

The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Monday, August 1, 2005 in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.

MINUTES

INVOCATION: Given by Rep. Giordano.

“Almighty God, thank You for bringing us together today. We ask Your blessing on this assembly and pray for Your guidance in the tasks that we must perform. Thank You for our good health of mind and of body. We pray for those who are not quite so fortunate; help them to find peace. We also pray for those who have died helping families to find peace. Thank You for helping us to put others before ourselves; help us to continue striving to do our best for the citizens of this, our beloved city. In Your name we pray, Amen.”

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

ROLL CALL: Conducted by Clerk of the Board Annie Summerville. There were 31 members present and 9 members absent/excused (Reps. DeLuca, Esposito, Figueroa, Hunter, McDermott, Mitchell, Munger, Nowakowski and Sweeney).

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

MOMENTS OF SILENCE: For the late:

Elizabeth “Betty” O’Neil, Hezekiah Roach, Ella Menskey, Orlando Quillen, Mae Beulah Brinkley, Hugh Spigner and Mattie Booker by Rep. Summerville; Alexander Nanai, Frances “Frank” Ferro, Annette “Babe” Zezima, Trudy Vetti, Barbara A. Inverno, James G. Inverno, Jr., Marie Policastro and Nettie T. Morgan

by Rep. Giordano; Louis Connetta and Sue Sessa Franconere by Reps. Giordano and Zelinsky; Ralph F. Gallagher, Pauline Brenia, Palma "Pam" Grant and Claire Massell by Rep. Zelinsky; Ishier Jacobson by Reps. O'Neill and Zelinsky; and Shirley Kronenberg and Jayson Adeyemo Jarrett.

COMMUNICATIONS:

1. President Martin announced that Rep. Sweeney has resigned and declared a vacancy.
2. President Martin congratulated Reps. Adams, Cannady, Giordano and Clear on their August birthdays.
3. President Martin announced that the Erskine Road appeal is scheduled to be heard August 29, 30 and 31.

APPOINTMENT OF NEW MEMBER:

A motion to suspend the rules to take up the appointment of a replacement for Mr. Sweeney was made, seconded and approved by unanimous voice vote.

Rep. Day asked when the letter was received; President Martin confirmed that the letter was received from the Mayor's Office on Friday, July 31, 2005.

Majority Leader Boccuzzi moved the nomination of Mr. John Mallozzi to fill the vacancy in the 12th District; said motion was seconded. President Martin declared the nominations closed. Majority Leader Boccuzzi stated that he confirmed that Mr. Mallozzi is a registered Democrat in good standing and is a resident of the 12th District. He added that Mr. Mallozzi was first elected to the Board of Representatives in 1983; in 1985 he was elected to the Board of Finance, serving two years as vice chairman and two years as chairman. He served as Chairman of the Charter Revision Commission. In 1995 he was appointed by the Board of Representatives to fill out Dannel Malloy's term on the Board of Education; in 1997 he was elected for another term for that board where he served for another year as president.

The motion to approve Mr. Mallozzi to fill the vacancy in the 12th District was approved by unanimous voice vote (Rep. Skigen abstaining).

President Martin administered the oath of office to Mr. Mallozzi.

CHANGE OF MEETING DATES

A motion to accept a resolution changing the October and November meeting dates was made, seconded and approved by unanimous voice vote. The October meeting will be held on October 11, 2005 and the November meeting will be held on November 14, 2005.

A motion to suspend the Rules to take three items out of order was made and seconded. Said motion was approved by unanimous voice vote.

1. [SENSE OF THE BOARD RESOLUTION](#) **APPROVED BY
UNANIMOUS
VOICE VOTE**
congratulating Natalie Aflalo on winning the Flag
Day Essay Contest sponsored by the Elks Club.
06/13/05 – Submitted by President Martin
07/05/05 – Held in Committee

2. [SENSE OF THE BOARD RESOLUTION](#); **APPROVED BY
UNANIMOUS
VOICE VOTE**
congratulating Officer John Sabia on the
occasion of his retirement.
07/05/05 – Submitted by Clerk Summerville

3. [SENSE OF THE BOARD RESOLUTION](#); **APPROVED BY
UNANIMOUS
VOICE VOTE**
honoring Christopher Redfield and Yecib Torres
for their bravery in rescuing a woman from a
burning building.
07/05/05 – Submitted by Clerk Summerville

STEERING COMMITTEE: Monday, July 11, 2005

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

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

STANDING COMMITTEES

APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair
Paul A. Esposito, Vice Chair

No meeting; no report.

FISCAL COMMITTEE: **Randall Skigen, Chair**
 ([Attendance](#)) **Linda Cannady, Vice Chair**
 ([Votes](#)) Meeting: Monday, July 25, 2005
 7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, July 25, 2005. Present were Committee Member Reps. Cannady, Day, DePina, Fedeli, Figueroa, Giordano, Hunter, Mirkin and Skigen; also present were Reps. Greenberg and Rauh as well as Tim Curtin, Mike Freimuth, Pete Privitera, Lou Casolo, Jeff Pardo, Doug Arndt, Deborah Katz, Dr. Johnnie Lee, Bill Callion and Sandy Dennies.

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| 1a. F26.594 | GRANT RESOLUTION; authorizing an agreement with the CT Department of Economic and Community Development for capital improvements to the old Town Hall.
06/22/05 – Submitted by Mayor Dannel P. Malloy
07/25/05 – Committee approved 6-0-0 | APPROVED ON
CONSENT
AGENDA |
| 1b. F26.601
\$3,000,000.00 | ADDITIONAL APPROPRIATION (Capital Budget); Engineering; Old Town Hall; for renovation of Old Town Hall.
07/05/05 – Submitted by Mayor Dannel P. Malloy
07/12/05 – Approved by Planning Board
07/14/05 – Approved by Board of Finance 4-1-0
07/25/05 – Committee approved 6-0-0 | APPROVED ON
CONSENT
AGENDA |

Secondary Committee: State & Commerce

Concur

- | | | |
|--|---|---|
| 2. F26.602 | GRANT RESOLUTION; authorizing an agreement with the CT Department of Public Safety for a Support and Tow Vehicle for the Mass Casualty Decontamination Trailer funded through the FY 2003 State Homeland Security grant Program; amount of grant: \$138,417.
07/11/05 – Submitted by Mayor Dannel P. Malloy
07/25/05 – Committee approved 8-0-0 | APPROVED ON
CONSENT
AGENDA |
| 3. F26.600
\$110,000.00 | ADDITIONAL APPROPRIATION (Operating Budget); City Contributions to Grant Funds; Other Grants/Transfer Grant FD #24; supplemental funds to preserve the HIV Prevention Program (\$81,000.00) and to bring program employees to step A in salary grades (\$29,000.00). | APPROVED ON
CONSENT
AGENDA |

07/05/05 – Submitted by Mayor Dannel P. Malloy
07/14/05 – Approved by Board of Finance
07/25/05 – Committee approved 7-0-0

*Secondary Committee: Housing/Community Development/
Social Services*

Waive

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

4. [F26.599](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON
\$36,700.00 Youth Services Bureau; Direct Service; represents
funds donated by Fairfield County Community
Foundation to train members of Stamford, Norwalk,
Danbury and Bridgeport after school alliances;
funds to be divided between communities.
07/05/05 – Submitted by Mayor Dannel P. Malloy
07/14/05 – Approved by Board of Finance
07/25/05 – Committee approved 7-0-0**

Secondary Committee: Education

Waive

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

5. [F26.598](#) GRANTS RESOLUTION; authorizing a grant **APPROVED ON
application with the CT Dept. of Environmental
Protection for a recreational trail at Kosciuszko
Park; amount of grant: \$50,000.
07/05/05 – Submitted by Mayor Dannel P. Malloy
07/25/05 – Committee approved 7-0-0**
- 6a. [F26.596](#) GRANT RESOLUTION; authorizing a grant **APPROVED ON
agreement with the U.S. Environmental Protection
Agency for the cleanup of property at 114
Manhattan Street; amount of grant \$200,000.
07/25/05 – Committee approved 7-0-0**
- 6b. [F26.595](#) GRANT RESOLUTION; authorizing a grant **APPROVED ON
agreement with the U.S. Environmental Protection
Agency for the cleanup of property at 1 Dock
Street; amount of grant \$25,500.
06/22/05 – Submitted by Mayor Dannel P. Malloy
07/25/05 – Committee approved 7-0-0**

ADDITIONAL APPROPRIATION (Capital Budget);
Operations; Engineering; Brownfields Cleanup
Grant with city contribution to address soil
contaminants in land to be used to construct the
Stamford Urban Transitway.

6c. [F26.592](#)
\$30,600.00

1 Dock Street - \$25,500 grant; \$5,100 local share
07/25/05 – Committee approved 7-0-0

**APPROVED ON
CONSENT
AGENDA**

6d. [F26.597](#)
\$240,000.00

114 Manhattan Street - \$200,000 grant; \$40,000
local share
07/05/05 – Submitted by Mayor Dannel P. Malloy
07/12/05 – Approved by Planning Board
07/14/05 – Approved by Board of Finance
07/25/05 – Committee approved 7-0-0

**APPROVED ON
CONSENT
AGENDA**

Secondary Committee: Land Use/URC

Waive

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

Suspension of the Rules: (07/25/05 – Committee approved 7-0-0) A motion to suspend the rules to take up Item No. F26.603 was made and seconded; said motion was approved by unanimous voice vote.

7. [F26.603](#)
\$1,000,000.00

ADDITIONAL APPROPRIATION (Capital Budget);
Highways; Street Patch & Resurfacing; to patch
and resurface city's roadway infrastructure
including milling, overlay, reconstruction and
repairs to public streets.
07/15/05 – Submitted by Mayor Dannel P. Malloy
07/20/05 – To be considered by Board of Finance
07/25/05 – Committee approved 6-0-1

**APPROVED BY
UNANIMOUS
VOICE VOTE**

[\(additional
backup\)](#)

[additional
backup](#)

Secondary Committee: Operations

Waive

Chair Skigen stated that everyone should have on their desk a list of the streets proposed to be worked on with this \$1 million as well as streets that have been done with the \$1 million that was already approved. There is one street not listed under previously received funds – Studio Road, and this road will be done when the bridge construction is completed. Chair Skigen reported that the Committee approved this item 6-0-1.

Rep. Mirkin stated he abstained in Committee pending a request for information, which has been received, that relates to the PCI Pavement Condition Index. Rep. Mirkin will support it this evening, but feels compelled to repeat comments he made at the Fiscal Committee meeting: “In the year 2001, the Department of Operations had the foresight to enter into an agreement with a consultant to

actually evaluate the 310 miles of city roads and to come in with a plan for prioritizing the streets. Based on not following that plan, we are about \$7.5 million behind where we should be. That plan called for \$1.5 million to be allocated every year to keep the streets up and to prevent them from falling into a state of disrepair. I would venture to guess that if we had 70 miles in 2001 that were fair or failing or poor, that this percent is higher today. This is a result of delaying important expenditures for infrastructure that costs taxpayers more in the long run.” Rep. Mirkin added that he is hoping that for next year, there will be \$2 million, and these funds should have been appropriated all along. Rep. Mirkin stated that he is on the subcommittee in Fiscal that meets with Operations every year, and Mike Zarba and Tim Curtin and Glenn MacWilliams clearly indicated they have always asked for \$1.8 million – this was not a number out of the sky – it was based on this report. Rep. Mirkin stated he will gladly support this appropriation, and he thinks it is going to the right streets, but he is very, very disappointed that the administration for ten years has basically neglected the important public service of paving the highways.

The motion to approve Item No. F26.603 was approved by unanimous voice vote.

A motion to suspend the rules to take up Item No. F26.605 was made and seconded; said motion was approved by voice vote (Rep. O’Neill abstaining).

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| 8. F26.605 | RESOLUTION; amending Res. No. 2991 with respect to the authorization, issuance and sale of not exceeding \$40,000,000 in City of Stamford General Obligation Refunding Bonds.
07/22/05 – Submitted by Bond Counsel
07/25/05 – Committee approved 5-0-2 | APPROVED BY
MACHINE VOTE
(29-0-3) |
|----------------------------|--|--|

Chair Skigen stated that basically last month, the Board approved a resolution with respect to the authorization, issuance and sale not exceeding \$40 million City of Stamford general obligation refunding bonds. The caption on our agenda indicated that at the time we were hoping for savings in excess of \$700,000.00. So, what was captioned on our agenda was: “resolution authorizing up to \$40 million in refunding for savings in excess of \$700,000.00.”

Chair Skigen continued that during discussion in committee last month, it was made clear that \$700,000 might not be achieved, that the City’s goal is 2% of the actual amount refunded and anything less than 2% we do not go forward with. Bond counsel, upon reviewing our agenda, said that it was required for us to amend the resolution so that it made clear that there were no savings requirements or thresholds, because we can set our own savings requirements or thresholds.

Chair Skigen stated he is not thrilled with the advice from bond counsel, but we pay them in order to provide us with such advice. Therefore, the Committee approved a resolution amending Resolution No. 2991, and it says:

“Resolution 2991, approved by the Board of Representatives on July 5, 2005, is hereby amended to clarify that there are no savings requirements or thresholds of any kind associated with the issuance of the refunding bonds.”

Chair Skigen continued by saying that if we do not pass this amendment tonight, then Bond Counsel is not prepared to give us an unqualified opinion regarding the issuance of these refunding bonds. Therefore, it is necessary to go forward with this amendment, even though he thinks bond counsel is not only using a belt and suspenders, but staples, glue, post-its, whatever, they believe necessary to hold up the pants on this transaction. If we had gone to market last week as originally proposed, it is estimated that our savings would have been in the range of \$600,000. As of late this afternoon, we were looking at somewhere in the range of \$500,000-\$550,000; the plan is to go to market tomorrow, but Ben Barnes, in conjunction with our outside financial adviser, will determine whether it is advisable for the City to issue these bonds tomorrow. Chair Skigen reluctantly moved for approval of this amendment; said motion was seconded.

Rep. Day stated that first of all there was nothing wrong with the original resolution. Rep. Day stated that he did bond financings several years ago, and he does not believe that the law has changed a lot. When we add the legal fees we are paying to receive this kind of hair-splitting advice and add on to that the potential loss of \$100,000, he believes it is borderline unconscionable.

Rep. Day added that having detected a flaw; the remedy doesn't make any sense. We are amending a resolution to take out something that isn't in the resolution. It should have been done in terms of a resolution clarifying the intent of the original resolution, not amending the original resolution. The language that the lawyer is recommending is in some respects worse than the allegedly offensive language in the resolution that we passed – that wasn't offensive. The whole thing is one of the most ludicrous things he has experienced in seven years on the Board of Representatives.

Rep. O'Neill stated that certain matters require clarity, and given the extraordinary amount of bond refunding proposed tonight, unless there is an absolute clear statement to endorse this change, he in good conscious will abstain from voting on this measure.

Said motion was approved by a machine vote of 29-0-3 (See [Vote Record No. 627](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Fedeli, Franzetti, Giordano, Greenberg, Layton, Lyons II, Mallozzi, Martin, McCullen, Mirkin, Molgano, Morrow, Nakian, Pavia, Pia, Rauh,

Summerville, White and Zelinsky in favor; Reps. Kernan, O'Neill and Skigen abstaining).

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1a and 1b, 2, 3, 4, 5, 6a, b, c and d, was approved by unanimous voice vote.

LEGISLATIVE & RULES COMMITTEE: Maria Nakian, Chair

[\(Attendance\)](#)

Meeting: Monday, July 25, 2005

[\(Report\)](#)

7:00 p.m. – Republican Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on July 25, 2005. Present were Committee Member Reps. Nakian, Greenberg, Zelinsky and Diamond; Reps. Franzetti, Mitchell, Layton and Esposito were excused. Also present were President of the Board David Martin, Reps. Hunter and Rauh, Bill Forker, Police Chief Larrabee and Bill Callion, Philip Berns, James Grunberger, Carmen Domonkos and other members of the Eastside Partnership.

Chair Nakian stated that a quorum was not present so all three items had no action taken.

1. [LR26.099](#) PROPOSED ORDINANCE; **for publication;** **NO**
providing tax relief for the disabled under Section **REPORT**
220-9A, Article IV of the Code of Ordinances.
05/15/05 – Submitted by Rep. DeLuca
06/20/05 – Held in Committee 8-0-0
07//05/05 – Held in Committee
07/25/05 – No Quorum; Held

2. [LR26.071](#) PROPOSED ORDINANCE; **for publication;** **NO**
amending the Ethics Ordinance. **REPORT**
09/07/04 – Submitted by Amy LiVolsi, Chair of
Ethics Board
10/04/04 – Report Made
11/08/04, 11/20/04, 12/06/04 – Held in Committee
12/13/04 – Placed on Pending Agenda
06/20/05, 07//05/05 – Held in Committee
07/25/05 – No Quorum; Held

3. [LR26.097](#) PROPOSED ORDINANCE; **for publication;** **NO**
regarding solicitation of day workers by commercial **REPORT**
and residential employers and encouraging the use
of the “no hassle zone” on South State Street.
05/05/05 – Submitted by Rep. Hunter
06/20/05, 07//05/05 – Held in Committee

Rep. Day stated that it is clear that Ms. Wick is not being hired as an attorney for the Board, so while he shares Mr. Lyons' concerns, he really doesn't see this as a problem. Her legal training and background will prove extremely valuable to the Board, and he has already learned in working with her over the last few days that she has already made some significant contributions, and we are well served here.

Clerk of the Board Summerville stated in response to any concerns, as the person who interviewed Ms. Wick, she feels we are in good shape. She added that she has sat on the Appointments Committee for many years, and there are people that come before boards and commissions – especially land use boards – and the Committee asks them difficult questions and ask them to sign documents detailing real estate ownership in the City of Stamford. During the interview with this applicant, we made it very clear and she is certain Ms. Wick understands the process. There is no reason for the Board to be alarmed. She asked that the record show that it did not appear in any way to those who interviewed Ms. Wick that she is unaware of the scope of the job. Ms. Summerville added that she respects Mr. Lyons' opinion, but there was never any intent to hire an attorney for the Board.

Upon motion duly made and seconded, the item was approved by unanimous voice vote.

Suspension of the Rules:

Upon motion duly made and seconded and approved by unanimous voice vote, the rules were suspended to take up Item No. P26.079 below.

2. P26.079 Summary Contract	REJECTION; of a tentative collective bargaining agreement with the Teamsters Union; Contract to run from 7/1/3 to 7/1/9. 07/14/05 – Submitted by Mayor Dannel P. Malloy 07/14/05 – Favorable Advisory Opinion from Board of Finance 07/27/05 – No quorum 08/01/05 – Rejection of contract failed 0-6-0	MOTION TO REJECT FAILED BY MACHINE VOTE 0-31-0
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Chair Fedeli stated that the Committee reviewed the contract on both nights, and the Committee voted not to reject the contract 0-6-0.

President Martin stated that the Board can only reject the contract. Therefore, an aye vote is a vote to reject the contract; a no vote is a vote NOT to reject the contract.

A motion to reject Item No. P26.079 was made and seconded; said motion failed by a machine vote of 0-31-0 (See [Vote Record No. 628](#)) (Reps. Adams, Benyus,

Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Fedeli, Franzetti, Giordano, Greenberg, Kernan, Layton, Lyons II, Mallozzi, Martin, McCullen, Mirkin, Molgano, Morrow, Nakian, O'Neill, Pavia, Rauh, Skigen, Summerville, White and Zelinsky opposed; Rep. Pia abstaining).

LAND USE/URBAN REDEVELOPMENT

COMMITTEE:

[\(Attendance\)](#)

[\(Report\)](#)

Patrick White, Co-Chair

Harry Day, Co-Chair

Meeting: Thursday, July 28, 2005

7:00 p.m. – Republican Caucus Room

Chair White reported that the Land Use Committee met on July 28, 2005. Present were Committee Member Reps. White, Clear, Day, Diamond and Nakian. Excused were Reps. Benyus, Boccuzzi, Franzetti, Greenberg, Mitchell and Summerville. Also present were Robin Stein and Dr. Johnnie Lee.

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| 1. 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
03/07/05 – Held by 26 th Board
03/22/05 – Held in Committee 9-0-0
04/04/05 – Held by 26 th Board
04/26/05, 05/26/05 – Report Made
07/05/05 – No Meeting, No Report
07/28/05 – No quorum | REPORT
MADE |
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Chair White reported that Mr. Stein explained that the problems due to understaffing remain. On a more positive note, they have re-advertised for enforcement positions and hiring decisions will be made soon. Mr. Stein added that there will be a learning curve with the new hires. Dr. Lee spoke on how the Health Department is working from both health/housing and zoning perspectives. A task force has been established with three health inspectors, a GIS person, a land use inspector and a bi-lingual outreach person. This task force will coordinate with the Fire Marshall's Office, Mr. Callion and Ms. Yantorno, the anti-blight officer. The major objective of this group is to determine the extent and location of illegal housing and also the landlords who are contributing to the problem. This data will be collected over the next year, and the Committee decided to review this item next February.

OPERATIONS COMMITTEE: John R. Zelinsky, Co-Chair
Scott Mirkin, Co-Chair

No meeting; No report.

**PUBLIC SAFETY &
HEALTH COMMITTEE:** Richard Lyons II, Chair
Gail Clear, Vice Chair

No meeting; No report.

**PARKS AND
RECREATION COMMITTEE:** Linda Cannady, Co-Chair
Steve McDermott, Co-Chair

No meeting; No report.

EDUCATION COMMITTEE: Brian O'Neill, Co-Chair
[\(Attendance\)](#) Thomas Hunter, Co-Chair
Meeting: Thursday, July 28, 2005
7:00 p.m. – Democratic Caucus Room

Chair O'Neill reported that the Education Committee met on July 28, 2005. Present were Committee Member Reps. McCullen, Molgano, O'Neill, Rauh and Day. Rep. Hunter was excused. Also present were Judith Singer, John Chardavoyne and Susan Nabel.

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| 1. E26.026 | REVIEW; registration documentation and verification thereof for all K-5 schools for Fall 2004 and Fall 2005 (similar to what was provided for sixth and ninth graders).
03/31/05 – Submitted by Rep. Mirkin
07/05/05 – No Meeting, No Report
07/28/05 – Report Made | REPORT
MADE |
|------------|--|------------------------|

Chair O'Neill stated a report is in the Board Office regarding this item. They have made tremendous progress in determining whether students are legally attending Stamford public schools, and the Board of Ed has agreed to provide an update at the end of October regarding their registration practices.

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

Elaine Mitchell, Chair
Philip Giordano, Vice Chair

Meeting: Tuesday, July 26, 2005
6:00 p.m. – Democratic Caucus Room

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

Vice Chair Giordano reported that the HCD/SS Committee met on July 26, 2005. Present were Committee Member Reps. Giordano, Blackwell, Figueroa, Mitchell, Molgano and Rauh. Reps. McDermott and Munger asked to be excused. Also attending were Tim Beeble; Sarah Pour; and David Hepburn, Director of Operations for LMG.

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| 1. HCD26.44 | PUBLIC HEARING; for the proposed 5-year Consolidated Plan for use of HUD funds for housing, community development, economic development, public improvements and support services (hearing to be held 7/26/5).
07/06/05 – Submitted by Tim Beeble
07/27/05 – Report Made | REPORT
MADE; NO
ACTION
NECESSARY |
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Vice Chair Giordano stated that HUD requires an update of the Consolidated Plan every five years. No board action is necessary.

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| 2. HCD26.45 | APPROVAL; if the proposed 5-year Consolidated Plan for use of HUD funds for housing, community development, economic development, public improvements and support services.
07/06/05 – Submitted by Tim Beeble
07/27/05 – Committee approved 6-0-1 | APPROVED
ON CONSENT
AGENDA |
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Vice Chair Giordano stated Board approval of the plan is required.

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| 3. HCD26.041 | APPROVAL; of request by LMG, Inc. to cancel Year 29 project to rehabilitate bathrooms at 929 Newfield Avenue facility and transfer \$12,000 allocation to supplement their \$82,000 Year 30 project to rehabilitate bathrooms for their 119 Main Street facility.
05/05/05 – Submitted by Tim Beeble
05/12/05 – Placed on Pending Agenda
07/27/05 – Committee approved 6-0-1 | REPORT
MADE; NO
ACTION
NECESSARY |
|------------------------------|---|---|

Vice Chair Giordano stated that no action is required by the Board on this item. Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 2, was approved by a voice vote (Reps. Adams and Cannady abstaining).

STATE & COMMERCE COMMITTEE: **Paul Esposito, Chair**
John Morrow, Vice Chair
Meeting: Monday, July 25, 2005
7:00 p.m. – Democratic Caucus Room
(in conjunction with Fiscal Committee)

Vice Chair Morrow stated that the Committee voted on a Secondary Committee Item, and the Committee's report is included in the Fiscal Committee's Report.

TRANSPORTATION COMMITTEE: **Robert "Gabe" DeLuca, Chair**
[\(Attendance\)](#)
[\(Report\)](#)
Terry Adams, Vice Chair
Meeting: Wednesday, July 27, 2005
7:00 p.m. – Democratic Caucus Room

Vice Chair Adams reported that the Transportation Committee met on July 27, 2005. Present were Committee Member Reps. Adams, Giordano, Zelinsky and Mirkin. Absent/Excused were Reps. Franzetti, Kernan, DeLuca and Blackwell. Also present was Dan Colleluori of the Office of Cashiering & Permitting. There was no quorum, but the items were discussed.

Vice Chair Adams stated that both contracts were discussed at length. They are asking for Board of Representatives approval to collect parking tickets that date back to 1995. Vice Chair Adams stated he finds it very troublesome that the City would go back this far to collect parking tickets from its residents. Vice Chair Adams stated that because there was no quorum, no action was taken. Vice Chair Adams asked for further information regarding the legality of collecting parking tickets up to ten years old as well as additional information on the process the city would utilize if a resident wanted to contest the ticket.

Rep. Mirkin stated he attended the meeting and sees things differently. He disagrees with Rep. Adams' characterization of Mr. Colleluori asking the Committee to give a pass. He wasn't asking for a pass, and it is not a matter of going after Stamford residents, in that these people are scofflaw offenders, primarily who live outside the city limits. The administration is trying to collect \$2 million owed taxpayers, and whether it is ten days or ten years, it is immaterial. If this is a source of revenue legally owed to the City, this Board has an obligation to take the issue up and provide the administration with the tools to do its job.

Rep. Mirkin moved to take Item No. T26.072 out of Committee; said motion was seconded. Rep. Mirkin stated that Rep. Zelinsky and Giordano were both supportive of this item.

Rep. Lyons stated that he believes that this is in conflict with state statute as to the time limits allowable to collect a debt, which he believes is six years. We learned that with the Police Extra Duty fund. He also has a huge concern about giving a contract to an unknown entity for a period of four years. This firm has not performed any work for the City of Stamford yet; they are the ones with the burden of proof to prove that their system works. Rep. Lyons stated we don't know if this firm will work out, and we will be married to it for four years. Rep. Lyons would like to see the item held, those issues rectified then brought forth to the full Board.

Rep. Zelinsky stated that he believes that Mr. Colleluori explained the reasons for all of this. The firm would be hired to collect delinquent tickets from 1995 to 2002. Rep. Zelinsky added that the Mayor, who is an attorney, sent this down. The contract and agreement were signed off by Attorney Rosenberg of the Law Department, and he cannot believe that those two gentlemen would send down an agreement that provides for the illegal collection of delinquent tickets. Also, Mr. Colleluori mentioned at the meeting that at the present time, there are 7,500 outstanding tickets, totaling a loss of City revenue of \$2 million. At the meeting, he felt that most committee members felt that these items would be taken out of committee and put forward on the floor. Rep. Zelinsky added that this is a win-win situation, and while this particular firm has not done business with the City, an RFP was sent out and they met the stringent requirements to be selected for this function. Rep. Zelinsky also stated that they would not be paid anything unless they collect some money from delinquent parking tickets. They receive 30% of delinquent revenue collected and 23% of current tickets. Rep. Zelinsky stated we should proceed with this item.

Rep. Mirkin stated that regarding their background, as Mr. Zelinsky pointed out, they only receive a finder's fee. This company has relationships with fifty states and departments of motor vehicles. These people cannot add charges to anything. For each ticket, you receive four notices; you get a fifth notice, which is a certified letter. It is hard to have sympathy for the people that made this list. This is not an honor roll; these are people who have snubbed their nose at the City of Stamford. They are people who have, according to Dan Colleluori, harassed his staff saying "come and get me .. you'll never collect." Rep. Mirkin urged everyone to support this item.

Rep. Diamond stated that the first reason he opposes taking this out of Committee is that we heard a report from Mr. Adams saying that the Committee wanted more information before they acted, so Mr. Diamond feels the Board should honor the work of the Committee. Second, Mr. Diamond states it is bad public policy for a city to be sending out letters to taxpayers of this town or any other town for something that was done ten years ago. A collection letter presumes that if you don't pay the ticket, something will be done. That something would be to file litigation. And that simply is false because the litigation cannot be filed ten years after the act. It is prohibited by the statute of limitations

... it is a lie. Even if you could litigate it, how would you expect someone to defend the litigation ten years later? For all of those reasons, the Board should leave the item where it is and not bring it forward.

Rep. Adams stated that it would be unfair to ask our residents to prove something that happened ten years ago. He feels it is unreasonable, we need more information, and we should look at what is in the best interests of our residents and that we should not just look at the \$2 million. We should give our constituents a fair look at this matter. We could also consider an amnesty period, and the City should have some sort of burden to prove that the tickets are owed.

Rep. Boccuzzi stated he agrees with Mr. Adams. In the Committee Report, two contracts were discussed; no votes were taken pending the receipt of additional information. Rep. Boccuzzi confirmed that the answers to the questions were not received, and because they have not been received, out of respect to the Chair of the Committee, these should be held until the answers are made available.

Rep. O'Neill is opposed to this for many of the reasons previously stated. Some functions of government are served well if they are privatized, and he is against a wholesale turning over of records to collection agencies. There is a certain presumption of guilt coming into play here, especially going back ten years. Rep. O'Neill challenged anyone in this room to produce parking ticket information three years ago let alone ten years ago. Putting the burden of proof on the owner of an automobile as to whether they did or did not pay a parking ticket, and then levying fines on them is a burdensome process at best, and insulting to the character of our citizens at worst. Rep. O'Neill stated that the suggestion that there are 7,000 people in Stamford snubbing their noses at Stamford's Department of Collection is something he does not believe. The questions the Committee had regarding an appeal process were probably good ones, and he doesn't believe the tenure of these contracts is appropriate, and he doesn't believe going back ten years is fair or equitable for our citizens.

Rep. Greenberg moved the question; said motion was seconded. Said motion was approved by a machine vote of 30-2-0 (See [Vote Record No. 629](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Fedeli, Franzetti, Giordano, Greenberg, Kernan, Layton, Lyons II, Mallozzi, Martin, McCullen, Mirkin, Molgano, Morrow, Nakian, Pavia, Pia, Rauh, Skigen, Summerville and White in favor; Reps. O'Neill and Zelinsky opposed).

The motion to take the item out of committee failed by a machine vote of 14-18-0 (See [Vote Record No. 630](#)) (Reps. Benyus, Coppola, Day, Fedeli, Franzetti, Giordano, Greenberg, Layton, Mirkin, Molgano, Morrow, Pavia, Pia and Zelinsky in favor; Reps. Adams, Blackwell, Boccuzzi, Cannady, Clear, DePina, Diamond, Kernan, Lyons II, Mallozzi, Martin, McCullen, Nakian, O'Neill, Rauh, Skigen, Summerville and White opposed).

Rep. Mirkin asked that the Transportation Committee Report be amended to reflect the fact that neither Mr. Giordano, Mr. Zelinsky nor Mr. Mirkin requested additional information. If it was the Chair, the record should state it was the Chair and clearly not the other members of the Committee.

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| 1. T26.072 | APPROVAL; of agreement with Law Enforcement Systems, Inc. for parking ticket management services; term of contract: 7/1/5 – 6/30/9; amount of contract: 30% of delinquent revenues and 23% of non-delinquent accounts.
06/22/05 – Submitted by Mayor Dannel P. Malloy
07/14/05 – Approved by Board of Finance
07/27/05 – Report Made | REPORT MADE
& NO ACTION
TAKEN |
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Rep. Mirkin moved to take Item No. T26.073 out of Committee; said motion was seconded.

Rep. Mirkin stated that this item is a contract for a company that is doing the job, it is renewing the contract, and it is a company that has been with the City since 1997.

Rep. Zelinsky stated that he doesn't believe that the Committee members had any particular questions on this contract and the item was held not acted upon to a lack of a quorum. Rep. Zelinsky stated that this contract encompasses the City's procedure of four notices and a fifth certified notice be sent to the owners of the vehicle. Rep. Zelinsky added that there is an appeal process where residents can call Mr. Colleluori, and most of the tickets are not given out to Stamford residents.

Rep. Greenberg move the question; said motion was seconded. Said motion was approved by a machine vote of 28-1-0 (See [Vote Record No. 631](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Fedeli, Franzetti, Giordano, Greenberg, Layton, Lyons II, Mallozzi, Martin, McCullen, Mirkin, Molgano, Morrow, Nakian, Pia, Rauh, Skigen, Summerville, White and Zelinsky in favor; Rep. O'Neill opposed).

The motion to take the item out of committee failed by a machine vote of 14-18-0 (See [RCS Vote Record No. 632](#)) (Reps. Benyus, Coppola, Day, Fedeli, Franzetti, Giordano, Greenberg, Layton, Mirkin, Molgano, Morrow, Pavia, Pia and Zelinsky in favor; Reps. Adams, Blackwell, Boccuzzi, Cannady, Clear, DePina, Diamond, Kernan, Lyons II, Mallozzi, Martin, McCullen, Nakian, O'Neill, Rauh, Skigen, Summerville and White opposed).

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| 2. T26.073 | APPROVAL; of agreement with Net Tech Solutions for parking ticket management services; term of agreement: 7/1/5 – 6/30/9; amount of contract: per | REPORT MADE
& NO ACTION
TAKEN |
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Exhibit C of contract.
06/22/05 – Submitted by Mayor Dannel P. Malloy
07/14/05 – Approved by Board of Finance
07/27/05 – Report Made

HONORARY RESOLUTIONS

4. [SENSE OF THE BOARD RESOLUTION](#);
congratulating fourteen of Stamford's Physicians
for being named among the region's best by New
York Magazine.
07/05/05 – Submitted by Clerk Summerville
- APPROVED BY
UNANIMOUS
VOICE VOTE**

MINUTES

1. [July 5, 2005 Regular Board Meeting](#)
- APPROVED BY
UNANIMOUS
VOICE VOTE**

OLD BUSINESS

NEW BUSINESS

1. President Martin announced that Mr. Mallozzi would serve on the same committees as Mr. Sweeney had; i.e., Legislative & Rules, Personnel and Operations.

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 9:55 p.m.