co-Chair Hunter also reported that the financial implications of the interdistrict magnet school warrants further discussion, and background information on the Committee’s discussion is available in the Board Office.

President Martin thanked Rep. Hunter for his work on several education issues, and the Committee is shaping perspectives on several issues.

HOUSING/COMMUNITY DEVELOPMENT/

SOCIAL SERVICES COMMITTEE: Elaine Mitchell, Chair
 Philip Giordano, Vice Chair
 No Meeting.

No report.

STATE & COMMERCE COMMITTEE: Paul Esposito, Chair
[\(Attendance\)](#) John Morrow, Vice Chair
[\(Votes\)](#) Meeting: Wednesday, March 30, 2005
[\(Report\)](#) 7:00 p.m. – Republican Caucus Room

Chair Esposito reported that the State & Commerce Committee met on March 30, 2005. Present were Committee Member Reps. Esposito, DeLuca, Diamond, Fedeli, Greenberg, Rauh, Skigen and Summerville. Excused were Reps. Day, Morrow and Nakian. Also present were President of the Board David Martin, Reps. Lyons, Molgano, O’Neill, Coppola; Mike Freimuth, Economic Development Director; Thomas Cassone, Director of Legal Affairs and the City’s environmental consultant.

1. SC26.011 UPDATE; on State legislative initiatives by Stamford's State senators and representatives. **HELD IN COMMITTEE**
 02/10/09 – Submitted by President Martin & Rep. Esposito
 02/16/05 – Placed on Pending Agenda
 03/30/05 – No action taken
2. [SC26.010 Contract](#) RESOLUTION; approving the acquisition of 2 Blachley Road from Proctor & Gamble for the sum of \$15.6 million. **HELD IN COMMITTEE**
 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 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)
 03/07/05 – Held by 26th Board
 03/30/05 – Held in Committee 5-3-0

Chair Esposito stated that the report that was sent out to the various board members, and the motion to hold this item was approved 5-3-0.

TRANSPORTATION COMMITTEE: **Robert “Gabe” DeLuca, Chair**
Terry Adams, Vice Chair
 Meeting: Thursday, March 24, 2005
 7:00 p.m. – Republican Caucus Room

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

Chair DeLuca reported that the Transportation Committee met on March 24, 2005. Present were Committee Member Reps. DeLuca, Adams, Mirkin, Giordano, Blackwell, Kernan, Franzetti and Zelinsky. Also present were Tim Curtin; Ernie Orgera of the Operations Department; Sandy Goldstein, John Ruotolo, Fred Lodata, Bruce Wharton and Rob Cooper of the DSSD.

1. [T26.068](#) RESOLUTION; **and public hearing**; approving a reduced parking fee for employees of downtown establishments rate at the Bell and Bedford Street Garages. **APPROVED BY MACHINE VOTE (28-3-0)**
 02/10/05 – Submitted by President Martin
 03/03/05 – Committee Approved 6-0-1
 03/07/05 – Held by 26th Board
 03/24/05 – Committee Approved 8-0-0

Chair DeLuca moved Item No. T26.068 was made and seconded.

Rep. Zelinsky stated that he originally voted in favor of this item, but today he received some information pertaining to the participants in the program and he has serious questions. Rep. Zelinsky moved to hold the item; said motion was seconded.

Rep. Zelinsky stated that this was originally for employees of restaurants on Bedford Street and surrounding streets. He has learned there are five or six business owners that are receiving discounts. Secondly, some of the businesses that have applied for discounts have businesses on streets where there are no parking meters. The original concept was to encourage restaurant employees to park in the garages to allow customers to use the on-street parking. Rep. Zelinsky stated that the program has expanded from the Bedford Street garage to the Bell Street garage. Also, the program is costing \$48,900 to the City. Rep. Zelinsky stated he is not against the program, but the program has become somewhat out of control.

Rep. DeLuca stated that while there may be some questions, they can be answered in a private meeting rather than sending the item back to Committee. Rep. DeLuca stated that this is a win-win situation, and this benefits both the merchants and the city.

President Martin stated he had asked the Board Office to look for a resolution enabling these fees, and there is no resolution passed by this Board at any time in the last three years.

Rep. DeLuca stated that is why it is on the agenda so the program can be operated properly.

Rep. Adams stated that the program is in effect, it is working and there is no harm by sending it to committee for another month.

Rep. Zelinsky stated it would be wrong to approve this if there are flaws in the program. This matter has been going on since March of 2003, and this Board has not legally passed a resolution to do this, the Committee recommended it, but somehow the process wasn't completed. Rep. Zelinsky added he sees no problem in waiting one month since it has been going on for two months.

Rep. DeLuca stated he will contact department heads, solve the problem and if there are unsolved problems, then it should go back on the agenda. This will only take one-half hour in a meeting to solve.

Rep. Lyons stated that the program will continue whether it is held or whether it is passed. Rep. Lyons has never seen action items that come out of committee on consent or almost unanimous get to the floor of the Board and be so routinely sent back to Committee as frequently as has been happening in the last 6-8

months. This belittles and demeans the committee process. If we are going to do this, we should consider going to an open meeting and not have committees. Rep. Lyons stated that a lot of these issues can be settled in private conversations and private meetings, especially an item of this magnitude.

A motion to move the question was made, seconded and failed by a machine vote of 29-4-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DeLuca, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, Martin, McCullen, Mitchell, Molgano, Morrow, Munger, Pia, Rauh, Summerville, Sweeney and White in favor; Reps. Diamond, Lyons, Nakian and Zelinsky opposed) (See [Vote Record No. 607](#)).

A motion to return the Item to Committee was made, seconded and failed by a vote of 10-22-0 (Reps. Adams, Cannady, Clear, Esposito, Figueroa, Hunter, McCullen, Mitchell, Summerville and Zelinsky in favor; Reps. Benyus, Boccuzzi, Coppola, Day, DeLuca, Diamond, Fedeli, Franzetti, Giordano, Greenberg, Kernan, Layton, Lyons, Martin, Molgano, Morrow, Munger, Nakian, Pia, Rauh, Sweny and White opposed) (See [Vote Record No. 608](#)).

Clerk of the Board Summerville reported that Reps. Pavia and Nowakowski have left the meeting.

The main motion was approved by a machine vote of 28-3-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, Diamond, Esposito, Fedeli, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, Lyons, Martin, Mitchell, Molgano, Morrow, Munger, Nakian, Pia, Rauh, Sweeney and white in favor; Reps. Figueroa, Summerville and Zelinsky opposed) (See [Vote Record No. 609](#)).

RESOLUTIONS

1. [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
03/07/05 – Held by 26th Board **HELD IN COMMITTEE**

A motion to suspend the rules to take up an item not appearing on the Agenda was made, seconded and approved by unanimous voice vote.

2. [SENSE OF THE BOARD RESOLUTION](#);
congratulating Dudley Williams on being honored by the Yerwood Center at its annual meeting. **APPROVED BY UNANIMOUS VOICE VOTE**

04/04/05 – Submitted by Clerk of the Board
Summerville

MINUTES

1. [March 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 11:33 p.m.