

The Regular Meeting of the 26th Board of Representatives of the City of Stamford was held Tuesday, September 6, 2005 in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.

Minutes

President David Martin called the meeting to order at 9:35 p.m.

INVOCATION: Given by President David Martin

“It is customary when the Board is facing some difficult decisions – controversial decisions – that often someone gives a prayer asking for guidance to help us with the judgment, and that is altogether appropriate. You can always tell when there is a controversial and important decision because the gallery is filled, when normally there is only two or three people here. But, I thought in light of what has happened in the world, and more specifically, in our gulf states in the past days, that this isn’t really appropriate. And, I thought for a while about, in a way, I give thanks for the safety of our community and how well we have done, and in fact where that takes me to, is in fact our community, with the enormous amount of diversity, has been extraordinarily successful. I do not believe there is a community in the United States that has the level of diversity from the resources of the Sound to the woodland forests in terms of the people who come to our community with barely an education from foreign countries and people who come to our community with masters and doctorates from people of all different religious points of view and backgrounds and incomes, and I just don’t believe there is a community that is as diverse as us and at the same time as successful as we have been. That is in no small part, thanks to people like you, out there who serve in a volunteer capacity and it is in no small part to people who serve on our land use boards, and while we may agree or disagree with your decisions, I have to say I give thanks to those of you who serve on the land use boards. And, quite frankly, it is in no small part to people who participate in the community, and again, I say thanks to you. But, that is not my choice for a prayer to give thanks this evening. If you would all rise, please.

“Lord, we gather before you in silence and in prayer following the ruin from Hurricane Katrina. We bring our tears and heavy hearts and our prayers and concerns as we consider the losses and hardships of so many that were in the path of Katrina’s destruction. We ask that you hear the cries of those who suffer, to give solace to those who mourn, and a healing to those that are injured. But,

even in this dark wake of destruction and devastation, there are still strengths and outpourings of hope and caring. Be present with us now, and hear our prayers of concern for the so many that have lost so much. Keep these people safe from further harm and help guide us, as individuals, families and as a community, to help these stricken people rebuild their lives and re-establish their communities. Amen.”

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

ROLL CALL: Conducted by Clerk of the Board Annie Summerville. There were 38 members present and 2 members absent/excused (Reps. DeLuca and Hunter).

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

MOMENTS OF SILENCE: For the late:

Charles Miller, Jr., Vivienne Dana Woolley Arnold, Gloria McCready, Hercules Inabinett, Garland Long, Gertrude Goings and Margaret Ann Coleman by Clerk of the Board Summerville; Gloria G. Brown by Rep. Day; Laura Jean Keyes by Rep. Mirkin; Jon-Kely Cassara by Reps. Summerville and Giordano; Clara Brown by the 26th Board of Representatives; Jack S. Pavia by Reps. Fedeli and Giordano; Nicholas F. Cogna by Reps. Fedeli, Giordano and Zelinsky; Josephine Pascale by Reps. Fedeli and Zelinsky; Vita C. Lionetti, William J. Karukas, Harold S. Spelke, Anthony R. Talantino by Reps. Giordano and Zelinsky; Vincent A. Ligouri by Reps. Skigen and Zelinsky; Ronald Joseph Spenard, Vincent J. Freccia, Jr., Eugena L. Arcario, Daniel Sabia, Vito Colamonic, Arcangela Terenzio, Brigid Anne Walsh and David W. Burtis, Jr., by Rep. Giordano; Theodore Manor Mudrow, Salvatore Abriscato, Cyprian Brach, Jennie Guiliano, Donald Anthony Rosa, Benjamin D. Capille, John Joseph Kolenberg, Sr., Frederick Schuyler Wardwell and Vincent G. Caporizzo by Rep. Zelinsky

COMMUNICATIONS: President Martin announced:

1. This month, John Morrow, Arthur Layton and Steve McDermott celebrate birthdays.
2. The ballgame is being arranged for Saturday the 17th to coincide with the City's Employee Picnic.
3. The Stamford Firefighters will be hold a Legislator Day on Saturday the 24th of September.

4. The October Board meeting will be held on October 11, 2005, and Steering will be held on the 17th of October.
5. President Martin enumerated the City's and the private sector's response to Hurricane Katrina, including the provision of fire and police personnel and equipment, fund-raising efforts, housing and employment offers, etc.
6. Phil Giordano announced that on September 10, 2005 at 10:00 a.m. at Cove Island, a plaque will be dedicated to those who lost their lives on September 11.

STEERING COMMITTEE: Monday, August 8, 2005
7:00 p.m. – Democratic Caucus Room

Majority Leader Boccuzzi moved to waive the Steering Committee Report; said motion was waived and approved by unanimous voice vote.

STANDING COMMITTEES

A motion to take up the following two items under the Land Use Committee out of order was made and seconded; said motion was approved by unanimous voice vote.

LAND USE/URBAN REDEVELOPMENT COMMITTEE:

<p>(Attendance – 8/29) (Votes-8/29) (Attendance – 8/30)</p> <p>(Attendance – 8/31) (Votes-8/30) (REPORT)</p>	<p>Patrick White, Co-Chair Harry Day, Co-Chair Meeting: Monday through Wednesday August 29, 30 and 31, 2005 Monday & Wednesday - 7:00 p.m. Legislative Chambers Tuesday – 7:00 p.m. Cafeteria</p>
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Co-Chair Day reported that the Land Use-UR Committee met on August 29, 30 and 31, 2005. The Committee had a quorum each evening, and in addition to Co-Chairs Day and White, attending were Reps. Benyus, Boccuzzi, Clear, Diamond, Franzetti, Greenberg, Nakian and Summerville. Excused was Rep. Mitchell.

Co-Chair Day stated that the appeal was brought to the Board of Representatives pursuant to Section C6-45 of the Charter which provides that an appeal of a proposed amendment to the zoning map brought by owners of 20% or more of the land located within 500 feet of the affected area, may be filed with the Zoning Board and referred to the Board of Representatives. Notice of the meeting was duly provided and published in the Stamford Advocate.

Co-Chair Day stated that at the outset of the meeting, he discussed his own role in the proceedings. The general development plan for the Erskine Road property, as was approved by the Zoning Board, indicated that the applicant, Donsis, LLC intended to donate 25 acres of the Stamford Land Conservation Trust, of which he is a long-standing member of the Board. He stated while he does not believe that the facts present a conflict of interest, nevertheless, after studying the matter, decided to abstain from voting on this matter. At the same time he felt that as an elected representative of the City and as a co-chair of this Committee for almost four years, he had a duty and responsibility to the citizens and this Committee to help guide the Committee through the important process of considering and voting on the appeal. Co-Chair Day felt that by taking himself out of the crossfire, it enabled him to do a better job of fulfilling his duty and responsibility as co-chair of these important proceedings.

Co-Chair Day commended Co-Chair Pat White for his invaluable support as well as our staff, Valerie Pankosky and Jennifer Wick, without whom we could not have met the deadline imposed by the Charter in reviewing this matter.

Co-Chair Day stated that the three evenings took eleven hours. The Committee Report consists of a 3-page summary and a summary transcript comprising 64 pages, together with 53 exhibits. This is in addition to the entire record of the Zoning Board proceedings, which was admitted as part of the Board's record, which comprised 73 additional exhibits. Given all of this, any attempt at summarizing the substantive points made by the parties would be unwise and susceptible to arguments of selectivity or misplaced or unfair emphasis. Co-Chair Day stated that the voluminous record speaks for itself, and he endeavors tonight to review what the Board did procedurally and assumes that members of this Board have reviewed the record.

Co-Chair Day stated that the first evening was held in the Legislative Chambers, and the first order of business, following a review of procedural items, was the acceptance of the report of Legislative Aide Wick as to her determination of the validity of the petition. The Committee voted unanimously to accept the report and to accept the petition as valid.

1. [LU26.063 Map](#) VERIFICATION; of the validity of the appeal of the 6/30/05 Zoning Board decision to amend the Zoning Map from RA-2 One Family Residence District to R-D Designed Residence District for the parcel located at 191-193 Erskine Road, Stamford, CT, comprising a total of 74.2 acres.
08/08/05 – Submitted by Steering Committee
08/29/05 – Committee approved 10-0-0 Report of Legislative Aide verifying validity of appeal

**APPROVED BY
MACHINE VOTE
36-0-0**

Co-Chair Day moved to approve the Legislative Aide's report verifying the petition; said motion was seconded and approved by a machine vote of 36-0-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Kernan, Layton, Lyons, Mallozzi, Martin, McCullen, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, White and Zelinsky in favor (See [Vote Record No. 634](#)).

Co-Chair Day stated that the proceedings began with a statement of the case by Phyllis Kapiloff, Chair of the Zoning Board. The minority position of the Zoning Board was set forth by Audrey Cosentini, the lone dissenting vote on the Zoning Board, in a letter to President Martin. President Martin read this letter into the record.

Co-Chair Day stated that opening remarks were presented by Atty. Bruce Hill on behalf of the petitioners; Mr. Norman Cole, Planner for the City speaking on behalf of the Zoning Board; and Mr. Richard Redniss on behalf of the applicant, Donsis, LLC. Presentations were made by the parties with a great deal of questioning by members of the Committee as well as other members of the Board of Representatives. The evening concluded with summaries presented by the parties. Co-Chair Day referred members to the Summary Report of the evening.

Co-Chair Day continued: the second evening consisted of a public hearing and was held in the cafeteria with a large number of attendees. Thirty members of the public spoke and four submitted letters. Some read their letters into the record. All of the speakers argued in favor of rejecting the amendment to the Zoning Map. There was a wide variety of opinions presented, with none differing on the fundamental question presented.

Co-Chair Day continued: at the third meeting the Committee returned to the Legislative Chambers where Atty. Hill, Robin Stein, Ms. Kapiloff and Mr. Redniss all spoke in response to the public hearing, and again Mr. Day referred members to the voluminous record. That evening a motion was made to reject the amendment of the Zoning Map. Following the motion, discussion was held with members of the Committee and other representatives voicing their opinions.

Co-Chair Day stated that the Charter provides that a failure to accept or reject the action of the Zoning Board constitutes acceptance by the Board of Representatives of that amendment. This required the Committee to vote in the negative – a motion to reject the amendment to the Zoning Map. The motion failed by a vote of 4-4-2, so the Committee recommendation would be to reject the amendment.

Co-Chair Day moved to reject the amendment to the Zoning Map for the purposes of initiating discussion; said motion was seconded.

President Martin clarified that the motion is to overturn the Zoning Board and reject the zoning change that was previously approved by the Zoning Board – to change from R-A2 to RD on the property under discussion. This motion requires 21 affirmative votes to reject the zoning change.

President Martin added that our rules prohibit the President from participating in a debate, and therefore, he asked Clerk of the Board Summerville to chair the meeting during the debate as he was desirous of participating.

Clerk of the Board Summerville assumed her role as chair of the meeting.

2. LU26.062 REJECTION; of the 6/30/5 amendment made by the Zoning Board to the Zoning Map from RA-2 One Family Residence District to R-D Designed Residence District for the parcel located at 191-193 Erskine Road, Stamford, CT comprising a total of 74.2 acres, pursuant to the appeal of the 6/30/05 Zoning Board action.
07/26/05 – Submitted by Zoning Board
08/31/05 – Failed in Committee 4-4-2
- FAILED BY
MACHINE VOTE
17-19-0**

Co-Chair Day moved to REJECT the 6/30/5 Zoning Board amendment; said motion was seconded.

Rep. O'Neill stated that the applicant has submitted a thoughtful and sophisticated proposal for the use of the Lake Windemere property, and the Zoning Board has carefully deliberated on its merits. Rep. O'Neill stated he respectfully disagrees with their decision. While it lies within their power to amend the Master Plan, he feels that zoning changes made in residential areas, particularly in non-sewered areas, should be made using an extraordinarily high standard. The changes proposed should conform to and protect the integrity of the affected neighborhood. Having carefully reviewed and heard the many voices of the neighbors and fellow citizens, he shares their concerns regarding the huge community septic system, particularly its use in a district using wells. Rep. O'Neill stated he will not suggest that we impose a change in the face of overwhelming public concern regarding the environmental effects of this project. There is no assurance that this septic system won't fail as many in the past have, such as Northeast School. He would not want a septic system of this size and scope in his backyard, nor does he believe anyone here tonight would want an acre-sized septic system that carries up to 3 million gallons of sewage a year adjacent to one's property and well.

Rep. O'Neill stated he thinks the environmental effects of this project are unforeseen – they are a giant question mark. The design and the aesthetics of

the project were carefully thought out, however, he is opposed to the use of a community septic system in a non-sewered district.

Rep. Coppola stated that after attending all three meetings, he commends Co-Chairs Day and White for the excellent manner in which they conducted the meetings. Rep. Coppola stated he believes that interfering with or changing the Zoning Map should only be considered when there is an exceptionally clear hardship involved, and he doesn't see that in this appeal. It goes without saying that some form of development will occur on that property. It seems that the developers tried to address the concerns of the neighbors; apparently those efforts have been to no avail. He does not believe that his opinion should have any bearing in this particular case. He considers his role as a representative to represent the people. Those who spoke at the public hearing were 100% opposed to this project, and he doesn't believe this Board should impose anything on any neighborhood – short of matters pertaining to public safety, health and welfare – that is so vehemently opposed by the residents.

Rep. Coppola continued by saying that regarding the community septic system, he listed closely to the benefits of this type of system, and based on what he heard and read, on the surface it sounds like this system could be feasible (the problems alluded to with the system upstate notwithstanding). But, despite all the assurances voiced, he confesses that he takes all the assertions issued by designers and the various agencies with a grain of salt. He has seen first hand how easily what seems to be iron-clad agreements made by one group can be determined negotiable by another group at a later date.

Rep. Coppola stated that members of this Board are elected to exercise the will of the people, and the will of the people as he sees it (in this case) is overwhelmingly opposed to the Zoning Board's decision, so he will vote to overturn the Zoning Board's approval of the proposed project.

Rep. Skigen stated that he believes we do as good a job as we are capable of on these zoning appeals. He joins Rep. Coppola in commending Co-Chairs Day and White and the members of the committee. It is an extraordinarily difficult job to do a review of the Zoning Board's decision in approximately five weeks, while the Zoning Board took over 7 months to reach their decision on this particular project. Pursuant to the Charter, we are given slightly more than one month to review their entire record, their decision, to hold our own hearings and to reach our own decision. He believes we do it as well as we can, however, because of the time constraints, we probably don't do it as well as we should.

Rep. Skigen stated that because the Zoning Board spends so much time on this and the Board of Representatives sees these every few years, he believes the Board of Representatives lacks the expertise of the Zoning Board, and as a result, he usually goes into these with a certain amount of deference to the decision of the Zoning Board. He looks at whether there is a compelling interest

for a change to the zoning map, and although the Zoning Board did spend over 7 months on this, he believes that ultimately they got it wrong. He believes that there is no compelling interest.

Rep. Skigen stated that there are serious questions that remain regarding the septic, the placement of the septic and the agreement that is part of the record (Exhibit 13 between the WPCA, the developer and the successor homeowners association). Rep. Skigen stated that if the homeowner's association does not act to resolve a problem, the City does have the right under that agreement (and he understands it is a draft agreement) to go in after 45 days and fix the problem. However, the agreement provides that the City can withdraw the funds that are held in the reserve account subject to the provisions of Paragraph 24, and there is no Paragraph 24 to this agreement. He was told this is a typo and the paragraph itself is self-operating, but once again, there is nothing in that paragraph that provides for the City's withdrawal of those funds. So, if the homeowner's association decided that they didn't want to pay even though there is presumably an agreement that allows the City to remove funds, he doesn't see anything that would allow the City to do so.

Rep. Skigen continued by saying that he doesn't see that the benefits to the public, and in particular to the neighborhood, are sufficient enough to justify a change to the Zoning Map. It seems that some of the benefits being given are incentives to cease opposition to the project, that water lines are being run on certain streets but only so far as it accepts property owners adjacent to the property rather than an entire street.

Rep. Skigen stated that finally there were three nights of hearing in front of the Zoning Board (public hearings), and in those three nights and the nights the Land Use Committee heard from the public, there was not a single speaker who spoke in favor of this project. Sometimes the public will come out in opposition or in support of something, and he can say that they really didn't understand it. In this case, the people who came out were not just neighbors. Many of them were professionals, there were a number of architects who spoke and there were engineers who spoke, and every single person spoke against this project. Therefore, while he believes we owe a certain amount of deference to boards that have more expertise in an area than we do, he cannot support the decision of the Zoning Board and he will vote to overturn the decision and he urged his fellow representatives to do the same.

Rep. Zelinsky commended the co-chairs and members of the Land Use Committee for their yeoman's task in listening to this appeal. Rep. Zelinsky stated that there are pros and cons on this critical matter. He attended two out of the three committee meetings. He received about 24 telephone calls, four from his own district. He also received letters and emails. All of the residents asked him to overturn the Zoning Board's decision. Rep. Zelinsky reviewed the file, viewed the property and spoke to residents who abut the property and spoke with

Rick Redniss to ascertain the answers to questions he had. Rep. Zelinsky stated that the residents can go to the courts to overrule this Board's decision.

Rep. Zelinsky stated that in the 29 years he sat on this Board there have been 3-4 zoning matters brought to the Board to be overturned, and without exception the Board did overturn the Zoning Board, so this won't be a first. He is concerned that in the other appeals, there were people in favor and against the changes, but in this situation no one spoke out at the public hearings in favor of this change.

Rep. Zelinsky stated that the residents are concerned about the septic system, the number of homes and access to open space. Rep. Zelinsky stated that nothing is really failsafe. He added that a petition was signed by over 600 Stamford residents, not only from North Stamford but also from other areas, including the Cove and the South End, and they are requesting the Board overturn the decision. Several times speakers at the public hearing mentioned the Brookfield septic system as an example; it began failing in the 1990s and forced the City of Brookfield to pay \$2.8 million to link affected areas to town sewers. If this happens, the City of Stamford will have to pick up the tab. Rep. Zelinsky mentioned the cartoon in the Advocate that asked if the Board of Representatives will represent Stamford. Rep. Zelinsky stated that he assures the residents here tonight that even though some of his colleagues may not vote to support the residents, they do represent Stamford well, and even though he doesn't agree with them, they are entitled to their opinion and that is the way it is. For himself, after weighing all of the facts, he comes to the strong conclusion that the best way for the Board to vote tonight is to definitely overturn the Zoning Board and vote for the residents in this particular neighborhood. If he had this type of situation in his district, he would hope that his colleagues would support him as he will support Rep. Skigen and Rep. Martin.

Rep. White stated that he served on the Land Use Committee and attended the three nights of hearings. He reviewed the Zoning Board record. He was struck by the fact that originally a tennis club was proposed, and then the Residential Design idea, and questioned why this change to an RD zone was occurring when it is already zoned R-A2. Why was there not a formal subdivision plan submitted to the Zoning Board along the R-A2 zoning guidelines? In various comparisons, it is mentioned that feasibly 26 homes can be accommodated, and this doesn't mean anything because no formal subdivision plan was ever submitted under R-A2. We wouldn't know how many houses could actually fit on that land unless a formal subdivision plan is submitted to the Zoning Board and they make a decision. Rep. White stated that he suspects as a matter of right that maybe 26 houses can be situated on the property. Once it is evaluated, it is 20% wetlands, the public water supply, possible other issues, you may not have 26, it could be 10, 16 or 20. Rep. White continued by saying that it is significant that they are asking for a zoning change.

Rep. White continued by saying that concerning the community septic system, there are a lot of issues with this. We don't really know the track record of these systems in the Northeast. They have worked well in the Midwest, with ½ the rainfall and different soils. There have been situations where they worked well in the Northeast; other areas they have failed for various reasons. They have a short track record in the Northeast, and we don't know what will happen over the next 10-15-20 years. We have all these promises, but if it isn't funded properly, if there are new environmental laws that escalate the cost that was foreseen in the contingency fund, in the end if the homeowner association cannot fund that system or you have a catastrophic failure, the City has to handle the situation and the City has to pay. In the worst case scenario, if the system does fail, the land that they give to the land trust is actually a back up area for another community septic system. If sewers had to be run in, it would be astronomical in terms of cost.

Rep. White stated that Ms. Brown of the WPCA stated in her letter is that she has the staff to monitor the system. Any WPCA likes community septic systems because they have oversight, but in no way is this an endorsement of this plan by Ms. Brown. Under Ms. Brown's leadership, this system will be monitored well; sometime in the future when someone else is there, he has doubts – 15-20 years out. It is a huge system, 6,000 cubic yards will be brought in and there are legitimate questions by the homeowners. Personally, he is not comfortable with it, and he couldn't possibly support it.

Rep. White stated in terms of the 600 property owners who signed petitions against this, most are from North Stamford and others are from around town. He finds it quite significant: that all these people who signed the petitions have spoken before the land use boards, which resulted in split decisions. Those that spoke before our Board – to a person they objected to this zone change. There was not one petition, nor was there one speaker who came out and supported this plan. The bottom line is that we should support the people on this issue.

Rep. White stated that other people came from around town because they don't look at this as strictly a North Stamford issue. They look at it as zoning under assault throughout the whole city, and they look to the land use boards to protect neighborhood interests and that means preserving current zoning. Rep. White believes that the plan should be evaluated under the current zoning before a zone change is considered. Other people who are part of the petition who withdrew their names (as he read the correspondence) made it clear they were withdrawing because of various interests that were serving them. Most of those who withdrew their names mentioned that they were still very much against any kind of cluster housing for that site. He finds this quite significant.

Rep. White stated that one of the speakers was a former alternate on the Zoning Board who sat and listened to this case, but who couldn't vote, and spoke

against the plan. He finds this quite significant. The only person who spoke in favor of it was the developer and the developer's representative. This is the job of the representative of the developer – they are the only people in favor of this, the residents are not in favor of it, people who signed the petition are not in favor. This is incredibly significant.

Rep. White stated that after you add all of this up, there is only one decision that can be entertained – in this case the Land Use boards got it wrong. He believes that we should overturn the Zoning Board's decision in this case, and he is loath to ever overturn boards. In the past during other zoning decisions, he always stuck with the Zoning Board, even when this Board did vote to overturn those decisions. This is one time when he will vote to overturn the Zoning Board decision; he thinks it is a bad decision; he thinks there is only one decision to come to if you believe you are here to represent the interests of the Stamford neighborhoods and the people who live there.

Rep. White concluded by saying that Harry Day, as co-chair, was even-handed and impartial in conducting the meetings and all the background work that had to be done.

President of the Board David Martin stated that he is not going to fault the Zoning Board, but as he said at the Committee meeting, he believes that this decision should be overturned because the standard or the bar should be set higher. President Martin believes that zoning is a covenant that is enforced by the City within neighborhoods to protect the residents' expectations of what their neighborhood is going to be. For many, home purchases are probably the single largest investment they will ever make. Upon retirement, it represents the bulk of their asset value, and more than that it is an emotional investment in the type of place they want to raise their kids or want to retire to. If we are going to change the zoning, we need a good reason to change the zoning.

President Martin gave credit to the Zoning Board, because they did a lot of work. The ground-breaking part here is (if you think about the recently-approved Master Plan) the idea of using residential community septic systems, which has never been done in Stamford, and he doesn't believe this was anticipated in the Master Plan. The Zoning Board, to its credit, has gone out and gotten peer review, did a lot of work to try and make certain there is not a downside to the septic plant. As a couple of representatives mentioned, we still have concerns with regard to the placement and the agreement. While this is a preliminary plan, assuming that this zoning change survives this Board, he believes the Zoning Board needs to revisit the issue in terms of whether it is to the benefit of the community as to the location of the septic and is it really to the benefit of the community. In all of this debate, whether it is a good or bad plan, the community septic is not just about risk or the agreement, it is also setting a standard for the use of community septic beyond what the Master Plan has envisioned, and it will

change the development characteristic potential in other sites, and he doesn't believe this has been adequately considered.

President Martin added that more importantly, what is the immediate public benefit to this community? There are some private benefits: some people will get city water and some people will prefer the aesthetics of this, but he doesn't see the public benefit that justifies overriding the opinions of many of the neighbors. In this case, the standard has to be higher – there has to be a clear public benefit, and you have to get some positive feedback from the neighbors before you change a zone, which he believes is a covenant with the neighbors.

President Martin stated that he will vote to overturn the Zoning Board and to reject the RD change.

Rep. Molgano stated that he too thanks Chairmen Day and White for doing an excellent and professional job in conducting the hearings. He was unable to attend, but he did read through the transcripts. He agrees with every statement made so far tonight, and the one underlying reason that we need to reject the Zoning Board's decision is because the people have spoken. As a representative, his obligation is to represent the people who vote for him. He believes there is no real decision because the people who are affected by this have spoken loudly and vehemently. Therefore, he has no other decision to make but to vote to reject the Zoning Board's decision. Rep. Molgano urged his fellow colleagues to do the same.

Rep. Lyons stated that he extends his thanks and appreciation to co-chairs Day and White as well as to the city staff, zoning board staff and the residents who attended. Rep. Lyons stated he attended all three nights of the meetings, he toured the site, spoke to neighbors who actually support the application now that it has been revised from tennis to residential. Their main concern is that the community septic system funding be adequately and wholly funded from Day One, which it is. Their second main concern is that legal indemnification and language be strictly adhered to and agreed to by the homeowners' association, and there are also concerns about deed restrictions. By converting this to residential design district, the City and the homeowners association are going to have stringent deed restrictions that would exist nowhere within a regular subdivision, as some people wish might happen.

Rep. Lyons continued: The Zoning Board, in a defining moment for Stamford (especially for parts of Stamford that are as pristine and preserved as North Stamford), decided to make this tract of land an RD because the covenants and restrictions that are on an RD designation are so stringent that you can rest assured that there will not be one little accessory building or one shed or one in-ground pool or one water fountain erected without approval from the Zoning Board. This is not an issue the Zoning Board took lightly.

Acting President Summerville asked that the public be silent and noted that everyone has a right to speak.

Rep. Lyons continued by saying that he doesn't think the Zoning Board brought this to us after reviewing it for $\frac{3}{4}$ of a year in a light-hearted manner. They were serious about what they were doing in North Stamford. They were so serious they re-wrote zoning code, and they hired a peer reviewer, Mr. McDonald (who stated that as a member of the Torrington WPCA, he has installed or watched the installation of close to 20 of these septic systems throughout the State). Rep. Lyons believes Mr. McDonald's testimony cannot be easily disregarded.

Rep. Lyons added that within our own City there are so many septic systems on private land that go unmonitored, yet on this parcel there will be quarterly monitoring that will be shared with our own WPCA. Any leakage or seepage or potential failure will be mitigated very shortly after there was a problem. We have heard so much of the fact that there is not a lot of benefit. Rep. Lyons stated he can't remember any developments that have given 25 acres of open space, close to \$750,000 to affordable housing, over 1.5 miles of new road improvement with construction and fire hydrant installation and city water brought to private lots.

Rep. Lyons stated that the development he has seen throughout this City is anything but controlled – it is uncontrolled. There are places where subdivisions are done as of right. Under state law, you cannot ask a developer who wants to do a conventional subdivision to create any private or capital improvements.

Rep. Lyons stated he understands the concerns and that no one likes development. He doesn't like it when they tear down \$2 million houses on one-acre in Shippan and subdivide this parcel into several home lots, but this is done as of right by the Planning Board as a subdivision. He understands concerns with the development, but he can't understand how a single entrance and a single exit that will house 24 family homes spread 70' from each other and not be visible from the road is bad planning. He questioned whether the neighbors would rather have a 14-16-18 home plan that would curb-cut 10 driveways? This is less control. Stamford's Zoning Board deliberated this methodically, deliberately and intently. Rep. Lyons does not see the merits, on the basis of what was presented to the Board factually, materially and scientifically, to vote to overturn the Zoning Board. He sympathizes with the applicants and homeowners who abut the property, but he has not seen the threshold necessary to overturn the Zoning Board decision, and he intends to vote in favor of the Zoning Board designation.

Rep. Nakian stated that this has been a very difficult issue. She thought it would be easy to overturn the Zoning Board, but when she heard the presentation, she came to believe more strongly that this is a beautiful development. The plan itself – 24 houses on 74 acres – is not dense. Until she lived in her current house, she always lived on $\frac{1}{4}$ acres or under and she didn't feel deprived. This is 74 acres. With this plan, 50 of those acres will be wooded for the rest of time.

She heard that some of the plan may be used for a septic system in the future, but the point is that 25 acres is going to be deeded to the Land Trust and the other will remain as open space.

Rep. Nakian continued by saying that as she drives around North Stamford, all she sees is huge houses going up on small lots. These are not in keeping with the character of a rural area. They are huge houses, 5' from the property line, and she doesn't like that kind of growth. She would rather live next to a planned community with its 24 houses hidden in the trees than the McMansion 5' from her property line – and she has one of those. They had a right to build there, and that is the way things go. What is before this Board is controlled development, not what someone puts up because they have the right.

Rep. Nakian stated that she understands the concerns about the septic system. But, while this may be the first residential DEP system, it is not the first DEP system in a residential area. There are five of them in North Stamford, 3 in the 20th District and 2 in the 19th District. If you compare this with the one at Smith House, which is most closely allied because there are people living there daily, the system at Smith House is bigger, the holding tanks are larger, the acreage is bigger, and she has never heard anybody complain that their life is ruined because that septic system is there. Except for Northeast School, none of these septic systems have failed. People live next to them without any great outcry, and it doesn't seem to concern anybody that they are there. The system that did fail was Northeast School; it was a school planned for 600 students and has 1,000. It was the North Stamford Association that felt very strongly that the system could be repaired on site, and the Board did have a battle with them to get them to accept running a sewer line up there which it believed was a more permanent and less expensive solution. But, out of the 5 systems, 4 are still functioning and they have been there quite a while. Three are not close to the parkway where the division lies, but Mead School is out in the woods and if that system ever fails, there would have to be a sewer line or the potential for a sewer line.

Chair Nakian added that the City is already responsible for these 5 septic systems; the City is responsible for her septic system and the septic system on any other lot. The State can order the City to do something, but she doesn't believe the State has ever ordered the City and she knows there are areas where septic systems have failed, but the City is doing its own upkeep and monitoring the systems on its own.

Chair Nakian stated that you have to sometimes accept progress, and she hopes in the future there are more planned developments in North Stamford and that is the only way there will be regulated growth. Some of these projects will probably require more residential DEP systems, and this battle will be fought again. Chair Nakian stated she doesn't see how we can ever grow in a managed manner without something like this; we need to put our faith in the boards that did

approve it and go into the future trying to do the best for the City and not being fearful of the things we don't at the moment understand.

Rep. Boccuzzi stated that public hearings held by the Land Use Committee brought forth pros and cons. We have heard that the Zoning Board made a mistake and didn't do it right. Rep. Boccuzzi stated he would like to ask if the Zoning Board didn't get it right, how about all the other boards in the City of Stamford that voted their approval for this project: Planning Board, zoning staff, EPB Executive Director; Land Use Bureau Chief; Engineering Bureau; Transportation Planning, CT DEP, Dept. of Legal Affairs, WPCA and the Zoning Board. Rep. Boccuzzi asked whether all of these departments got this wrong? Rep. Boccuzzi stated he doesn't think so; they put in their time and did a job they were asked to do and came up with the answers they thought they could support.

Rep. Boccuzzi stated he read the 1/17/05 letter from Jeanette Brown, and nowhere in the letter does she doubt that the system won't work. She is satisfied that there are enough safeguards with the regulations the Zoning Board came up with; she has enough staff to hold up her part of the agreement; in no place does she say that the system won't work.

Rep. Boccuzzi stated that the system in Brookfield was designed for 60 units, permitted for 80 and was built out to 162. So that system was never originally set for 162 units, and it wasn't developed the right way. He is not going to try to defend the system or knock it or anything else. He can only go by what was presented to the Board as facts, with engineering background, people from the State who testified, etc.

Rep. Boccuzzi stated that taking everything into consideration and all the departments in the City who actually worked on this project and gave their approval, and the back up material that was factual and given to us that contained proof, he will vote in favor of the Zoning Board. The other board members have to use their own judgment as to how they are going to vote, but he can see no reason for turning the Zoning Board's decision over.

Rep. Mirkin stated that this is the first time the 26th Board of Representatives has taken up an item such as this. As representatives, we represent voters, unlike members of boards and commissions who are appointed by the Mayor. Tonight, we have been called upon to represent the people who elected us, without regard to party affiliation or neighborhood. Rep. Mirkin stated that the City has failed to hear and understand the opposition to the amendment to the zoning map, in spite of the public outcry, which has not only been from North Stamford residents but also from the Cove, Southside and other neighborhoods. It was mentioned earlier that more than 600 residents have signed a petition throughout the City opposing the change, and he feels this is unprecedented. He has received over 30 phone calls, several emails and several written letters expressing the wish that he vote to overturn the Zoning Board decision. He has

received one call from a constituent south of the Merritt Parkway, asking him to uphold the decision, and he added that individual is affiliated with the Stamford Land Conservation Trust and they openly admitted they had an interest for that reason.

Rep. Mirkin continued by stating that as a representative, this is not a situation where he struggles to determine to how to vote, where he has a constituency that is divided on this particular matter. There has been virtually total opposition to this change. Residents deserve to have the character and charm of their neighborhoods protected. Others have mentioned that throughout the City we may not have done the best job in neighborhoods, such as Springdale, Glenbrook and others, and that perhaps we do too much development. One wrong shouldn't be perpetuated into another neighborhood.

Rep. Mirkin continued saying that Board members this evening have the power to do what we have been called upon to do. Someone earlier alluded to a political cartoon in the Stamford Advocate yesterday, and considering a picture is worth a thousand words, he believes that one picture is certainly worth a thousand words. Each of us tonight has an opportunity to demonstrate to the residents of Stamford that we, as elected officials and their representatives, are listening and have heard what they have been saying to us and that their opinions do matter.

Rep. Mirkin stated he will vote to overturn the Zoning Board's decision, and he urges his colleagues to support him in this endeavor.

Rep. Lyons stated that he wants the record to show that both political parties nominate members to be appointed to boards and commissions. Their names then filter through the party chairman or their party's appointments or nominating committee, and then get sent to the Mayor's Office. The Mayor then sends them down to this Board, where this Board votes on them in a bipartisan fashion. Rep. Lyons stated he can only recall in the last four years of this 26th Board two instances where there were negative votes against any appointees to any board or commission. These two votes were purely personal in nature. Rep. Lyons stated that we should be clear that these boards and commissions that have reviewed this, along with city staff that have worked for many administrations, are the utmost professional and dedicated people who consider this city very important to them.

Rep. Lyons also stated that he represents one of the most vocal and active in city government neighborhood associations in the City. He has not heard one word from his neighborhood association, and he questions why they were left out of the loop if this issue is so important. Why were no other neighborhood associations, besides three selected ones, selected to appear. This is not as cut and clear as some representatives would like to make this, nor is it a political

issue. It is an issue that needs to be judged on the merits of the application before us, and he urges his colleagues to do so.

Rep. Zelinsky requested a roll call vote. Said motion was seconded by Rep. White. Acting President Summerville stated that 11 votes would be required for a roll call vote. She noted that President Martin would be voting from Clerk Summerville's seat and Clerk Summerville would be voting from President Martin's seat. Said motion failed by a machine vote of 6-32-0 (Reps. Kernan, Mirkin, O'Neill, Pavia, White and Zelinsky in favor; Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Layton, Lyons, Mallozzi, Martin, McCullen, McDermott, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, Pia, Rauh, Skigen and Summerville opposed) (See [Vote Record No. 635](#)).

He explained that in order to REJECT the Zoning Board amendment, 21 AFFIRMATIVE votes would be required.

The motion to REJECT the 6/30/5 Zoning Board Amendment FAILED by a machine vote of 17-19-2. (Reps. Benyus, Clear, Coppola, Esposito, Franzetti, Greenberg, Kernan, Martin, Mirkin, Molgano, Munger, Nowakowski, O'Neill, Pavia, Skigen, White and Zelinsky in favor of rejecting the Zoning Board Amendment; Reps. Adams, Blackwell, Boccuzzi, Cannady, DePina, Diamond, Fedeli, Figueroa, Giordano, Layton, Lyons, Mallozzi, McCullen, McDermott, Mitchell, Nakian, Pia, Rauh and Summerville opposed; Reps. Day and Morrow abstaining) (See [Vote Record No. 636](#)). (President Martin & Clerk Summerville voted from their own station for this vote.)

APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Paul A. Esposito, Vice Chair

Meeting: Tuesday, August 23, 2005

7:00 p.m. – Democratic Caucus Room

Vice Chair Esposito reported that the Appointments Committee met on August 23, 2005. Present were Committee Member Reps. Summerville, Esposito, Kernan, Boccuzzi, Coppola, Munger, Molgano, Layton and DePina.

1. [A26.204](#)

Parks & Recreation Commission

Vincent R. Martino (D) Reappointment
25 Charles Mary Lane (Term Exp. 12/1/4)
Stamford, CT 06905
Term Expires: 12/01/07
07/11/05 – Submitted by Mayor Dannel P. Malloy
08/23/05 – Committee approved 9-0-0

**APPROVED ON
CONSENT
AGENDA**

2. [A26.205](#) Parks & Recreation Commission **APPROVED ON
CONSENT
AGENDA**
 Timothy F. McGuinness (D) Repl. Sayer
 113 Ralsey Road (Term Exp. 12/1/5)
 Stamford, CT 09602
 Term Expires: 12/01/05
 07/26/05 – Submitted by Mayor Dannel P. Malloy
 08/23/05 – Committee approved 9-0-0

3. [A26.206](#) Planning Board (Alternate) **APPROVED BY
MACHINE VOTE
28-2-0**
 Jay Tepper (D) Repl. Rheingold
 38 Dads Lane (Term Exp. 12/1/4)
 Stamford, CT 06903
 Term Expires: 12/01/07
 07/26/05 – Submitted by Mayor Dannel P. Malloy
 08/23/05 – Committee approved 8-1-0

Vice Chair Esposito moved to approve Mr. Tepper as an Alternate for the Planning Board was made, seconded and approved by a machine vote of 28-2-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Day, DePina, Diamond, Esposito, Figueroa, Franzetti, Giordano, Lyons, Mallozzi, Martin, McCullen, McDermott, Mirkin, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Rauh, Skigen, White and Zelinsky in favor (See [Vote Record No. 637](#)).

4. [A26.207](#) Smith House Board of Directors **APPROVED ON
CONSENT
AGENDA**
 Helen Sienkiewicz (D) Repl. Dubissette
 1432 Riverbank Road (Term Exp. 12/1/5)
 Stamford, CT 06903
 Term Expires: 12/01/05
 07/26/05 – Submitted by Mayor Dannel P. Malloy
 08/23/05 – Committee approved 9-0-0

5. [A26.208](#) Golf Authority **APPROVED ON
CONSENT
AGENDA**
 Brien E. Malloy (D) Reappointment
 20 Ralsey Road South (Term Exp. 1/1/5)
 Stamford, CT 06902
 Term Expires: 01/01/08
 08/04/05 – Submitted by Mayor Dannel P. Malloy
 08/23/05 – Committee approved 9-0-0

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

FISCAL COMMITTEE: Randall Skigen, Chair

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

Linda Cannady, Vice Chair
Meeting: Monday, August 29, 2005
6:30 p.m. – Republican Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, August 29, 2005. Present were Committee Member Reps. Cannady, Day, DeLuca, DePina, Fedeli, Figueroa, Giordano, Mirkin and Skigen. Also present were Reps. Diamond and White; Ben Barnes; Sandra Dennies; Bill Callion; Richard Priolo of the Stamford Police Department; Robin Stein; Bridget Fox and Vesna Jaksic of the Stamford Advocate.

1. [F26.604](#) ADDITIONAL APPROPRIATION (Capital Budget); **APPROVED ON**
\$493,322.00 Police – Department Wide; Law Enforcement **CONSENT**
Technology 2005; to purchase 40 base station **AGENDA**
repeaters for the upgrade of the City's radio
system.
07/19/05 – Submitted by Mayor Dannel P. Malloy
07/26/05 – Approved by Planning Board
08/11/05 – Approved by Board of Finance
08/29/05 – Committee approved 9-0-0

Secondary Committee: Public Safety & Health

Waived

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

2. [F26.606](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON**
\$315,090.00 School Readiness Grant; reflects increase in **CONSENT**
original State grant allotment of \$2,880,884; funds **AGENDA**
are subcontracted to Child Learning Center, Inc.
07/27/05 – Submitted by Mayor Dannel P. Malloy
08/11/05 – Approved by Board of Finance
08/29/05 – Committee approved 9-0-0

Secondary Committee: Education

Waived

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

3. [F26.607](#) ADDITIONAL APPROPRIATION (Capital Budget); **NO ACTION**
\$352,000.00 Operations; Mill River Stormwater Management; to **TAKEN**
revitalize Rippowam River through identification
and remediation of stormwater discharge points.
07/26/05 – Approved by Planning Board
07/27/05 – Submitted by Mayor Dannel P. Malloy
08/11/05 – HELD by Board of Finance (3-2-0)
08/29/05 – No action taken

if planned apartments are now built as condos, the DSSD can lose around \$120-\$150,000. Therefore, the DSSD has concluded over a timeline of several months, that the most equitable thing to do is to include condominiums in the district, which means the individual owners of the condos will be taxed at the same rate as other property owners downtown.

Chair Nakian added that apartment buildings are taxed, and although it is the owner of the apartment building pays the tax, she has yet to see the owner who doesn't pass this tax along to the renters. So whether or not people realize it, along with their monthly rent, they are reimbursing the owner for the taxes on their building.

Chair Nakian stated that the renters stand to gain nothing; but condo owners who were not included in the district, would not be taxed and the owner of a condo stands to gain or lose a lot with the future of the downtown. It is really in their best interest in keeping up their property values that the downtown remain the strong and vibrant downtown that it is currently. Therefore, the DSSD proposed that any condo that is either built or converted after the date of adoption of this ordinance be included in the DSSD and have the surtax levied against them as all the other property owners.

Chair Nakian stated that the ordinance is also being amended to create a new class of condominium associations, and each association that is part of the DSSD would have one vote and there would be a number of representatives on the DSSD that would be allotted to this group. Chair Nakian stated she strongly believes that whether or not representatives feel this is a good idea that the ordinance should be approved for publication as she believes it is only when the Board gets the downtown property owners comments that the Board will understand what the feeling is among the downtown residents.

Chair Nakian stated that from what she read in the paper, the most vocal objectors to the ordinance were people who would not be taxed but did not realize that. She added it is in everyone's best interest to publish and hear comments.

Rep. Day stated that if there is ever a classic case of an issue that needs to be aired, this is it. There has been a lot of misinformation and misunderstanding as to what this is. He urged everyone to vote it on to the next step – a public hearing.

Rep. Zelinsky stated that back in 1991 he supported the ordinance. Having said that, if this amendment passes, it may dissuade people from purchasing condos in the downtown. Rep. Zelinsky read from the DSSD annual report, specifically citing the purpose of the DSSD and adding that it was not meant to enhance condo or apartment dwellers. Rep. Zelinsky commented that anyone who converts while this ordinance is being processed will be exempt from the tax, so

the DSSD may not ever realize the income that it is trying to maintain. Rep. Zelinsky also stated that while the DSSD may lose \$100,000, it receives funds from taxation, sponsorships and events, grants, interest, management fees, in-kind contributions, etc. This is not their only source of revenue, and he refuses to add another tax levy on future downtown condo owners. Rep. Zelinsky stated that property taxes continue to increase, he doesn't think this will benefit the condo owners, it may discourage people from buying condos in the downtown area, and he doesn't believe it is fair.

Rep. Lyons stated that this issue is for a public hearing, the public will come out and speak, and we will digest the issue. The most important issue is taking care of our downtown. We saw what the City was like when we didn't take care of it; now it is fully restored and vibrant, and this is a matter of whether equitable treatment is being given to all residents of the DSSD. These districts are common throughout all municipalities in North America. Rep. Lyons urged everyone to move this forward.

Said motion was approved by a machine vote of 32-1-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Layton, Lyons, Mallozzi, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, Pavia, Rauh, Summerville and White in favor; Rep. Zelinsky opposed) (See [Vote Record No. 638](#)).

- | | | |
|-----------------------------|---|------------------------------|
| 2. LR26.071 | PROPOSED ORDINANCE; for publication ;
amending the Ethics Ordinance.
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
08/22/05 – Held in Committee 8-0-0 | HELD IN
COMMITTEE |
|-----------------------------|---|------------------------------|

Chair Nakian stated that this item was held pending input from corporation counsel.

PERSONNEL COMMITTEE: (Attendance) (Votes) (Report)	Mary Lisa Fedeli, Chair Meeting: Wednesday, August 31, 2005 6:30 p.m. – Republican Caucus Room
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Chair Fedeli reported that the Personnel Committee met on August 31, 2005. Present were Committee Member Reps. Boccuzzi, Fedel, Figueroa, Pavia, Rauh and Skigen. Rep. Layton was excused. Also present were Reps. Cannady, Benyus and Morrow; Mr. Moody, attorney for the Board of Education, John Chardavoyne and Dennis Murphy of Stamford Public Schools.

1. [P26.080](#) REJECTION; of a tentative agreement with the Stamford Board of Education Security Workers' Union.
07/28/05 – Submitted by John Chardavoyne
08/31/05 – Committee failed to reject 0-8-0
- FAILED BY
MACHINE VOTE
0-36-0**

Chair Fedeli moved to REJECT this contract; said motion was seconded and FAILED (i.e., the contract was NOT rejected) by a machine vote of 0-36-0 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Kernan, Layton, Lyons, Mallozzi, Martin, McDermott, Mitchell, Mirkin, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, White and Zelinsky opposed (See [Vote Record No. 639](#)).

Suspension of Rules:

A motion to suspend the rules was made, seconded and approved by voice vote (Rep. Munger abstaining).

2. [P26.081 cover memo contract](#) REJECTION; of a tentative agreement with IAFF Local #786 representing Belltown, New Hope and Turn of River paid firefighters.
07/28/05 – Submitted by Dennis Murphy
08/29/05 – Board of Finance issued [positive advisory](#)
08/31/05 – Committee failed to reject 0-8-0
- FAILED BY
MACHINE VOTE
0-34-1 (Rep. Munger abstaining)**

Chair Fedeli stated that this contract covers July 1, 2004 to July 30, 2005. She moved to REJECT the contract; said motion was made and seconded. Said motion FAILED (i.e., the contract was NOT rejected) by a machine vote of 0-34-1 (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Kernan, Layton, Lyons, Mallozzi, Martin, McDermott, Mitchell, Mirkin, Molgano, Morrow, Nakian, Nowakowski, Pavia, Rauh, Skigen, Summerville, White and Zelinsky opposed; Rep. Munger abstaining) (See [Vote Record No. 640](#)).

OPERATIONS COMMITTEE: **John R. Zelinsky, Co-Chair**
[\(Attendance\)](#) **Scott Mirkin, Co-Chair**
[\(Votes\)](#) Meeting: Thursday, August 25, 2005

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

Co-Chair Mirkin reported that the Operations Committee met on August 25, 2005. Present were Committee Member Reps. Adams, Mallozzi, McDermott, Mirkin, Munger, Pavia and White; excused were Reps. Coppola, Zelinsky and O'Neill. Also present were Tim Curtin, Phil D'Amico, Joe Barbarotta, Mani Poola, Dave Emerson, Michael Zarba and Domenic Tramontozzi of the Operations Department.

1. [O26.080](#) RESOLUTION; regarding Stillwater Road improvements to horizontal and vertical curves.
07/15/05 – Submitted by Mani Poola
08/25/05 – Committee approved 6-0-0 **APPROVED ON
CONSENT
AGENDA**

2. [O26.081](#) APPROVAL; of a contract with Connecticut Materials Testing Lab, Inc. for testing and special inspection services for the Academy of Information Technology; amount of contract: \$110,000.
07/28/05 – Submitted by Mayor Dannel P. Malloy
08/11/05 – Approved by Board of Finance
08/25/05 – Committee approved 7-0-0 **APPROVED ON
CONSENT
AGENDA**

3. O26.082 REVIEW; of matter of damaged trees as a result of paving.
08/03/05 – Submitted by Reps. Zelinsky, Franzetti and O'Neill
08/25/05 – Report Made **REPORT
MADE**

Co-Chair Mirkin stated that a report has been provided to all members regarding the items above.

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

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

No report.

PARKS AND

RECREATION COMMITTEE:
(Attendance)
(Votes)
(Report)

Linda Cannady, Co-Chair
Steve McDermott, Co-Chair
Meeting: Wednesday, August 24, 2005
7:00 p.m. – Democratic Caucus Room

Co-Chair McDermott reported that the Parks & Recreation Committee met on August 24, 2005. Present were Committee Member Reps. Lyons, Cannady, Morrow, McDermott, Fedeli, Pavia, Pia, Giordano and White; excused were Reps. Clear and McCullen. Also present were Reps. Boccuzzi and Zelinsky.

1. [PR26.087](#) REVIEW; implementation of a beach and park pass for Stamford's beaches and parks. **REPORT MADE**
08/03/05 – Submitted by Rep. McDermott
08/24/05 – Held in Committee 8-0-0

2. PR26.088 REVIEW; permit procedures for use of sports fields. **REPORT MADE**
08/04/05 – Submitted by Rep. Franzetti
08/24/05 – Report Made

3. PR26.089 REVIEW; of procedures for issuing permits for private events at City parks. **REPORT MADE**
08/05/05 – Submitted by Rep. Boccuzzi
08/24/05 – Report Made

Co-Chair McDermott stated a report was provided all members.

Suspension of the Rules: A motion to suspend the rules to take up Item No. PR26.090 below was made, seconded and approved by unanimous voice vote.

4. [PR26.090](#) RESOLUTION; approving a \$10 flat fee for the Kweskin Theater Children's Program. **APPROVED BY UNANIMOUS VOICE VOTE**
08/15/05 – Submitted by Curtain Call
08/24/05 – Committee approved 8-0-0

A motion to approve Item No. PR26.090 was made, seconded and approved by unanimous voice vote.

EDUCATION COMMITTEE:

Brian O'Neill, Co-Chair
Thomas Hunter, Co-Chair

No report.

HOUSING/COMMUNITY DEVELOPMENT/

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

No report.

STATE & COMMERCE COMMITTEE: Paul Esposito, Chair
John Morrow, Vice Chair

No report.

TRANSPORTATION COMMITTEE: Robert “Gabe” DeLuca, Chair
(Attendance) Terry Adams, Vice Chair
(Votes) Meeting: Thursday, September 1, 2005
(Report) 7:00 p.m. – Republican Caucus Room

Vice Chair Adams reported that the Transportation Committee met on September 1, 2005. Present were Committee Member Reps. Mirkin, DeLuca, Giordano and Zelinsky.

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. **HELD IN COMMITTEE**
06/22/05 – Submitted by Mayor Dannel P. Malloy
07/14/05 – Approved by Board of Finance
07/27/05 – Report Made
08/31/05 – Held in Committee 4-0-0, as amended
4-0-0

Vice Chair Adams reported that this item was held, however, the gift language was approved by the Committee. The language is available in the Committee Report.

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 Exhibit C of contract. **APPROVED ON CONSENT AGENDA (as amended)**
06/22/05 – Submitted by Mayor Dannel P. Malloy
07/14/05 – Approved by Board of Finance
07/27/05 – Report Made

08/31/05 –Committee approved 4-0-0, as amended
4-0-0

A motion to approve Item No. T26.073 was made, seconded and approved by unanimous voice vote.

HONORARY RESOLUTIONS

1. [SENSE OF THE BOARD RESOLUTION](#) **HELD**
congratulating Richard J. Zelinsky for being
nominated to attend the Lead America 2005
Congressional Student Leadership Conference.
08/31/05 – Submitted by 26th Board

MINUTES

1. [August 1, 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 11:35 p.m.