

*The Regular Meeting of the 27th Board of Representatives of the City of Stamford was held on **Monday, December 4, 2006** in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.*

MINUTES

President David R. Martin called the meeting to order at 8:10 p.m.

INVOCATION:

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

ROLL CALL: Led by Clerk of the Board Annie Summerville. There were 34 members present and 6 members absent/excused (Reps. Hunter, McCullen, Figueroa, Mirkin, Mitchell and Nowakowski).

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

MOMENTS OF SILENCE: For the late:

James Foreman from the 26th Board of Representatives; Richard Clinton Amaker, Robert Brown, Sr., Richard Bennett, Willie Inabinett, Peter Fisher, Alonzo Lucas, Jr. and William Austin Gardner, Jr. by Clerk of the Board Summerville; Kimberly Liguori by Rep. Skigen; Elizabeth Coxen, Albert Nirenstein, Kathleen M. Molloy, Father Robert Pohley and Orsalina Lee Burns by Rep. Giordano; Joseph L. Policastro, Sr. and Henry S. Brzoska, by Reps. Giordano and Zelinsky; Edward Richard A. Dombroski, Andrew Joseph Kopusta, Clarence Gaskino, Patricia Pogliano, Canio Bevino, Dorothy Wuchiski, Gary Robert Dougherty, Richard Beiger, Sr., Nunio Gentile, John E.D. Grunow, Mildred R. Ogneto, Theodore A. Kehele, Jr., Elena Braccia, Carl J. Delvecchio, Sean P. McNamara and John F. Lindsley by Rep. Zelinsky.

COMMUNICATIONS:

1. Rep. DeLuca announced that the Holiday Party is scheduled for tomorrow evening.

HONORARY RESOLUTIONS:

1. [Sense of the Board Resolution](#); congratulating **APPROVED BY**
Elizabeth Grace Fort on her 100th Birthday. **UNANIMOUS**
10/17/06 – Submitted by Jerry Pia **VOICE VOTE**

Upon motion duly made and seconded, the Sense of the Board Resolution was approved by unanimous voice vote.

A motion to recess to return to caucuses was made, seconded and approved by unanimous voice vote. The meeting recessed at 8:20 p.m.

President Martin reconvened the meeting at 9:45 p.m.

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, November 13, 2006
[\(Report\)](#) 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.

APPOINTMENTS COMMITTEE: **Annie M. Summerville, Chair**
John J. Boccuzzi, Vice Chair
[\(Report\)](#) Meeting: Tuesday, November 28, 2006
7:00 p.m. – Democratic Caucus Room

Chair Summerville reported that the Appointments Committee met on Tuesday, November 28, 2006. Present were Committee Chair Summerville and Vice Chair Boccuzzi and Committee Member Reps. Layton, Munger, Blackwell, Molgano and DePina.

1. A27.074 **Old Long Ridge Historic District Commission** **APPROVED ON**
Michael G. Carroll (D) Repl. Davis **CONSENT**
462 Old Long Ridge Road (*Term Exp. 12/1/88*) **AGENDA**
Stamford, CT 06903
Term Expires: 12/01/08
09/22/06 – Submitted by Mayor Dannel P. Malloy
11/28/06 – Committee approved 7-0-0

2. [A27.077](#) **Municipal Building Board of Appeals** **MOTION TO REJECT APPROVED BY MACHINE VOTE 28-2-1**
 Frank J. Mercede (D) Reappointment
 72 Little Hill Drive (*Term Exp. 6/19/6*)
 Stamford, CT 06905
 Term Expires: 06/19/11
 10/05/06 – Submitted by Mayor Dannel P. Malloy
 11/28/06 – Committee rejected without prejudice 7-0-0

Chair Summerville stated that this individual was unable to attend the meeting; therefore the Committee rejected the appointment without prejudice.

A motion to reject Item No. A27.077 was made, seconded and approved by a vote of 28-2-1 (Reps. Adams, Aposporos, Berns, Blackwell, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Giordano, Greenberg, Heaphy, Larobina, Layton, Lombardo, C. Martin, Molgano, Munger, Pia, Rauh, Skigen, White, Young and Zelinsky in favor; Reps. Lodato and Summerville opposed; Rep. Mallozzi abstaining) (See [RCS Vote Record No. 753](#)).

3. A27.079 **Transit District** **APPROVED ON CONSENT AGENDA**
 Stephen DeVito (D) Reappointment
 330 Riverbank Road (*Term Exp. 12/1/05*)
 Stamford, CT 06903
 Term Expires: 06/19/11
 10/18/06 – Submitted by Mayor Dannel P. Malloy
 11/28/06 – Committee approved 7-0-0

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

4. A27.080 **SW Regional Tourism District** **APPROVED BY UNANIMOUS VOICE VOTE**
 Todd B. Lindvall (D) Repl. Kelly
 24 Windsor Road (*Term Exp. 10/15/06*)
 Stamford, CT 06905
 Term Expires: 10/15/09
 11/17/06 – Submitted by Mayor Dannel P. Malloy
 11/28/06 – Committee approved 7-0-0

A motion to approve Item No. A27.080 was made, seconded and approved by unanimous voice vote.

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

FISCAL COMMITTEE: **Randall M. Skigen, Chair**
(Attendance) **Linda Cannady, Vice Chair**
(Votes) Meeting: Monday, November 27, 2006
 7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, November 27, 2006. Present were Chair Skigen and Vice Chair Cannady and Committee Member Reps. Figueroa, Mirkin, Mitchell and Giordano. Absent/excused were Reps. Day, DeLuca, Lyons, Fedeli and Hunter. Also present were Robin Stein of the Land Use Bureau; Ben Barnes, Director of Administration; Don Tromonti; Lou Casolo of Engineering and Sandy Dennies of the Grants Office.

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| 1. F27.182 \$1,218.00 | ADDITIONAL APPROPRIATION (Grants Budget); Quality Enhancement Grant; Contracted Services; to provide preschool health care. 11/02/06 – Submitted by Mayor Dannel P. Malloy 12/14/06 – To be considered by Board of Finance 11/27/06 – Committee approved 6-0-0 | APPROVED ON CONSENT AGENDA |
| 2. F27.181 \$2,000.00 | ADDITIONAL APPROPRIATION (Operating Budget); Grants Department; Professional Consultants; to appropriate \$2,000 for membership in the American Waterfront Revitalization Coalition; coalition will benefit city’s Mill River efforts. 11/01/06 – Submitted by Mayor Dannel P. Malloy 11/08/06 – Approved by Board of Finance 11/27/06 – Committee approved 6-0-0 | APPROVED ON CONSENT AGENDA |
| 3. F27.183 \$100,000.00 | ADDITIONAL APPROPRIATION (Capital Budget); Operations; Administration; Game Courts; to appropriate RBS lease payments for a basketball court at Hatchfield Park. 11/02/06 – Submitted by Mayor Dannel P. Malloy 11/16/06 – Approved by Planning Board 12/14/06 – To be considered by Board of Finance 11/27/06 – Committee approved 4-1-1 | APPROVED BY UNANIMOUS VOICE VOTE |

A motion to approve Item No. F27.183 was made and seconded.

Rep. Cannady stated that she will support the item tonight, but that this Board should not take out pertinent components from communities without replacing them, especially when it is as vital to a community as this basketball court. This is not to say that Hatchfield doesn’t need any improvements to make it a better place for its users.

Clerk of the Board Summerville stated she would support the item, but wants the record to show that she is against replacing two basketball courts with one basketball court.

When an agreement is made with the community, the agreement should not be reneged upon via making alternate suggestions. It was originally told to the district representatives that the basketball courts would be replaced after the site was used as a staging area. But, now, for some reason, the representatives of that area have been told that the basketball courts will not be replaced at their current location but that one basketball court will be installed at Hatchfield and that \$100,000 will be contributed to a project that will cost \$300,000 (according to Robin Stein). So to characterize this as a replacement is not correct – one court is being eliminated. It appears that this item will be approved, and for the sake of harmony, she will agree with it because one court is better than no courts. But, the record should show that this is not a fair deal; and it is not fair for someone to come in with that level of prestige and wealth and make this type of offer to a community that is in dire need of recreation.

Said motion was approved by unanimous voice vote.

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| 4. F27.180 \$2,600,000 | ADDITIONAL APPROPRIATION (Capital Budget); Operations – Engineering; Academy of Information, Technology and Engineering; increase to the State grant allocation to a total of \$44,399,106; to fund furniture, fixtures and equipment phase of the project. 10/20/06 – Submitted by Mayor Dannel P. Malloy 11/06/06 – Approved by Planning Board 11/08/06 – Approved by Board of Finance 11/27/06 – Committee approved 6-0-0 | APPROVED ON CONSENT AGENDA |
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Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1, 2 and 4, was approved by unanimous voice vote.

LEGISLATIVE & RULES

COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

James D. Diamond, Chair

Arthur Layton, Vice Chair

Meeting: Monday, November 20, 2006

7:00 p.m. – Democratic Caucus Room

Vice Chair Layton reported that the Legislative & Rules Committee met on Monday, November 20, 2006 Present were Vice Chair Layton and Committee Member Reps. Berns, Day, Esposito, Heaphy, Lodato, Lombardo, Mitchell and Zelinsky; excused were Chair Diamond and Rep. C. Martin. Also present were Reps. Molgano, DeLuca and Rauh; Joshua Starr, Superintendent of Schools; Joe O’Callaghan of the School System; Bill Forker of Assessment & Taxation and Tom Cassone of the Law Department.

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| 1. LR27.030 | RESOLUTION & public hearing ; approving a sublease agreement between Yerwood Center, Inc. and the City for space at 90 Fairfield Avenue | APPROVED BY VOICE VOTE <i>(Rep. Lodato)</i> |
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for the Board of Education's operation of an alternative high school. *abstaining)*
10/30/06 – Submitted by Mayor Dannel P. Malloy
11/06/06 – Approved by Planning Board
11/08/06 – Approved by Board of Finance
11/20/06 – Committee approved 7-1-1

Secondary Committee: Education

Concur 4-0-1

Vice Chair Layton stated that this alternative high school program was formerly held at the Vo-Ag building at Westhill, but because of construction it is being relocated. The lease is for one year and involves four rooms and access to the gym and computer lab. The terms of the lease require the Board of Education to perform about \$20,000 in improvements to the building, and the Board of Education estimated that there are currently 20 students in the facility and it can hold up to 30 students.

A motion to approve LR27.030 was made, seconded and approved by unanimous voice vote.

(Note: Rep. Munger left the meeting at this time.)

2. [LR27.025](#) PROPOSED ORDINANCE; for **publication**; providing for real property tax exemption for property leased to a charitable, religious or nonprofit organization provided such property is used exclusively by such charitable, religious or nonprofit organization. **APPROVED BY MACHINE VOTE 33-0-0**
06/30/06 – Submitted by President Martin, Clerk Summerville and Reps. DeLuca and Day
07/17/06 – Held in Committee 9-0-0
08/21/06 – Held in Committee 9-0-0
09/18/06 – Held in Committee 9-1-0
10/16/06 – Held in Committee 8-0-0
11/20/06 – Committee approved 6-2-0

Vice Chair Layton reported that highlights of Rep. Day's draft of the ordinance include: 1) a minimum exemption of \$5 million in property tax, which translates to about \$150,000 in property tax to be foregone each year; 2) the organizations have to be provide benefits back to City Residents, and 3) the amount of any taxes foregone will not exceed the amount of direct benefits being provided back to the City or its residents.

Vice Chair Layton added that in Committee there was substantial discussion as to how this process would be handled administratively by the City. Basically, the ordinance requires both the owner of the building and the nonprofit to make joint application to the City and/or tax department to receive property tax relief.

Rep. Zelinsky stated that he commends the representatives that brought this to the Board's attention, however, as a member of Legislative & Rules Committee, he listened to Mr. Cassone who stated that several components of the ordinance will require value judgments. Rep. Zelinsky read from the Committee Report:

"Mr. Cassone stated that several components of the ordinance require value judgments: "what constitutes a 'direct service;' are posters, handouts, etc. direct services? In the case of the Food Bank, if 10% of their 1 million pounds of food distributed goes to Stamford residents, does the Food Bank's educational awareness efforts in Stamford count as services? These types of questions, along with issues that concern services to those who live in Stamford vs. those who work in Stamford, can cause equal protection arguments at some point in the future. Mr. Cassone and Mr. Forker both stated that the time period for application coincides with the busiest time of the year for the tax assessor's office. Mr. Forker stated that he has no one in his department that has any expertise in valuing services."

Mr. Zelinsky continued reading from the report stating that one of the representatives "questioned whether landlords would be willing to participate in the joint application process," and if not that would preclude that particular organization from participating in the program.

Mr. Zelinsky continued reading from the report stating: "Mr. Cassone also stated that he has concerns about the obligation of the Tax Assessor to determine whether they services are secular in nature. For example, AA has a religious component to it – does this preclude it from applying? The Committee was made aware that Danbury has an ordinance like this; the Danbury tax assessor is not happy with it. Committee members expressed concerns that there doesn't appear to be an appeals process in the ordinance in the event an organization is denied."

Mr. Zelinsky stated he has concerns that the limit of \$150,000 could balloon to a much higher amount, and thereby, somebody in our community has to make up the difference, which would be unfortunately our hard-pressed taxpayers, especially with what we have all been hearing about the revaluation. Another concern that members had was that he believes that the public hearing for this will be taking place on December 20, 2006, which is not the best time because it is approaching the holidays. Rep. Zelinsky stated he voted against this in the committee for the reasons given by the Law Director and Mr. Forker, whose department will be administering this; however, he will change his vote and will vote for publication to allow the public to come, but he still has the reservations regarding his previously-stated comments.

Rep. DeLuca stated that when he looks at a city budget of \$300 million, it really blows his mind to think that we are worried about \$150,000 that this program may cost us. He added that Harry Day did a fantastic job in drafting the ordinance, which really benefits the city. We have a cap in place of \$5 million; he believes all of the safeguards are there. By having a public hearing, we will get more input. Rep. DeLuca added that when he looks at the services provided by the Food Bank, the Library, the Museum, to worry about \$150,000 is ludicrous. He feels this will be a good ordinance, will help people, and he has spoken to landlords who are in favor of it. The safeguards include justifying the in-kind services that are being provided, and they will get rejected up or

down – just like any other organization that looks for tax abatement. Rep. DeLuca stated that he has the utmost respect for Ben Barnes and Bill Forker, but it blows his mind when people say that it is bad timing. Sometimes certain things have to get approved regardless of the timing. Granted, we have the revaluation, but the whole world shouldn't stop because we are doing revaluations. Rep. DeLuca stated that he has confidence in the tax department's employees, in Frank Kirwin and the staff, that they can handle this without many problems. Therefore, we should publish this ordinance and vote for approval the following month. This will be beneficial to the City of Stamford.

Rep. Day stated that publication and having a public hearing is a step toward solving some of the problems cited and others that Rep. Zelinsky might have identified. It is an essential step to moving this thing forward.

Rep. Zelinsky stated that it was also discussed that there might be another way to administer this, such as some type of grant administered through the Mayor's Office, and this should be explored more thoroughly. Also, to some people \$150,000 may mean nothing; to taxpayers, it may mean something else, and \$150,000 for this program, another \$100,000 for this and \$300,000 for this – it all adds up, and we have revaluation coming up, and we are going to see what our constituents are going to say to us pertaining to budgets and tax increases. Also, it was clearly stated by Mr. Forker that it would be a problem for his department to administer the program, because there is nobody, according to Mr. Forker, that has any expertise in validating services. Mr. Forker said that possibly, if this ordinance was passed, then he would have to request and get additional personnel to administer this; but, at the present time, there is no one in his department that can do this. We have to respect, even though we may disagree, with what our officials say pertaining to this program.

A motion to approve Item No. LR27.025 was made, seconded and approved by a machine vote of 33-0-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Franzetti, Giordano, Greenberg, Heaphy, Larobina, Layton, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, Molgano, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor (See [RCS Vote Record No. 754](#)).

PERSONNEL COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Mary Lisa Fedeli, Chair

Pauline S. Rauh, Vice Chair

Meeting: Wednesday, November 29, 2006

7:00 p.m. – Republican Caucus Room

Chair Fedeli reported that the Personnel Committee met on Wednesday, November 29, 2006. The Personnel Committee met as indicated above. Present were Chair Fedeli and Vice Chair Rauh and Committee Member Reps. Boccuzzi, Cannady, Greenberg, Layton, Lodato and Skigen; excused was Rep. Figueroa. Also present were Rep.

Coppola; Dennis Murphy, Tania Barnes and Fred Manfredonia of the Human Resources Department; Hugh Murphy, Susan Malone, Carlton Moody and Jane Anderson of the Board of Education; Mike Pensiero of Technology; Pepi Barbarotta of Facilities and Ernie Orgera of Engineering.

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| 1. | P27.033 RESOLUTION ; approving a consulting agreement with The Segal Company for professional services related to health benefits and actuarial services. 09/15/06 – Submitted by Mayor Dannel P. Malloy 10/12/06 – Approved by Board of Finance 11/01/06 – No Quorum 11/29/06 – Committee approved 6-0-0 | APPROVED ON CONSENT AGENDA |
| 2. | P27.035 PROPOSED ORDINANCE; for publication ; amending the recently enacted pay plan defined contribution ordinance regarding pay plan employees with existing pensions. 10/31/06 – Submitted by Chair Fedeli 11/29/06 – Held in Committee 7-0-0 | HELD IN COMMITTEE |
| 3. | P27.036 APPROVAL ; of a Clerk of the Works II agreement between the City and Kerry L. Flaherty. 11/08/06 – Submitted by Mayor Dannel P. Malloy 11/29/06 – Committee approved 5-0-1 | APPROVED ON CONSENT AGENDA (<i>Rep. Greenberg abstaining</i>) |
| 4. | P27.037 APPROVAL ; of a Clerk of the Works I agreement between the City and Markos D. Echeverria. 11/08/06 – Submitted by Mayor Dannel P. Malloy 11/29/06 – Committee approved 6-0-0 | APPROVED ON CONSENT AGENDA |
| 5. | P27.038 APPROVAL ; of a Clerk of the Works I agreement between the City and Herbert Kohn. 11/08/06 – Submitted by Mayor Dannel P. Malloy 11/29/06 – Committee approved 6-0-0 | APPROVED ON CONSENT AGENDA |
| 6. | P27.039 APPROVAL ; of an employment contract with Michael Freimuth as Director of Economic Development. 11/08/06 – Submitted by Mayor Dannel P. Malloy 11/29/06 – Committee approved 5-0-2 (as amended) | APPROVED ON CONSENT AGENDA (<i>Rep. Greenberg abstaining</i>) |
| 7. | P27.040 APPROVAL ; of an employment contract with Nancy Markey as Assistant Director of Human | APPROVED ON CONSENT |

Resources.
11/08/06 – Submitted by Mayor Dannel P. Malloy
11/29/06 – Committee approved 7-0-0

AGENDA

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| 8. P27.032 | APPROVAL; of an employment contract with Susan C. Bretthauer as Assistant Police Chief. 11/02/06 – Submitted by Mayor Dannel P. Malloy 11/29/06 – Committee approved 6-0-0 | APPROVED ON CONSENT AGENDA (Rep. Franzetti abstaining) |
| 9. P27.034 | REJECTION; of a bargaining agreement with the Stamford Assistant Corporation Counsels' Union, AFSCME, Council 4, Local 1303-191; term of contract: From FY 03-04 through FY 08-09. 09/29/06 – Submitted by Mayor Dannel P. Malloy 10/12/06 – Withdrawn by Administration 11/01/06 – No Action | NO ACTION TAKEN |

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1, 3 and 4 through 8, was approved by unanimous voice vote (Rep. Franzetti abstaining on No. 8; Rep. Greenberg abstaining on Nos. 3 and 6).

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

Note: Reps. White and Martin left the floor. Clerk Summerville took over as Acting President for the following item.

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| 10. P27.041 | REJECTION; of a bargaining agreement with the Stamford Education Association for a contract commencing 7/1/7 and expiring on 6/30/10. 11/18/06 – Submitted by Board of Education 11/29/06 – Positive Advisory by Board of Finance 11/29/06 – Committee failed to reject 0-7-0 | FAILED TO REJECT BY MACHINE VOTE 0-31-0 |
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A motion to reject Item No. P27.041 was made, seconded and failed by a vote of 0-31-0. (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Franzetti, Giordano, Greenberg, Heaphy, Larobina, Layton, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, Pia, Rauh, Skigen, Young and Zelinsky in favor. (Note: Rep. Molgano voted in the affirmative; Rep. Summerville voted from President Martin's seat) (See [RCS Vote Record No. 755](#)).

Note: President Martin resumed chairing the meeting; Rep. White returned to the meeting.

LAND USE/URBAN

REDEVELOPMENT COMMITTEE:

Harry Day, Chair

Patrick J. White, Vice Chair

[\(Attendance\)](#)

Meeting: Wednesday, November 29, 2006

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

Chair Day reported that the Land Use-Urban Redevelopment Committee met on Wednesday, November 29, 2006. Present were Chair Day and Vice Chair White and Committee Member Reps. Boccuzzi, Diamond, Greenberg, Franzetti and Lombardo; absent/excused were Reps. Mitchell and Summerville. Also present were Rep. Heaphy; Robin Stein of the Land Use Bureau; and Diane O'Connor of the East Side Partnership.

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| 1. LU27.021 | REVIEW; enforcement of regulations relating to front yard paving and parking. 11/09/06 – Submitted by Chair Day & Rep. Heaphy 11/29/06 – Report Made | REPORT MADE |
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Rep. Day reported that the narrow issue of front yard paving and parking is properly one for the Zoning Board – not the Board of Representatives. The Committee discussed the enforcement tools with Mr. Stein, and Mr. Stein pointed out that there are gaps in the zoning regulations. There is no control on impervious surfaces for matters that are not subject to site review. Rep. Day stated that the Committee encouraged Rep. Heaphy and also Diane O'Connor of the East Side Partnership to seek some additional regulations that the Land Use Committee could review; the Land Use Committee would be highly supportive of those regulations being enacted. It was also discussed that this is part of the broader issue of illegal housing, over which the Board of Representatives does have some influence. The Committee feels that Stamford has made some progress in this area with the Joint Task Force. The Committee discussed some related enforcement issues, including the jurisdiction of the Engineering Department with respect to curb cuts and the ability of police to ticket illegal parking on sidewalks.

OPERATIONS COMMITTEE:

John R. Zelinsky, Jr., Chair

Scott Mirkin, Vice Chair

[\(Attendance\)](#)

Meeting: Wednesday, November 29, 2006

[\(Report\)](#)

7:00 p.m. – Conference Room #1

Chair Zelinsky reported that the Operations Committee met on Wednesday, November 29, 2006. Present were Chair Zelinsky, Vice Chair Mirkin and Committee Member Reps. Berns, Coppola, Adams, Larobina and White; absent/excused were Reps. Hunter, Munger, Mallozzi and Lodato. Also present were Alex Tergis, Public Services Bureau Chief and Nancy Domiziano of the Engineering Department.

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| 1. O27.013 | REVIEW; Stamford's Department of Operations Diesel Exhaust Emissions Reduction Plan, as required by recent state legislation. | REPORT MADE |
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10/03/06 – Submitted by Tim Curtin
11/29/06 – Report Made

Chair Zelinsky read from the Committee Report: “Bureau Chief Tergis reviewed the recent state legislation, the three options the City has come up with and answered questions from the representatives. No action is required at this time. A copy of the Plan was distributed to all representatives.”

2. [O27.015](#) REVIEW; of City street light maintenance program. **REPORT
MADE**
11/09/06 – Submitted by Reps. Cannady and
Adams
11/29/06 – Report Made

Chair Zelinsky read from the Committee Report: “Technician Domiziano reviewed the street light maintenance history and answered questions from the representatives. No action is required. A historical chart of street maintenance activity was distributed to all representatives.”

PUBLIC SAFETY &

HEALTH COMMITTEE:

Richard Lyons, II, Chair

[\(Attendance\)](#)

Meeting: Thursday, November 30, 2006

[\(Votes\)](#)

7:00 p.m. – Democratic Caucus Room

[\(Report\)](#)

Chair Lyons reported that the Public Safety & Health Committee met on Thursday, November 30, 2006. Present were Chair Lyons and Committee Member Reps. Adams, Coppola, Larobina, Mirkin, Pia and Zelinsky; absent/excused were Reps. Aposporos, Berns, DePina and C. Martin. Also present were President Martin, Rep. Elaine Mitchell; Bill Callion, Director of Public Safety, Health & Welfare; Brent Larrabee, Police Chief; Lou Casolo of Engineering; and Pepi Barbarotta and Danny DiBlasio of Board of Ed Facilities.

1. [PS27.012](#) PROPOSED ORDINANCE; **for publication;** **APPROVED BY
MACHINE VOTE
22-11-0**
amending Chapter 7 (CCTV Cameras) of the Code
of Ordinances to authorize expanded use of CCTV
Cameras.
05/25/06 – Submitted by M. Toma, Legal Affairs
06/22/06 – Held in Committee
08/31/06 – Held in Committee
09/28/06 – Report Made
10/26/06 – Held in Committee
11/30/06 – Committee approved 5-1-0 (as
amended)

Secondary Committee: Legislative & Rules

Waived

Chair Lyons reported that the Committee has discussed this at length over the past five months. The Committee made an amendment to the original ordinance regarding a manual/use policy, and the Committee voted 5-1-0 for publication for a public hearing.

Rep. Adams stated that this is an item that he has been against all along due to the fact that this is mostly going to be used in minority neighborhoods and not across the City. Rep. Adams feels that if this ordinance is passed, it should be utilized throughout the City. He believes that this item needs to go back to Committee and a consensus reached on how this should be rolled out. This is basically an ordinance that the Stamford police want to be able to use whenever and wherever they want. At the present time, in order to use cameras, they must work with the FBI to identify a specific area, tell them their concerns, install the cameras, do the surveillance, perform arrests and remove the cameras. Now, they want this authority locally, and without the proper protection and guidelines and review boards in place. Rep. Adams believes this is a tool that can get out of hand if not properly overseen.

Rep. Adams stated that from discussions with Mr. Callion, he believes they basically want total control over this. One of Mr. Adams' suggestions was to have the camera monitoring performed by trained community members in conjunction with the police force, so that any type of abuse cannot take place.

Chair Lyons stated that he applauds Rep. Adams in his steadfastness in working with the Committee on this issue, adding that it is obviously an issue that cuts deeply into many areas of concern for a lot of representatives, including public safety, privacy, abuse of technology and the ability of a certain department to employ this technology. However, one of the amendments made by this Committee is an amendment regarding a manual/use policy that reads: "Section 7-4. Policies and procedures. A manual/use policy shall be adopted and approved by the Director of Public Safety, Health & Welfare, the Police Commission, the Police Chief, the Mayor and the Board of Representatives before this ordinance can be used in any form." The Committee intends for this manual to include all of the different areas of concern, whether it be a camera oversight committee, a camera use committee, or whether it deal with the broadcast and feed issues. The Committee decided to move forward on a public hearing on the merits of using cameras, and then allow the administration – particularly the police department and Director Callion's office – to come up with a manual and policy of use which all of the aforementioned entities will approve or disapprove before this can be utilized in any form. Chair Lyons stated that he believes if we put all of this stringent criteria in the ordinance and then later we wanted to change something, we would have to go back and change the ordinance, which is a lot more cumbersome. Chair Lyons stated that he hopes this alleviates a lot of representatives' concerns. Chair Lyons encouraged everyone to email the Board Office and let it know of areas of concern. This is a city-wide issue and program.

Rep. Diamond stated that he is going to support publication because in most municipalities, if the police department wanted to start videotaping, they can do it without this regulation because the U.S. Supreme Court has held that in a public area,

the public has no expectation of privacy and therefore videotaping can occur—as long as we are talking about public places as this ordinance deals with. However, Stamford specifically because of this Board’s action, has limited videotaping to traffic enforcement, so we are actually trailing the law enforcement community in its ability to do its job. Other places are not so curtailed. Having said that, if this ordinance were put forward the way it is this evening, he would not vote for it. Therefore, he is looking to see it restricted and amended after the public hearing. He believes it is overbroad. It needs additional accountability (whether it is guaranteed in a manual or not). The ordinance also needs some tweaking to show that when a camera is put in place, its purpose is to further one of the four or five explicit reasons with someone coming forward to state the purpose it is fulfilling. He also would like to see a limit on the number of them, how long they can be used, and he would like to see the public housing paragraph completely stricken. Finally, Rep. Diamond stated that the phraseology “1,500 feet of any school, housing project, daycare center” stricken as well because that would basically give the police department carte blanche to put the cameras anywhere they want to south of Bull’s Head. Nonetheless, so that we can enable the police department to have a valid enforcement tool, he believes we should move forward, and he looks forward to working with the Public Safety Committee on this item.

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

Rep. Zelinsky stated that he serves on the Committee, and he respects and understands Rep. Adams and other colleagues who have some real concerns about possible abusive ramifications of this ordinance. He did mention to the Chief and to Director Callion at the Committee meeting that the representatives of the district should have a strong say as to whether cameras should go on a particular street. Rep. Zelinsky stated he thinks the bottom line of this whole thing is trying to fight crime. Our City has been voted one of the safest cities of its size; unfortunately since then, crime has steadily increased in Stamford, and if it weren’t for a camera, the person who accosted the woman at the Marriott Hotel possibly would never have been caught. There have been shootings in Stamford, and he believes that if these cameras are put into use, and again, not abused, they can either catch a crime in progress or have recorded a crime and the culprits could be caught and brought to justice. He believes that this would certainly make our residents feel safer. If it has to be changed in the future, especially in the area of the policy/use manual, it would go a long way to help alleviate any possible abuse. But, if it will help to fight crime and make our City safer, it is something that we really have no choice but to go through with.

Rep. Adams stated that he can understand some of the comments. He would not have a problem with this if Stamford erected 500 cameras throughout Stamford equally. But, there is a plan to put this in minority neighborhoods and to just use traffic cameras in other neighborhoods, and he thinks this is biased. We live next door to New Jersey, which was just recently caught up in a situation where 98% of the people who cross the Jersey Turnpike were not of color; but 99% of the people that were stopped were Black

and Hispanic. The New Jersey Chief of Police stated that he believed these were the people bringing drugs on the turnpike, and there was nothing done about this. Now, we are going to put something in force that can be abused. He feels that even letting the Public Safety Director come up with his own policy without community input is a problem. But when you are considering filming people and having the police watch them 24-7, they don't even do this in prison. To bring this to public and tell them that we are going to record certain neighborhoods, there is an assumption that there is no crime in the rest of the City. If you want to do this fairly, monitor the whole City equally. If there is no crime, there is no crime, but to identify certain neighborhoods – that is wrong.

Rep. Lyons stated that the last time this issue was debated – the rollout of cameras – there was no mention nor was there an issue as to where the crime was occurring, called hotspots. When we got the report back in May, there was a certain part of the City where there was a lot of action. What they intend to do is review the 6-month historical data and monitor those areas primarily where they are having the most problems. Some of the cameras may be fixed and some may be portable, but by no means is anyone saying that this policy or use manual is going to allow for a single neighborhood to be the sole source of camera monitoring. Rep. Lyons stated that this is not his intent nor the intent of the Committee.

A motion to approve Item No. PS27.012 was made, seconded and approved by a machine vote of 22-11-0 (Reps. Aposporos, Blackwell, Boccuzzi, Coppola, Day, DeLuca, DePina, Diamond, Fedeli, Giordano, Greenberg, Larobina, Layton, Lodato, Lombardo, Lyons II, Mallozzi, D. Martin, Molgano, Rauh, Skigen, Zelinsky in favor; Reps. Adams, Berns, Cannady, Esposito, Franzetti, Heaphy, C. Martin, Pia, Summerville, White and Young opposed) (See [RCS Vote Record No. 756](#)).

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| 2. PS27.015 | PROPOSED ORDINANCE; for publication ; requiring all new buildings be equipped and existing buildings be retrofitted with technology that allows effective and continuous radio communication. 10/08/06 – Submitted by Chief McGrath 11/15/06 – Withdrawn by Bill Callion 11/30/06 – Placed on Pending Agenda | NO ACTION |
| 3. PS27.014 | REVIEW; of security at Housing Authority properties (six month update). 10/10/06 – Submitted by Chair Lyons 10/26/06 – Held in Committee 11/30/06 – Held in Committee 5-0-0 | HELD IN COMMITTEE |
| 4. PS27.016 | APPROVAL; of an engineering design services | APPROVED ON |

[\(RFP Response\)](#)

contract for fire protection and fire alarm upgrades at Cloonan Middle School with Hofbauer Associates, Inc.
11/03/06 – Submitted by Mayor Dannel P. Malloy
11/08/06 – Approved by Board of Finance
11/30/06 – Committee approved 7-0-0

CONSENT AGENDA

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 4, was approved by unanimous voice vote.

PARKS & RECREATION

COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Linda Cannady, Co-Chair

Joseph Coppola, Co-Chair

Meeting: Tuesday, November 28, 2006

7:00 p.m. – Republican Caucus Room

- and -

Meeting: Monday, December 4, 2006

6:45 p.m. – Conference Room #1

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Co-Chair Coppola reported that the Parks & Recreation Committee met on Tuesday, November 28, 2006. Present were Committee Co-Chairs Cannady and Coppola and Committee Member Reps. Pia, Greenberg, Fedeli and White. Excused were Reps. Heaphy, Lyons, Mallozzi and McCullen.

Co-Chair Coppola reported that the Parks & Recreation Committee reconvened on December 4, 2006 in continuation of its November 28, 2006 meeting. Present were Co-Chairs Coppola and Cannady and Committee Member Reps. Fedeli, Greenberg, Heaphy, Pia and Young; absent/excused were Reps. Lyons, Mallozzi, McCullen and White. Also present were Ben Barnes, Director of Administration; Can Colleluori, Cashiering & Permitting; Pepi Barbarotta of Parks; and Doug Hamilton, Marine Director.

(Note: Reps. Boccuzzi, Munger and DePina left the meeting.)

(Note: Reps. Giordano and Zelinsky left the floor.)

1. [PR27.014](#)

RESOLUTION; and public hearing; approving new rates for the 2007 season at E. Gaynor Brennan Golf Course.
10/04/06 – Submitted by Mayor Dannel P. Malloy
09/26/06 – Approved by Golf Commission
10/24/06 – Approved for publication 7-0-0
11/28/06 – Committee approved 6-0-0

**APPROVED ON
CONSENT
AGENDA**

2. [PR27.013](#) RESOLUTION; **for public hearing**; approving new marina rates for the 2007 season. **APPROVED ON CONSENT AGENDA**
 10/04/06 – Submitted by Mayor Dannel P. Malloy
 11/28/06 – Held in Committee 6-0-0
 12/04/06 – Approved for public hearing 7-0-0

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

(Note: Reps. Giordano and Zelinsky returned to the floor.)

EDUCATION COMMITTEE: **Thomas C. Hunter, Chair**
(Report) **Michael L. Molgano, Vice Chair**
 Meeting: Thursday, November 30, 2006
 7:00 p.m. – Republican Caucus Room

Vice Chair Molgano reported that the Education Committee met on Thursday, November 30, 2006. Present were Vice-Chair Molgano and Committee Member Reps. Franzetti, Lodato, C. Martin, Pia and Rauh. Chair Hunter was excused. Committee Member Reps. Mitchell and Young were absent. Also present were Reps. Fedeli, Lyons and Skigen; President Martin; Dr. Starr, Superintendent of Schools; Board of Education Members Elam, Laurie, Levine, Nabel and Prawl; Achievement First Members Jeff Klaus, Brian Olson, Jon Sackler and Dacia Toll. Julia Wade and a reporter from the Advocate were also present.

1. E27.008 REVIEW; recently released CMT scores. **REPORT MADE**
 Presentation by Stamford Public Schools staff.
 09/03/06 – Submitted by Chair Hunter
 10/26/06 – No action taken
 11/30/06 – Report Made

Vice Chair Molgano read from the Committee Report: “Dr. Starr presented and discussed with the Committee recent CMT and CAPT results. A copy of the report is available in the Board Office.”

2. [E27.012](#) REVIEW; of Achievement First (non-profit charter school management organization started in July 2003 by the leaders of Amistad Academy, a charter school in New Haven). **REPORT MADE**
 11/09/06 – Submitted by Vice Chair Molgano
 11/30/06 – Report Made

Vice Chair Molgano read the Committee Report: “Members of Achievement First made a presentation of the charter school’s organization, program and results, along with requirements to establish a school in Stamford. Questions were raised and answers provided on several topics among which were program structure, student enrollment, class population, costs, staff

and facility start up. A copy of the presentation is available in the Board Office and by e-mail.”

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| 3. E27.011 | REVIEW; security requirements at St. Andrews facility for School System Alternative Education Program. 11/09/06 - Submitted by Vice Chair Molgano 11/30/06 – Report Made | REPORT MADE |
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Vice Chair Molgano read the Committee Report: Vice-Chair Molgano asked if it be acceptable to amend the lease stating a trained security guard be assigned to St. Andrew’s. Precluding any due diligence incumbent upon the City to effect such an amendment, Dr. Starr stated the reason for using a student supervisor vs. a certified security guard at St. Andrew’s is to prevent an atmosphere of containment. The objective of the ARTS program is to establish a welcoming and nurturing environment. Education Committee members have reservations that the student supervisor presently assigned can handle an extreme event. Dr. Starr assured the Committee that the security supervisor is qualified to handle such matters. He also stated all staff members, over time, will be trained in therapeutic crisis intervention. A window was not provided.

Rep. Lodato had made a comment that there is a gray area when it comes to standing agreements of this type between the City and BOE.

Reps. Rauh and Lodato inquired on a partition(s) between St Andrew’s pre-school and the ARTS program. Dr. Starr did not have a status update and informed the Committee he would follow up.”

HOUSING/COMMUNITY DEVELOPMENT/

SOCIAL SERVICES COMMITTEE:

[\(Report\)](#)

Elaine Mitchell, Chair

Philip J. Giordano, Vice Chair

Meeting: Tuesday, November 21, 2006

6:30 p.m. – Democratic Caucus Room

Vice Chair Giordano reported that the Housing-Community Development-Social Services Committee met on Tuesday, November 21, 2006. Present were Chair Mitchell and Vice Chair Giordano and Committee Member Reps. McCullen, Blackwell and Molgano. Also present were Tim Beeble and Ben Barnes.

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| 1. HCD27.020 | REVIEW & APPROVAL; of Year 33 Planning/Budgeting Schedule. 11/08/06 – Submitted by Tim Beeble 11/21/06 – Committee approved 5-0-0 | NO ACTION REQUIRED |
| 2. HCD27.017 | REVIEW; formula of the commercial linkage ordinance funding summary. 11/09/06 – Submitted by Reps. Mitchell and Skigen 11/21/06 – Held in Committee | HELD IN COMMITTEE |

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| 3. | HCD27.018 | REVIEW; Community Development Block Grant program allocations 11/06/06 – Submitted by Rep. Mitchell 11/21/06 – Report Made | REPORT MADE |
| 4. | HCD27.019 | REVIEW; HOME Program allocations 11/06/06 – Submitted by Rep. Mitchell 11/21/06 – Report Made | REPORT MADE |

TRANSPORTATION COMMITTEE: **Robert “Gabe” DeLuca, Chair**
[\(Attendance\)](#) **Terry Adams, Vice Chair**
[\(Votes\)](#) Meeting: Thursday, November 16, 2006
[\(Report\)](#) 7:00 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on Thursday, November 16, 2006. Present were Chair DeLuca, Vice Chair Adams and Committee Member Reps. Franzetti, Giordano, Lombardo, Mirkin and Young; excused were Reps. Blackwell and Zelinsky. Also present were Reps. Greenberg, Lyons, Rauh and Skigen; Lt. James Matheny of the Stamford Police Department; Al Barbarotta of the Board of Ed Facilities; Ernie Orgera; Mani Poola; Camille Figluizzi and Nick Giancola of Westhill; Bill Callion, Director of Public Safety, Health & Welfare and Brian O’Neill, former Board of Representative member.

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| 1. | T27.020 | RESOLUTION ; regarding the Washington Boulevard Median Project. 10/18/06 – Submitted by Mani Poola 11/16/06 – Committee approved 6-0-1 | APPROVED ON CONSENT AGENDA |
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Chair DeLuca stated that this project extends the median down to Division Street, which will make the area much safer.

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| 2. | T27.021 | REVIEW; police department efforts to recently implemented “Don’t Block the Box” traffic measures. 11/06/06 – Submitted by Rep. DeLuca 11/16/06 – Report Made | REPORT MADE |
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Chair DeLuca stated the primary concern is that there are several areas that are tough to enforce because we don’t have an ordinance that entitles us to give out tickets. He has drafted a letter he is sending to State Legislators, hoping they will provide a statute to enable enforcement.

3. T27.022 REVIEW; crossing guard and pedestrian safety issues at Westhill High School due to recent construction and changes in traffic patterns.
11/06/06 – Submitted by Rep. DeLuca
11/16/06 – Report Made **REPORT MADE**

Chair DeLuca stated that at the beginning of the school year, there were three police officers. Then the Board of Education decided not to pay for it anymore. After a lengthy discussion, the Committee recommended that the Board of Education reinstate the officers due to safety reasons, believing that it is cheaper to pay for safety than worry about overtime. Mr. Skigen stated that he wanted to see the police officers back on duty on Monday. The next day, Mr. DeLuca stated he received a call from Al Barbarotta advising him that the police would be present on the 20th of November. Since the police have returned, everything has been going smoothly.

Another important event that happened was that 15 more parking spots were regained on the grounds from an area that was previously being used as a staging area. The Committee recommended that they discontinue a portion of the staging area and get the parking spaces back.

4. T27.023 REVIEW; post construction parking arrangements at AITE and Rippowam and any effects on surrounding streets.
11/13/06 – Submitted by Mike Molgano
11/16/06 – Held in Committee 7-0-0 **HELD IN COMMITTEE**

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

STATE & COMMERCE COMMITTEE: Paul A. Esposito, Chair
([Attendance](#)) Meeting: Monday, November 27, 2006
7:30 p.m. – Republican Caucus Room

Chair Esposito reported that the State & Commerce Committee met on Monday, November 27, 2006. Present were Chair Esposito and Committee Member Reps. Skigen, Summerville and Lombardo; excused were Reps. Day, DeLuca, Fedeli, Diamond, Heaphy, Rauh and Mallozzi. Also present was Michael Sanders of CT DOT.

1. [SC27.007](#) **RESOLUTION**; regarding the matter of the proposed [changes](#) to aircraft traffic patterns for New York City Metro Area Airports ([map](#) & [data](#)).
08/09/06 – Submitted by President David Martin
08/14/06 – Placed on Pending Agenda
10/18/06 – Report Made **APPROVED BY UNANIMOUS VOICE VOTE**

11/27/06 – No quorum

Chair Esposito moved to take Item No. SC27.007 out of Committee; said motion was seconded and approved by unanimous voice vote.

Chair Esposito stated that this was an item distributed last month, which essentially requested our federal officials to take note of the opposition of this Board and various city officials to the change in flight plans that were proposed by the federal administration. Since this item has been approved by the FAA already, this is a budgetary issue. In order for them to implement the program, they require additional budget resolutions. Representative Christopher Shays has indicated that he plans on fighting it on that basis, and this would be providing our support in that fight.

Chair Esposito moved Item No. SC27.007; said motion was seconded and approved by unanimous voice vote.

2. SC27.008 REVIEW; feasibility of the establishment of a taxi and limousine commission. **REPORT MADE**
11/06/06 – Submitted by Rep. DeLuca
11/27/06 – Report Made

Chair Esposito stated that Rep. Michael Sanders from the State DOT explained the issues of the traffic/limousine commission. Stamford can have one if it has the will and desire from the community. If Stamford established one, it would replace the State DOT's oversight. If anyone is interested, they should contact Chair Esposito or submit it to Steering.

Chair Esposito announced that the semi-annual meeting with Legislators is scheduled for Wednesday, December 20th. If anyone has suggestions for legislation, they should bring those up at this meeting.

MINUTES

1. [November 8, 2006 Regular Board Meeting](#) **APPROVED BY UNANIMOUS VOICE VOTE**

III. OLD BUSINESS

IV. NEW BUSINESS

V. ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:55 p.m.