

*The Regular Meeting of the 27th Board of Representatives of the City of Stamford was held on **Wednesday, April 4, 2007** in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.*

MINUTES

President Martin called the meeting to order at 9:45 p.m.

INVOCATION: Led by Representative Carolyn Young.

“Dear Lord, give all of us the strength to respect one another; give us the ability to be humble and forgive us for our mistakes. Thank God.

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

ROLL CALL: There were 35 members present and 3 members absent/excused (Reps. DePina, Greenberg and Heaphy) and two vacancies.

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

MOMENTS OF SILENCE: For the late: Carl Batinelli and Louis P. DeSiato, Jr. by Reps. Boccuzzi, Giordano and Zelinsky; Irving Bennett and Thelma Lee Burris by Rep. Summerville; Bernice Telesco McDougal, Ralph V. Vitti, Sr., Theresa Faugno and Thomas Edward Schaeffer by Rep. Giordano; James V. Judge by Reps. Day and Zelinsky; Yolanda A. Desimone and James V. Stolfi by Reps. Giordano and Zelinsky; Sophie Couremenos, Bertha Grabowski, Eric J. Goldner, Dr. Stanley F. Bogacki, Tilde Caporale Coppola, Frances Presutto, Jan Knepper, Stella Micher, Dennis J. Esposito, Alvaro Delcastillo and Hedwig Kryswicka Lawler by Rep. Zelinsky;

FILLING OF VACANCIES:

President Martin called for nominations to fill the vacancy in the 12th District as a result of the passing of Mr. Hunter. Mr. Mallozzi stated that with sadness, it is his honor to nominate Mary Bernstein Hunter to fill the vacancy in the 12th District. Said motion was seconded.

The motion to appoint Ms. Hunter was approved by voice vote (Rep. Skigen abstaining). President Martin administered the oath of office.

President Martin called for nominations to fill the vacancy in the 9th District created by the resignation last month of Mr. Nowakowski. Ms. Blackwell nominated Mr. Walter Neary; said motion was seconded.

President Martin confirmed with Majority Leader Boccuzzi that both individuals are registered voters and reside in their respective districts.

The motion to approve Mr. Neary was approved by voice vote (Rep. Skigen abstaining). President Martin administered the oath of office.

COMMUNICATIONS:

1. President Martin wished Richard Lyons, Harry Day, Maria Aposporos and Walter Neary a Happy Birthday.
2. President Martin announced that a special meeting will be held next Tuesday, April 10, 2007 at 8:00 p.m. to vote on a resolution regarding revaluation.

HONORARY RESOLUTIONS:

STANDING COMMITTEES

Rep. Diamond moved to take up an item out of order. Said motion was seconded and approved by unanimous voice vote.

1. [LR27.032](#) PROPOSED ORDINANCE; **for publication;** **APPROVED BY**
amending the WPCA ordinance (#1044) to include **MACHINE VOTE**
changing the assessment formula for new sewer **36-1-0**
installation.
12/04/06 – Submitted by Reps. Mirkin & Day
01/22/07 – Held in Committee 5-3-0
02/26/07 – Failed in Committee 3-3-2 (as amended
by a vote of 5-2-3)
03/05/07- Returned to Committee
03/19/07 – Committee approved 9-0-1

Chair Diamond moved item No. LR27.032; said motion was seconded.

Clerk Summerville asked at this time that the voting machine be tested to confirm that the new members' votes are recorded accurately. A test vote was held, and after adjustments, it was confirmed that the votes were being recorded accurately.

Chair Diamond reported that this proposed ordinance would essentially roll back the assessment formula for any new sewer installations to the old formula, which is 40% of sewer-related costs.

Rep. Berns stated he wanted to amend the ordinance, and stated that two years ago, the Board of Representatives changed the formula which people receiving sewers in their area were going to pay, as to what part of the costs were going to be paid. Up until that time, it was his understanding for many, many years prior to that time, that people having sewers installed in their areas paid 40% of something called *sewer-related costs* and paid no costs of the rest of the total costs, which, at least in sewer projects currently on the books to be planned, end up being twice what the sewer-related costs would be. Two years ago, one simple word was changed in that formula, to change what these people would pay from 40% of *sewer-related* to 40% of *total costs*. By doing so, it was obvious, because people were given red-lined versions, and the red-lined version totally took out the word *related*, which would condition the amount people would pay to *total*."

Rep. Mirkin stated that if he is correct, he thought there was an amendment being proposed and that the item was taken off of consent for an amendment.

President Martin replied that we took it off of consent for discussion.

Rep. Mirkin stated that he thought he heard Rep. Berns say he wanted to make an amendment. If that is the case, we can check the minutes, but he does not hear an amendment.

President Martin replied that he did not hear that, but if that is the case, he apologizes. He asked Mr. Berns if he wished to make an amendment?"

Rep. Berns replied that he wished to make a statement and follow it up by making an amendment.

President Martin responded that he can't do that; he has to make an amendment first.

Rep. Berns stated that his amendment is to change the formula from what it currently is, *40% of total* back to *40% of related* and then adding 3% to that, making it *43% of related costs*, which is a very modest increase.

President Martin called for a second; Rep. Adams seconded the motion.

Rep. Berns stated: "Two years ago, this body decided to change the formula, there was much discussion by a number of people who were on the Board at that time, but the intention two years ago was to raise the price from more than 40% of sewer-related.

There was the expectation that by changing it from 40% of sewer-related to 40% of total, that this would effectuate a ten ... and there were numerous people who were on the Board at that time who state that it was their understanding that by making this change, it would raise the price for people who were seeking sewers and they would pay 10 or 15 percent more. With people widely understanding that this would be the case, the amendment two years ago passed. Regrettably, the amendment did not effectuate a 10 or 15 percent increase; it ended up in fact doubling the cost to homeowners, thereby causing, understandably, concern among the people who this would affect in the remaining sewer programs below the parkway, specifically in the Intervale region, which would have doubled the cost to the homeowner from \$17,000 to \$34,000. Now, there isn't anybody who foresaw that this would be the effect of changing that word; it certainly was not the intention. The intention was to raise the cost by 10 or 15 percent. Furthermore, it is my understanding, Mr. Chair, that there have been efforts to raise the percentage of sewer-related costs for many, many years, and that this was the first time for many years, after many years of their being proposals to raise it, where in fact action was taken and it was raised. Regrettably, it back-fired and came out to be much higher than anyone expected.

"Now, there are a number of people on this Board ... that is my impression and we will find out very, very soon ... who want to roll back the decision to advance the price of two years ago back to where it was before and back to where it has been for years. There are a number of different problems with that. Firstly, under the current administration in Washington, money to states and local governments has been severely cut. States have had to cut services and raise taxes; cities have had to cut services and raise taxes, and we need to find a way to recoup some of those costs. This is one reason. A second reason is that septic systems, environmentally speaking are much better than sewer systems. Sewer systems tend to collect all of the sewers in one centralized area, the sewage treatment plant. Then there is tremendous cost in treating it and then tremendous environmental costs, even when the sewage is cleaned, in dispersing it and getting rid of it. Septic tanks, on the other hand..."

President Martin: "Mr. Berns, I don't want to debate the points that you are raising now, but they are not germane to your amendment ..."

Rep. Berns: "Yes, they are because they ..."

President Martin: "Then, tie them to the amendment, please."

Rep. Berns: "The reason they are germane is because by raising the price ever so slightly First of all, we start down the road of increasing the costs to recipients. The goal is not to reach 100% but rather to reach a fairer balance to the rest of the taxpayers. It is to, by raising the costs slightly, perhaps discourage the demand for sewers ever so slightly so that they are not requested because for any other reason they are very much needed. And the cost to the environment also creates a cost to the City. One of the arguments I suspect we will be hearing, and I have certainly heard it in the committee, is 'we are going to change it in the future. Let's keep it now, this is not

fair, we are changing the rules in the middle of the game.’ These people were under the impression that it had been 40% for many years, that it was going to be 40% for them, even though they were not given a specific price, so let’s not change it now, let’s keep the rules the same and we will change it in the future. The problem with that argument is that if we don’t change it now, and this project goes through, there is going to be another project at some time in the future, and those people are now going to argue, whether it is 40% for the people before us, we have to start somewhere, and I believe that 3% is a very, very low increase. It comes out to \$60 a year more per home, on average, per homeowner in the Intervale area. This is a very small price to pay to get movement where otherwise things will be held steady for many, many years. Thank you, Mr. Chair.”

Rep. Zelinsky moved the question; said motion was seconded and approved by unanimous voice vote (Rep. Berns abstaining).

The amendment failed by a vote of 2-33-1 (Reps. Adams and Berns in favor; Reps. Aposporos, Bernstein-Hunter, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Layton, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor; Rep. Neary abstaining) (see [RCS Vote Record No. 786](#)).

The main motion was approved by a vote of 36-1-0 (Reps. Adams, Aposporos, Bernstein-Hunter, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Larobina, Layton, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor; Rep. Berns opposed) (See [RCS Vote Record No. 787](#)).

STEERING COMMITTEE: Meeting: Monday, March 12, 2007
7:00 p.m. – Democratic Caucus Room

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

APPOINTMENTS COMMITTEE: **Annie M. Summerville, Chair**
([Attendance](#)) **John J. Boccuzzi, Vice Chair**
([Votes](#)) Meeting: Tuesday, March 27, 2007
([Report](#)) 7:00 p.m. – Democratic Caucus Room

Chair Summerville reported that the Appointments Committee met on March 27, 2007. Present were Chair Summerville and Vice Chair Boccuzzi and Committee Member

Reps. Aposporos, Blackwell, DePina and Layton. Also present were Reps. Berns and Zelinsky.

1. [A27.094](#)

Environmental Protection Board/Alternate

Peter M. Conetta (R) Reappointment
46 Chesterfield Road Term Exp. 12/1/5
Stamford, CT 06902
Term Expires: 12/01/08
03/05/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Committee approved 6-0-0

**APPROVED BY
MACHINE VOTE
25-3-4**

Chair Summerville moved the appointment of Mr. Conetta; said motion was seconded.

Rep. Berns stated he would be objecting to this appointment as well as the third item on the agenda, the appointment of Mr. Levine. Rep. Berns stated he would address both of these appointments at this time so he doesn't have to repeat himself later.

Rep. Berns stated: "I served on the Environmental Protection Board from 1989 to when I was elected to this Board. And, I saw a number of things happen then that were just plain wrong. They were not pro environmental and they certainly did not protect the environment. Applications have been approved on very steep slopes just above wetlands; in fact right next to the Reservoir, where construction inevitably not only affects the wetlands but also permits excessive runoff into the reservoir itself."

Rep. Lyons asked Rep. Berns to speak to the qualifications of the appointment submitted. President Martin replied that with all due respect, Mr. Berns has observed the behavior of Mr. Conetta and Mr. Levine on previous applications which is a legitimate statement.

Rep. Lyons replied that with all due respect we don't have rosters of attendance, we don't have minutes, we don't have quorums, we don't have attendance dates, we don't have any transcripts. This is all hearsay in a public record.

President Martin replied that Mr. Berns was a witness.

Rep. Berns continued: "What I did not fully understand before I served on the Board is the importance of wetlands. Wetlands are the places of low areas where water runs to and are necessary because they filter out pollution, they filter out erosion, soil being eroded. This is where many animals go to breed and they are a very necessary part of the environment. And, during my service on this board, I saw setback areas, which are also important to protecting wetlands – we have setbacks of 50' and 100' – of houses being plopped onto the setback area and in fact way up to the edge of the wetlands, which is one of the fastest and quickest ways you can ruin wetlands.

"Vernal pools are a brand new issue that came up before the Environmental Protection Board in 2001. There was a vernal pool off of, just to the northeast of the Windemere property, which, I believe, many people are familiar with. This is one of the few

instances in which we not only had numerous paid experts by the developer to come in and say, 'developing this property and putting a few bushes here and a tree here and there will more than make up for the loss of the environment.' In this case, the adjoining land owner decided to shell out tens of thousands of dollars to bring in experts on the other side. Now, I am not going to pretend that this person was necessarily motivated by protection of the environment. The important thing, though, is that when experts come before the Environmental Protection Board, they are almost always never opposed by other experts. They come in and they say, 'I am an expert in engineering, and the water is going to flow this way and it is not going to affect the wetland.' We have experts come in on wetlands and say, 'if you build up to the edge of the wetland on this side, but you put a few bushes and trees on this side, it is going to be a wash or it is going to be an improvement.' I have seen this Board over and over again swallow hook, line and sinker what the experts for the developers, who are there to make money and have no interest necessarily in protecting the environment whatsoever, so I do not know what these experts have to say and just be credulous and believe whatever they say without even so much as questioning them closely. When staff has pointed out problems with these applications, Mr. Conetta especially, but also Mr. Levine frequently, have dismissed staff saying 'you know, we don't want to hear staff's opinion, staff is just there to ...uh ...'. You know, I am not even sure exactly what they think staff is there for. As a matter of fact when I speak with environmentalists and conservationists from New Canaan, from Darien, from Greenwich, even from Norwalk, they tell me that our staff has the appearance of being abused by the [Environmental Protection] Board in that they are simply overrun.

"The interesting thing is on smaller applications, the Board, and I am speaking more so of Mr. Conetta but also significantly of Mr. Levine, and of other members who are not up for appointment, will tend to listen to staff much more if it is a smaller application, it has a less of an effect on the environment, but when they have really big ones, like these vernal pools. We had experts come in; the top experts in the country on vernal pools, tell us that these vernal pools need setbacks not just of 50' or 100', they need to be looking at protecting 200, 300, 400, even 500 feet out. That doesn't mean you can't build anything in those areas, it just means you have to stay completely out of the first 200 to 300' and you have to limit your development even as far as 400 or 500'. When asked why that is, they told us that vernal pools are where salamanders and frogs come to reproduce and actually have migrations. They migrate every spring into the vernal pool where they lay their egg masses, then those eggs hatch and the babies migrate 100, 200, 300 up to 500, 1,000, even 2,000 feet. Each year they are migrating these 700, 1000 feet. The experts tell us if you build too many houses around the vernal pools, these salamanders and frogs cannot navigate their way over lawns, they do not navigate their way past obstructions, they are easily obstructed. The question I asked, 'what happens when they meet these obstructions? Can't they just find their way around these lawns, can't they find their way around these properties?' the experts told us that these animals are sort of like little robots and just head for a direction ..."

President Martin asked Mr. Berns to bring the subject back.

Rep. Berns continued: "What happened basically is the Board permitted one development directly to the northeast of this vernal pool, within 100' of the vernal pool itself. It then permitted another one directly to the southeast of it. They permitted another one to the southwest of it. And, each time the experts said, 'well, if you build a house here, they'll go this way. And if you build a second house here, they'll go this way.' The problem with that is there is now a 10' swath for all of these animals to go back and forth. It is ridiculous. It was a wholesale giving up of the environment.

"People who serve on the planning and zoning boards tell me that whenever they see what appear to be environmental issues to them, they refer these applications to the Environmental Protection Board, even if there are not wetlands or vernal pools involved, and they are astonished time and again that the Environmental Protection Board does not find objections, does not find problems.

"My last point, Mr. Chair, time and again, people violate their permits ..."

Chair Martin called on Mr. Mirkin in his request for a point of order.

Mr. Mirkin stated: "Thank you, Mr. President. I understand this is America and we have the first amendment right to speak, and I understand you said that you were allowing that he was a witness, but then you went on recently, Rep. Berns, to say what other people have told him. My point being, Mr. President, as one member, and I think others would agree, there needs to be some decorum in how long somebody can speak. I can bet, and we can go on tonight ad nauseum because certain people will pontificate forever. And, on behalf of this body, I ask that you step in and cease this behavior. Thank you."

President Martin: "Mr. Mirkin, that is not a point of order, but I thank you for your remarks. Mr. Berns, would you please wrap up your comments, please?"

Rep. Berns continued: "I did say that's where I was heading. And, I was a witness to this happening. I was a witness to people saying they were astonished to see it happening. Lastly, Mr. Chair, there are numerous applicants who come before the Board, who are given permits to do things a certain way in order to protect the environment; they do not do it that way. An order to show cause is brought for them to come and explain what it is they have done and what it is they are going to do to fix it. They promise to fix it. One, two, three months pass and they don't fix it. They come before the Board again, and the Board gives them another extension of two months, four months, six months while they are in flagrant violation of the permit they requested and were given. A year will pass, two years will pass, corporation counsel will come in, to enforce the matter in Superior Court, Superior Court will enter judgments against these people, and the Board will again and again give them opportunities to file another application and delay their having to meet the requirements in the original permit that they asked for and were given. Mr. Chair, we need a change on the Environmental Protection Board. Fortunately, there are a couple of new people who have gotten on and have begun to change the balance. Regrettably, Mr. Conetta, when he came before

the Appointments Committee said that there were applications that he has voted against. In the last six years, I don't ever recollect having seen that. I won't dispute that there must have been something. He is a developer. He is in the construction industry and there is a conflict of interest there. If for no other reason, he should not serve for that reason.

"I will save my specific comments for Mr. Levine, but that is the big picture, Mr. Chair. I therefore move that he not be reappointed and that people vote against the appointment of, in this case, of Mr. Conetta."

Rep. Lyons stated: "First of all let me correct the applicant's information. His application to the Board lists 46 Chesterfield as his home address, not 41 Martin Street, so that might be a typographical error, and I happen to know he resides at 46 Chesterfield. I would also note that for the calendar year 2001 to 2002, I take the liberty to discuss two individuals. Peter Conetta, 22 meetings of the EPB, attended 19 of them, absent 3 of them for an 86 percent attendance rate. Ten public hearings, attended 8 of them, for an 80% attendance rating. Mr. Louis Levine, 22 meetings, attended 21 of them, absent for one of them, for a 96% attendance rating. Ten public hearings, attended 10 of them for a 100% attendance rating. One representative spoke at length before, out of 22 public meetings...".

Rep. Berns: "Point of order, Mr. Chair ..."

President Martin: "What is your point of order, Mr. Berns?"

Rep. Berns: "This is irrelevant. How often someone attends has nothing to do ...".

President Martin: "Mr. Berns, that is not a point of order. I am tired of people bringing up things that are not points of order. I am about to get pretty angry at the whole body. I understand what is going on; I am not all that happy with the fact that I am personally going to have to return to my place of business tonight and work to about approximately midnight, and then I have to drive to Philadelphia and get up at 5:00 this coming morning, so I can assure you I want to move this meeting along as rapidly, as officiously as possible. Mr. Berns, that is not a point of order. That is a disagreement. You do not have the privilege to speak up and demand a point of order when you don't have one, and I am going to stop recognizing people who say they have a point of order when in fact they do not. Mr. Lyons, could you please continue."

Rep. Lyons: "I support the Appointments Committee's interview process. I support the Committee's vote, and I support the applicant as presented to this Board for confirmation."

Rep. DeLuca: "I plan on recusing myself from this item. Before I recuse myself, I just wish to thank Mr. Phil Berns who informed everyone that Peter Conetta is my nephew. I am proud to have Peter Conetta as my nephew. Thank you, Phil, for notifying everybody in case they might have ... I recuse myself."

Rep. Esposito: "I know Peter Conetta, and I respect Peter Conetta, and I would not vote against him. However, there has been a lot of controversy about these EPB appointments, and my concern is that we just don't overlook the controversy simply because Phil Berns goes on and on and on about issues that most of us don't understand. I think we ought to really pay attention to what's happening. I received a number of emails since the Appointments Committee meeting from people I highly respect who are raising similar concerns. When I chaired Appointments a few years ago, we had to actually call in the EPB board because there was so much controversy there. I quite frankly feel that what happened a couple of years ago, what is going on now, is smoke, and where there is smoke there is fire. And, I think it would be irresponsible for me to vote for any of these candidates at this particular point in time without checking out what the heck is going on. My recommendation is to hold these items, there is nothing negative that would happen to this; these are all recent submissions, and let's find out what is going on, why is there so much controversy, and maybe some of the other good citizens of this City who understand these environmental protection issues better than I do and as well as Mr. Berns, will come out and speak and let us know why there is so much controversy around this Board. I make a motion to hold these three items."

President Martin: "I am sorry, Mr. Esposito, but you can't speak and then make an amendment or a motion to hold, you must start with that motion. Mr. Boccuzzi."

Majority Leader Boccuzzi: "I am going to relinquish the floor to Ms. Summerville."

President Martin: "Mr. Day is next."

Rep. Day: "I know a little about the EPB from two perspectives, one is as chair of the Land Use Committee; I follow closely what they do, attend meetings from time to time. And, I have also appeared before wetlands commissions in my own personal career in at least two dozen communities. What you have is a contest, very often, between people that are ideologically determined to better the environment. That is a good cause. But, it is not so much the people that are on the wetlands board, it is the regulations they are interpreting. I have had my own issues, as everybody here knows, with David Emerson and with the EPB. But, this is not an anti-environmental group by any means, certainly not in comparison with the other committees. If you want to address some of these problems, you need to go at some of the regulations. There is no regulation that requires a 200' buffer around vernal pools. Any environmentalist will come in and tell you, 'yes, they migrate and they spawn and the breeding activity occurs in the spring and then they migrate in the off season and they need upland areas to migrate. That's nice, but that's not the law right now. So, you can't accuse people who do their best to interpret the laws of somehow being anti-environmental. That is not the way it works. These two gentlemen have done a conscientious job, in my opinion, and I consider myself an environmentalist; they have done a conscientious job of balancing, which they are required to do under the set of laws that governs this Board, of balancing the legitimate interests of private property ownership against the legitimate interests of

society in protecting its environmental wetlands and other ecological areas that are deemed to be worthwhile. That is what it is about. It is not about being pro-environmental, anti-environmental or anything else. And, they have done a conscientious job and I don't think this issue merits holding; it doesn't merit any further exploration. My committee has had a lot of interface with the EPB over the years, we have had some rough roads, actually. But, the people that sit on that Board are doing a conscientious job, including these two, and I think we are venturing into some dangerous waters here, looking into how another duly constituted board of this City is conducting its business."

Clerk Summerville: "This is the Appointments Committee of the Board of Representatives. It hasn't changed, Rep. Esposito, since you chaired it. The rules have not changed; a lot of the players have not changed; a lot of the boards and commissions have not changed; and this is a reappointment. I agree with Rep. Day, as I informed Mr. Berns at the Appointments Committee. There is a forum at which you can discuss these items, but this Appointments Committee is not a forum for character assassinations. I have served with you, Mr. Esposito, and you would not have allowed it ... because someone didn't vote the way you wanted them to vote ... as a reason to not appoint them. We have never, to the best of my knowledge, and I have served on the Board and the Appointments Committee since the 1980s, allowed anyone to come in and address someone because they didn't like the way they voted. They can address the situation as Mr. Berns talked about, but you can't stigmatize anyone individually, say, how many times did you vote yes or how many times did you vote no. That is public information, and that is a different forum, too. Just like Mr. Lyons got it, we can get it.

"First of all, as for Mr. Conetta's address, the Board was informed of the change, it was a misprint. So, it is nothing that Mr. Conetta did, it was the Board of Representatives office that messed up.

"We ask the public to serve on boards and commissions, and it is very hard to get people, and I can see why. People have families, they have lives, they have their customs by which they live, they don't want their name and their business and anything like that assassinated with character statements. Very few people are not aware that Mr. Conetta is a contractor. We have had other applicants, and you can do the research on this, I invite you to, that on the line item on our application where it says, employment, people say 'self employed,' and common sense tells you ... a contractor is self-employed, by way of him being a contractor and not owned by Donald Trump. He owns his own business.

"I don't have tolerance for some of the emails that I got (and some of them were not addressed to me but that I got them anyway). Things were reported that happened at the Appointments Committee that did not happen, and individual persons were named. This Board has the right to vote against an appointment, a representative has the right to vote against an appointment, as does Mr. Skigen, who votes against some for the reasons he has explained to everybody. He doesn't give reasons such as, 'I don't like

this one and I don't like that one,' it is because he thinks the Appointments Committee should interview everybody. So, this is respectful.

"The respective parties go out and seek applicants for all boards and commissions (with the exception of fire and some others that the Mayor approves). Those respective parties, be it democrat or republican, submit the names; after interviews by the parties, the names are sent to the Mayor of the City of Stamford (whether democrat or republican). The Mayor of the City of Stamford makes a decision, and he chooses who he would like to send down to the Board of Representatives. Now, the Appointments Committee always had a posture of looking at the applicant as far as qualifications.

I don't recall any of the Zoning Board members, who we really scrutinize; we have had golf authority appointments and golf commission members who have made some unpopular votes when we appointed them. Some of these unpopular votes I personally didn't agree with. These individuals come back for re-appointment, their qualifications are there, their record looks good, it is not like they missed a lot of meetings. We were told by one of the applicants that Mr. Berns did not make a lot of meetings when he was on the Environmental Protection Board. I don't listen to that, I go look for myself. And, if I do, I consider the significance of it. Did he do a good job? Was he qualified when he was there? He is a volunteer himself, as we are tonight. I say all that to say this: there is a forum, Mr. Berns, Mr. Esposito, Ms. Young or whoever, might disagree with an appointment that we make, so you put it on Steering and have the entire board or commission come in and we have dialogue. Mr. Berns said several times tonight that 'he was told this,' and 'he was told that.' I am not going to, as the Chair of Appointments Committee, indulge in that. I think it is improper, what is before the Committee is the application. We have used the application for the last thirty years, and since we have been asked to do it, we now have conflict of interest forms. If they lie, they are subject to what happens when you lie. You cannot go to the point where you interrogate people on the Appointments Committee as to why they didn't vote for this or why they didn't vote for that. So, just like we are placed here by our constituents to do our thing, you think they are happy with us all of the time, that is why some of us don't get re-elected. For me, as chairman, I will not participate nor will I entertain that kind of thing, and I think that you should rethink doing it yourself. Peter Conetta is no stranger to Stamford. Peter Conetta is a re-appointment. He is not the new kid on the block. We had two new applicants here tonight, we voted unanimously for them, only knowing what they told us. We put our trust in people. Each of these applicants that came tonight, we didn't tell them if you vote with me, I'll vote for you. Ethically, that is wrong. I hope you didn't encourage any other representatives. I hope there are no emails going around saying 'vote for this person because he's our vote.' That is just not an ethical thing to do. He is a good candidate from the respect of the Appointments Committee. There was no opposition, and I ask you to consider this candidate for reappointment."

Rep. Skigen moved the question; said motion was seconded and approved by unanimous voice vote.

The appointment was approved by a vote of 25-3-4 (Reps. Aposporos, Bernstein-Hunter, Blackwell, Boccuzzi, Cannady, Coppola, Day, Diamond, Fedeli, Franzetti, Giordano, Larobina, Layton, Lodato, Lombardo, Lyons II, C. Martin, D. Martin, Mirkin, Mitchell, Molgano, Rauh, Summerville, Young and Zelinsky; Reps. Berns, Neary and White opposed; Reps. Adams, Esposito, Mallozzi and Skigen abstaining) (See [RCS Vote Record No. 788](#)).

At 10:47 p.m., Rep. DeLuca left the meeting.

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|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 2. A27.095 | Environmental Protection Board/Alternate Diane Longo (D) Reappointment 59 Mill Spring Lane Term Exp. 12/1/6 Stamford, CT 06903 Term Expires: 12/01/09 03/05/07 – Submitted by Mayor Dannel P. Malloy 03/27/07 – No action taken | NO ACTION TAKEN |
| 3. A27.086 | Environmental Protection Board Louis Levine (R) Reappointment 10 Carroll Street Term Exp. 12/1/6 Stamford, CT 06907 Term Expires: 12/01/09 02/09/07 – Submitted by Mayor Dannel P. Malloy 03/27/07 – Committee approved 6-0-0 | APPROVED BY MACHINE VOTE 28-4-3 |

Chair Summerville moved the appointment of Mr. Levine; said motion was seconded.

Rep. Esposito moved to hold the appointment; said motion was seconded. The motion failed by a vote of 4-29-1 (Reps. Adams, Bernstein-Hunter, Esposito and Zelinsky in favor; Reps. Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, Day, Diamond, Fedeli, Figueroa, Franzetti, Giordano, Larobina, Layton, Lodato, Lombardo, Lyons II, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Neary, Rauh, Skigen, Summerville, White and Young opposed; Rep. Mallozzi abstaining (see [RCS Vote Record No. 789](#)).

Rep. Berns stated: “Mr. Chair, I want to reiterate the general comments I made about the [Environmental Protection] Board. Of course, none of my comments about Mr. Conetta’s means of making a living and certainly at this time I want to address, because I think this was addressed by my colleagues about Mr. Conetta, and been misconstrued in my comments about Mr. Levine: at no time was I attempting or suggesting character assassination. I have nothing to say about Mr. Conetta as far as what he is as a father, as a businessman, as a member of the community or in other respects; my only experience with him has been with EPB and my comments were limited to that. With reference to Mr. Levine, Mr. Levine I think does have a general concern for the environment. The problem is that over the years he has been less willing to, when necessary, stand up to the experts, stand up to the developers and to trust his gut and

ask harder questions and demand better applications. Mr. Day makes the remark that, 'EPB has to work within the regulations.' What he overlooks and may mislead other people on this Board is that the EPB makes its own regulations. Sure, they are limited by state regulations and federal regulations, but even without amending its regulations, it could have been done what was necessary to do a better job protecting the vernal pools that were affected. It, at any time, could have amended its regulations. When the issue of giving better protection to the vernal pools came up, the decision was to not do this. This, despite the fact that there is expert testimony going on both sides. This is a regrettable thing I have to share because I like the guy personally. During the entire vernal pool discussion, the testimony of both experts was that if you left out a certain sector, if areas that the salamanders, the frogs have to go through to migrate to the places where they actually live and eat, most of them will not find a way around. They will stop, they will die, and in fact, that population will become extinct. So, Mr. Levine, or maybe I asked the question for clarification, 'what are you saying, that these little critters are so stupid that they can't find their way around a lawn and they just die out in the hot sun,' and the response was, 'yes, these guys are little robots.' And, Mr. Levine, and to this day I don't know if he said it into the microphone or if he said it in an aside, but he said, and I can't use the expletive that he used; I'll paraphrase it: 'if these frickin' little critters can't find their way around these little obstacles, then let them become extinct.'

"And, I just think that this is the wrong attitude for someone who is supposed to be protecting the environment. And it gives me pain to say that because I consider him more pro-, more interested in the environment and more interested in protecting the environment than Mr. Conetta, who I have never observed having an interest in either of those two. Nevertheless, the fact that this Board has decided to reappoint Mr. Conetta does not therefore make it right to also reappoint Mr. Levine, and I would ask that you not pass him at this time.

"To Clerk Summerville's remarks, about 'you don't bring up somebody's qualifications at the time of their reappointment,' I mean, when do you bring up their qualifications? If you are going to be having a review meeting with them before one committee or another and request the same before the Steering Committee, you are not talking about their qualifications. You are talking about their decisions, their philosophies, how they operate, how they work. The only time it is relevant to talk about their qualifications is when they are being appointed, is when they are being reappointed. We have a track record here in what clearly I have unsuccessfully communicated to this Board, is that that track record is not good. Thank you, Mr. Chairman."

President Martin: "Thank you. We will take ... Ms. Summerville."

Clerk Summerville: "Respectfully to Rep. Berns, I will be listening to the tape before I leave tonight, and if I did say that bringing up people's qualifications during the appointments process is incorrect, I would like to personally correct that now. While I don't believe I said it, if I did, that was a misstatement. I invite any of you to come and listen to the tape. I want to let the record show, what I said that Mr. Berns said that I said is incorrect. I meant you don't bring up their personality and because they didn't

vote the way you thought they should vote, that you say to them, I don't want to vote for you. Qualifications are what we deal with, and I have said that over and over again. That was a mistaken statement that I made, and if I did say that, I am correcting it now. I thank you for reminding me, if I did, but I'll find out after the meeting."

Rep. Boccuzzi apologized for having to leave the meeting at this time.

Clerk Summerville stated that Rep. Pia has also left the meeting.

The main motion was approved by a vote of 28-4-3 (Reps. Bernstein-Hunter, Blackwell, Boccuzzi, Cannady, Coppola, Day, Diamond, Fedeli, Franzetti, Giordano, Larobina, Layton, Lodato, Lombardo, Lyons II, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Munger, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor; Reps. Aposporos, Berns, Figueroa and Neary opposed; Reps. Adams, Esposito and Mallozzi abstaining) (See [RCS Vote Record No. 790](#)).

| | | |
|----------------------------|------------------------------------------------|---------------------|
| 4. A27.096 | Urban Redevelopment Commission | APPROVED BY |
| | Stephen C. Osman (D) | MACHINE VOTE |
| | 57 West Hill Road | 22-4-4 |
| | Stamford, CT 06902 | |
| | Term Expires: 12/01/11 | |
| | 03/05/07 – Submitted by Mayor Dannel P. Malloy | |
| | 03/27/07 – Committee approved 5-1-0 | |

Chair Summerville moved the appointment of Mr. Osman; said motion was seconded. Rep. Lyons asked who on the Appointments Committee voted no on Mr. Osman's appointment. Clerk Summerville stated that the no vote was from Rep. Aposporos and called on Rep. Aposporos to tell them why.

President Martin asked Chair Summerville to respond to Mr. Lyons.

Chair Summerville replied that Rep. Aposporos felt that she could not, at that time, vote for the applicant because during another matter, which was in court and in which the applicant had to appear, this applicant replied to the judge under questioning that he had many meetings with Ms. Aposporos. And, Rep. Aposporos explained to the Committee and to Mr. Osman that this was the first time she had ever seen him in her life. And, she asked Mr. Osman, "why did he lie to the judge," (Chair Summerville stating that, "and I think I am using the exact words"). Chair Summerville stated, and asked Ms. Aposporos to correct her if she is wrong, that Ms. Aposporos heard Mr. Osman state, "if I did that, I apologize, but I don't recall doing that." Chair Summerville asked Ms. Aposporos to confirm her recollection [i.e., Chair Summerville's recollection] of the discussion. Rep. Aposporos agreed with Chair Summerville's statements. Chair Summerville again asked that she be corrected if she is misquoting anyone, adding that she has never had to do something like this before and this is new for her and that she is very uncomfortable doing this, but she is forced to as members of leadership are required to do these things.

Rep. Blackwell stated that Ms. Summerville is correct in her depiction of the conversation.

Rep. Lyons called for a motion to limit debate on this item to two minutes.

President Martin stated that he can't offer a motion after remarks, and he had already begun his remarks. Rep. Lyons asked if an interrogatory was a remark, and President Martin answered that it was.

Mr. Berns stated: "Mr. Chair, I just want to remark that the Urban Redevelopment Commission was integrally involved in every step of the way in clearing out small businesses, including the entire area around Curley's Diner, which is the property that Ms. Aposporos owns, for the purpose not of building schools for the public benefit, highways or hospitals, but rather to take property away from one private owner and give it to another private owner. I think this is profoundly un-American; I think it is immoral, unethical and I think it is wrong. I know nothing about Mr. Stephen Osman, all I know is that at one time he was the chair and I am not certain if he is still the Chair or not of the Urban Redevelopment Commission, and the fact that they should do this, attempt to do it and continue to attempt to do it is wrong, and the fact that there were 1,000 solutions to the problem rather than waging war against not just an institution here in Stamford, but a small business owner, a leader in the community, and it is just plain wrong, even if it weren't for all those factors. I am therefore going to vote against, and I hope you will join me."

Rep. Day stated: "I think we should limit discussion to the qualifications of the individuals and follow Rep. Summerville's advice for the purpose of the Committee and the interview process. I have known Mr. Osman for years. I don't necessarily agree with everything he does, either, but he is a brilliant man and he has worked very, very hard for many years on behalf of this city with no pay."

The motion was approved by a vote of 22-4-4 (Reps. Bernstein-Hunter, Blackwell, Coppola, Day, Esposito, Fedeli, Larobina, Lombardo, Lyons II, C. Martin, D. Martin, Mirkin, Mitchell, Molgano, Munger, Neary, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor; Reps. Aposporos, Berns, Figueroa and Franzetti opposed; Reps. Adams, Cannady, Lodato and Mallozzi abstaining) (See [RCS Vote Record No. 791](#)).

Clerk Summerville noted that Reps. Boccuzzi, Pia, Layton and McCullen left the meeting at 11:10 p.m.

5. [A27.087](#)

Zoning Board of Appeals

John A. Sedlak (R) Reappointment
83-10 Courtland Avenue Term Exp. 12/1/6
Stamford, CT 06902
Term Expires: 12/01/09
02/09/07 – Submitted by Mayor Dannel P. Malloy

**APPROVED ON
CONSENT
AGENDA** (Rep.
Mallozzi
abstaining)

03/27/07 – Committee approved 6-0-0

6. [A27.097](#) **Zoning Board of Appeals** **APPROVED ON
CONSENT
AGENDA** (*Rep.
Mallozzi
abstaining*)
Zachary Weinberger (D) Reappointment
25 Chester Street Term Exp. 12/1/6
Stamford, CT 06905
Term Expires: 12/01/09
03/05/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Committee approved 6-0-0

7. [A27.091](#) **Planning Board** **APPROVED ON
CONSENT
AGENDA** (*Rep.
Mallozzi
abstaining*)
Rose Marie Grosso (D) Reappointment
20 Bend of River Lane Term Exp. 12/1/6
Stamford, CT 06902
Term Expires: 12/01/09
02/26/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Committee approved 6-0-0

8. [A27.093](#) **Tax Assessment Board of Appeals** **NO ACTION
TAKEN**
Leslie Gordon (D) Reappointment
211 West Lane Term Exp. 12/1/6
Stamford, CT 06905
Term Expires: 12/01/09
02/26/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Name Withdrawn

Chair Summerville reported that Mr. Gordon withdrew his name, later reconsidered, and it is expected his name will be resubmitted by Mayor Malloy next month.

Rep. Zelinsky asked for the reason given why Mr. Gordon withdrew his name. President Martin stated that this item was not recommended for approval by Chair Summerville and that to discuss the item it would require being taken out of committee. President Martin stated, therefore, he is not going to allow discussion on this item.

9. [A27.088](#) **Tax Assessment Board of Appeals** **NO ACTION
TAKEN**
Christopher L. Campbell (D) Addition to Board
5 Hundley Court #1B
Stamford, CT 06902
Term Expires: N/A
02/14/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – No action taken

10. [A27.092](#) **Stamford Golf Authority** **APPROVED ON
CONSENT
AGENDA**
Michael L. Briscoe (D) Reappointment
141 Mulberry Street Term Exp. 1/1/7

Stamford, CT 06907
Term Expires: 01/01/10
02/26/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Committee approved 6-0-0

11. [A27.090](#) **Golf Commission**
Robert Tyska (D) Reappointment
84 Rachele Avenue Term Exp. 12/1/6
Stamford, CT 06905
Term Expires: 12/01/09
02/26/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Committee approved 6-0-0
12. [A27.085](#) **Planning Board – Alternate**
Michael G. Raduazzo (R) Repl. Caravella
1551 Hope Street Term Exp. 12/1/1
Stamford, CT 06907
Term Expires: 12/01/07
02/09/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Committee approved 6-0-0
13. [A27.089](#) **Golf Commission**
Daniel P. Brennan (R) Repl. Brennan
1048 Westover Road Term Exp. 12/1/5
Stamford, CT 06902
Term Expires: 12/01/08
02/26/07 – Submitted by Mayor Dannel P. Malloy
03/27/07 – Committee approved 6-0-0

**APPROVED ON
CONSENT
AGENDA**

**APPROVED ON
CONSENT
AGENDA** (*Rep.
Mallozzi
abstaining*)

**APPROVED ON
CONSENT
AGENDA** (*Rep.
Lodato
abstaining*)

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 5, 6, 7, 10, 11, 12 and 13 was approved by unanimous voice vote.

Chair Summerville thanked her Committee for coming out and enduring an interesting interview process. The Committee started at 7:00 p.m. and ended at 8:30 p.m., so in response to rumors that it was a horrible night, the Committee found it to be an interesting night, and the Committee took care of its business rapidly. She wants the record to show she thanks her committee for their wonderful and professional work this month.

FISCAL COMMITTEE: **Randall M. Skigen, Chair**
[\(Attendance\)](#) **Linda Cannady, Vice Chair**
[\(Votes\)](#) Meeting: Monday, March 26, 2007
[\(Report\)](#) 7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, March 26, 2007. Present were Chair Skigen and Vice Chair Cannady and Committee Member Reps. Day, DeLuca, Fedeli, Figueroa, Giordano, Lyons, Mirkin and Mitchell. Also present were Rep. Zelinsky; Olga Brown and Debra Katz of the Health Department; Marc Teichman of CLC; Peter Privitera and Jim Hricay of OPM; Sandy Dennies, Director of Administration; Bill Callion, Director of Public Safety, Health & Welfare; Captain Tomlin of 911 Center; Mary Willis of the Youth Services Bureau; and Bill Forker and Greg Stackpole (CAMA Manager) of the Tax Office.

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|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 1. F27.209 \$661.00 | ADDITIONAL APPROPRIATION (Grants Budget); STD Clinic Grant; to align budget with increased State allotment. 02/20/07 – Submitted by Mayor Dannel P. Malloy 03/06/07 – Approved by Board of Finance 03/26/07 – Committee approved 7-0-0 | APPROVED ON CONSENT AGENDA |
| 2. F27.213 \$1,030.00 | ADDITIONAL APPROPRIATION (Grants Budget); HIV Mobile Prevention Services; to align budget with increased State allotment. 02/28/07 – Submitted by Mayor Dannel P. Malloy 04/12/07 – To be considered by Board of Finance 03/26/07 – Committee approved 7-0-0 04/04/07 – Held in Committee | HELD IN COMMITTEE |
| 3. F27.212 \$2,566.00 | ADDITIONAL APPROPRIATION (Grants Budget); AIDS Risk Reduction Grant; Medical and Life Insurance; to align budget with increased State allotment; funds to be used for medical cost reimbursement. 02/28/07 – Submitted by Mayor Dannel P. Malloy 04/12/07 – To be considered by Board of Finance 03/26/07 – Committee approved 7-0-0 04/04/07 – Held in Committee | HELD IN COMMITTEE |

Chair Skigen stated that Item Nos. 2 and 3 were approved and then held because they have not been approved by the Board of Finance.

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|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 4. F27.207 \$2,584.00 | ADDITIONAL APPROPRIATION (Grants Budget); Immunization Grant; to align budget with State grant allotment. 02/20/07 – Submitted by Mayor Dannel P. Malloy 03/06/07 – Approved by Board of Finance 03/26/07 – Committee approved 7-0-0 | APPROVED ON CONSENT AGENDA |
| 5. F27.208 \$1,600.00 | ADDITIONAL APPROPRIATION (Grants Budget); Tuberculosis Grant; to align budget with State | APPROVED ON CONSENT |

grant allotment.
02/20/07 – Submitted by Mayor Dannel P. Malloy
03/06/07 – Approved by Board of Finance
03/26/07 – Committee approved 8-0-0

AGENDA

6. [F27.205](#)
\$16,000.00

ADDITIONAL APPROPRIATION (Grants Budget); Youth services Bureau; Direct Services; grant funds from FF County Community Foundation to provide professional development to Stamford's after school program line staff and directors.
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/06/07 – Approved by Board of Finance
03/26/07 – Committee approved 7-0-0

**APPROVED ON
CONSENT
AGENDA**

7. [F27.210](#)
\$3,000.00

ADDITIONAL APPROPRIATION (Operating Budget); Maintenance; Facilities; to reimburse for parks labor support during film production.
02/28/07 – Submitted by Mayor Dannel P. Malloy
04/12/07 – To be considered by Board of Finance
03/26/07 – Committee approved 7-0-0
04/04/07 – Held in Committee

**HELD IN
COMMITTEE**

Chair Skigen stated that Item No. 7 was approved and then held because it has not been approved by the Board of Finance.

8. [F27.214](#)
\$45,000.00

ADDITIONAL APPROPRIATION (Operating Budget; OPM Purchasing; Professional Consultant; to assess city's minority and disadvantaged business procurement practices.
02/27/07 – Submitted by Mayor Dannel P. Malloy
03/06/07 – Approved by Board of Finance
03/26/07 – Committee approved 5-0-4

**APPROVED BY
MACHINE VOTE
26-5-0**

Chair Skigen moved to approve Item No. F27.214. Said motion was seconded. Rep. Coppola stated that he feels that this is frankly a waste of money to get a consultant to do something, adding that we have a perfectly good economic development department in the City. He doesn't put very much faith in consultants; he thinks that their decisions and recommendations are usually very arbitrary, and he thinks \$45,000 is frivolous and he will vote against this.

Chair Skigen stated that there was a selection team that was asked to look at the City's procurement practices as they relate to minority and disadvantaged businesses, and the City does not believe that it is up to speed with the best practices in the industry right now. That is a major concern in terms of federal grant making. If we do not meet the federal standards, we lose federal grants. We are currently working on the Urban Transitway, and that money is subject to our compliance with minority business hiring,

as well as the money that we will be applying for to do the bridge reconstructions for the Metro North Bridges. The City and the Committee felt it was appropriate to spend this money to make certain the City is following best practices.

Rep. Zelinsky stated that he recalls many years ago there was an item on the agenda that did address the situation as far as encouraging minority businesses in Stamford to get more involved and so forth. He went to the office, but unfortunately, did not have time to look through the old minutes, but he does know there was some type of meeting and there was some action taken.

Rep. Mirkin stated his recollection was that he thought that it was a good faith effort on behalf of the City to try to hit certain goals regarding minority and disabled hiring, and if there is a good faith attempt that there could be no loss of any grants. That was his recollection, and if there is something different, he would like to know.

Chair Skigen stated that he does not know that “good faith” satisfies the State and Federal government in terms of the grants. He believes that we must comply with their requirements, and the purpose of this study is to try and come up with suggestions for the best ways for the City to reach out to these businesses so that we will be in compliance.

Rep. Berns stated that if Economic Development had been doing a sufficiently good job or if they had the expertise to reach out to these groups, he doesn't think the City would be in the position where it is now. If the situation for minority and disadvantaged business procurement practices is anything like the situation in the police department, the situation in the elected officials of Stamford and the situation in the appointed officials of Stamford, we have a major problem. The police chief says that minorities are phenomenally under-represented; of the approximately 60 elected positions in the City of Stamford, and he is only familiar with the statistics for Latinos and Hispanics, there is only one, who is here with us, thank God, and it is Anabel Figueroa. Up until two years ago, she was the only appointed or elected Hispanic or Latino individual anywhere in City government – appointed or elected. Sixty elected positions and approximately 90 to 110 appointed positions. Two years ago, Ms. Garcia joined the Housing Authority, and that means we went from zero people to one. So if the situation that is reflected in other areas of Stamford is reflected in procurement practices, we have a big problem and we need as much help as we can get.

The item was approved by a machine vote of 26-5-0 (Reps. Adams, Aposporos, Berns, Bernstein-Hunter, Blackwell, Cannady, Day, Diamond, Esposito, Fedeli, Figueroa, Giordano, Larobina, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, Mitchell, Munger, Neary, Rauh, Skigen, White, Young and Zelinsky in favor; Reps. Coppola, Franzetti, Lodato, Mirkin and Molgano opposed) (See [RCS Vote Record No. 792](#)).

9. [F27.211](#)
~~\$122,000.00~~
\$86,000.00

ADDITIONAL APPROPRIATION (Operating Budget); Emergency Communications Center; Overtime; increase required due to a continuing

**HELD IN
COMMITTEE**

pattern of long and short term vacancies, hiring and training as well as upgrades to the positions.
 02/28/07 – Submitted by Mayor Dannel P. Malloy
 04/12/07 – To be considered by Board of Finance
 03/26/07 – Committee approved 6-0-3 (reduced amount of \$86,000)
 04/04/07 – Held in Committee

Chair Skigen stated that Item No. 9 was approved and then held because it has not been approved by the Board of Finance.

10a. [F27.217](#) \$18,179.00 ADDITIONAL APPROPRIATION (Capital Budget); Childcare Learning Centers; Security Cameras and Devices; to install locked doors and cameras in Lathon Wider Community Center location.
 03/07/07 – Submitted by Mayor Dannel P. Malloy
 03/13/07 – Approved by Planning Board
 04/12/07 – To be considered by Board of Finance
 03/26/07 – Committee approved 6-0-3
 04/04/07 – Held in Committee

HELD IN COMMITTEE

10b. [F27.218](#) BOND RESOLUTION; in connection with Item No F27.217 above – Childcare Learning Centers; Cameras and Devices.
 03/07/07 – Submitted by Mayor Dannel P. Malloy
 03/26/07 – Committee approved 6-0-3
 04/04/07 – Held in Committee

HELD IN COMMITTEE

Chair Skigen stated that Item Nos. 10a and 10b were approved and then held because they have not been approved by the Board of Finance.

11. [F27.206](#) APPROVAL; of an agreement with Bank of America for banking products and services.
 02/16/07 – Submitted by Mayor Dannel P. Malloy
 03/06/07 – Approved by Board of Finance 5-0-1
 03/26/07 – Committee voted to hold 10-0-0
 04/04/07 – Committee approved 7-0-0

APPROVED ON CONSENT AGENDA

12. F27.216 REVIEW; process of collection past-due automobile personal property taxes.
 03/07/07 – Submitted by Reps. DeLuca & Mirkin
 03/26/07 – Report Made

REPORT MADE

13. F27.240 REVIEW; of City wide Revaluation
 03/12/07 – Submitted by Representatives Skigen, Fedeli, Day, Zelinsky, Lyons and President Martin
 03/26/07 – Report Made

REPORT MADE & HELD IN COMMITTEE

Chair Skigen stated that reports on Item Nos. 12 and 13 are available in the Committee minutes.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1, 4, 5, 6 and 11, was approved by unanimous voice vote.

LEGISLATIVE & RULES

COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

James D. Diamond, Chair

Arthur Layton, Vice Chair

Meeting: Monday, March 19, 2007

7:00 p.m. – Republican Caucus Room

Chair Diamond reported that the Legislative & Rules Committee met on March 19, 2007. Present were Chairman James Diamond, Vice Chairman Arthur Layton, Representatives Philip Berns, Harry Day, Paul Esposito, Eileen Heaphy, Mike Lombardo, Cynthia Martin, Elaine Mitchell and John Zelinsky. (Excused was Rep. Greg Lodato.) Also attending were Representatives Mary Fedeli, Mark Larobina, Polly Rauh and Clerk of the Board Annie Summerville. Jeannette Brown of the WPCA, Sgt. Gioella of the Police Department, Director William Callion and Law Department Director Thomas Cassone, Esq. There were many members of the public in attendance, along with Donna Porstner of the Advocate.

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|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 1. LR27.035 | PROPOSED ORDINANCE; for public hearing and final adoption ; regarding graffiti. 12/21/06 – Submitted by Director Callion 01/22/07 – Held in Committee 8-0-0 02/26/07 – Committee approved 8-0-0 (as amended) 03/05/07 – Approved for publication 03/19/07 – Committee approved 7-1-2 (as amended) for republication | RETURNED TO COMMITTEE BY MACHINE VOTE 23-5-0 |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|

Chair Diamond reported that a public hearing was held, there were letters read into the record from community associations in favor of the ordinance. The ordinance was amended by the Committee. Mr. Zelinsky offered an amendment that changed the ordinance regarding non-residential property. He reviewed the language of Mr. Zelinsky's amendment with Mr. Cassone, the Director of Legal Affairs, and Mr. Cassone suggested some slightly altered language, clarifying the wording. Mr. Cassone's language has been submitted to all members of the Board, and Chair Diamond moved this amendment in substitution of Mr. Zelinsky's language.

President Martin stated that Mr. Cassone's changes are not material. And, if there are no objections, he will accept this as the amendment from the Committee for tonight's vote. Mr. Lyons objected.

President Martin stated that the Committee voted for a particular amendment and that will be on the floor. Chair Diamond stated that the Amendment was approved 5-3-0 in Committee. President Martin stated that Mr. Cassone has recommended to Mr. Diamond that he make a subsequent amendment to clarify the language in the Committee's amendment, so therefore it is appropriate for Mr. Diamond to make an amendment to amend the Committee's amendment.

Chair Diamond moved to amend the Committee's amendment. Said motion was seconded.

The President clarified that the Committee made an amendment that basically excluded residential property; the Law Department has reviewed that and offered a slight change to that language, and that is now before us.

Rep. Zelinsky stated that not being an attorney, he concurs with Chairman Diamond that Director Cassone's language would be more applicable, and so he would encourage his colleagues to vote against the wording he submitted in favor of the better wording.

Rep. Day stated that he is opposed to the amendment to the amendment because he is opposed to the amendment that the amendment is amending. He recommends that people vote against the amendment with the view to restoring the language.

President Martin stated that this would not occur; we will go back to the main motion, which is the original amendment made by the Committee.

Rep. Day stated that on this basis, he will oppose the amendment and urges everyone to do so. Graffiti is graffiti wherever it is located.

President Martin stated that the motion made by Chair Diamond, which was the Legislative & Rules Committee's amendment, also known as the Zelinsky amendment, that was then followed by an amendment to change that amendment, and because it was entirely about the same thing, we are now voting on that amendment. Because there was an objection, we now have two amendments to deal with. Mr. Lyons objected, which caused us to have to deal with two amendments in the official proceedings instead of one. The outcome of all of this will be exactly the same whether we did it in one vote or two votes.

The amendment to the amendment (i.e., the Law Department's recommended changes) was approved by a vote of 17-13-0 (Reps. Adams, Berns, Blackwell, Cannady, Diamond, Esposito, Figueroa, Giordano, Mallozzi, C Martin, D. Martin, Mitchell, Neary, Rauh, Summerville, Young and Zelinsky in favor; Reps. Aposporos, Bernstein-Hunter, Coppola, Day, Fedeli, Franzetti, Larobina, Lodato, Lombardo, Lyons II, Mirkin, Molgano and White opposed) (See [RCS Vote Record No. 793](#)).

President Martin stated that from now on, all references to the amendment will refer to the Law Department amendment.

Rep. Berns moved the question; said motion was seconded and failed by a machine vote of 14-15-0 (Reps. Adams, Berns, Blackwell, Cannady, Diamond, Esposito, Mallozzi, C. Martin, D. Martin, Mitchell, Neary, Rauh, White and Zelinsky in favor; Reps. Aposporos, Bernstein-Hunter, Coppola, Day, Fedeli, Franzetti, Giordano, Larobina, Lodato, Lombardo, Lyons II, Mirkin, Molgano, Summerville and Young opposed) (See [RCS Vote Record No. 794](#)).

Rep. Day stated that we moved down the road quite a bit about this and then this business about residential vs. non-residential snuck in. Graffiti is graffiti wherever it occurs. It is no less offensive on residential property than on commercial property, and it is not always even easy to make the distinction between residential and commercial. This is needlessly weighing down the underlying objective here. He knows that it is considered to be a burden to remove graffiti, but there are certain things that are inherent obligations of property ownership. They come with owning property. It is not different if a tree falls or if there is other damage done by a storm, or the need to repair a roof. It is something unfortunate that happens and it is incumbent upon the owner to deal with it, and the point of this ordinance is to make it incumbent on the owner to take reasonable steps to fix it. He strongly urges the members here to go back to the original ordinance and not adopt this amendment.

Rep. Lyons stated that everyone has the same concerns and wants to see this limited but he submits for consideration, that this ordinance sat on the books in a certain format for a long time, and it is being reformatted. We don't even know what topics we are addressing, what type of residential units we will be addressing, yet we take this language that was read arbitrarily in the committee of four fewer dwelling units where at least one unit is owner-occupied. The thing is becoming so unenforceable from the standpoint of what we want to see done. I have no problem three months, six months, nine months from now reviewing and/or amending it, once we have some historical data. We have no historical data to go on.

Rep. Lodato stated that a four family home has three tenants in it, and you have basically a business. It is a rent collection business. I don't see why this ordinance should prefer one type of business over another. Why would a glass repair shop be subject to this but a homeowner who is collecting rent on three of his units not be subject to it. He recommends that we reject this amendment out of fairness. We are really preferring one income stream over another, citing two different standards and two different sets of rules for different types of income and how it is earned.

Rep. Zelinsky stated that he takes personal affront to one of his colleagues saying this was "snuck in." Rep. Zelinsky stated, "come on, you know we have to respect each other. We may not agree with each other, but let's not be derogatory in our comments to one another. And, if you can't, maybe you should think about getting off the Board." Rep. Zelinsky stated that this was not snuck in, this was brought up and was sent to all

the board members pertaining to the change, and he hopes he has clarified this. Rep. Zelinsky stated that in response to the comment comparing this to a fallen tree, storms, roofs, those are acts of God. This is not an act of God when somebody does graffiti on something, so let's not mix apples with oranges. In response to another comment by his colleague who talked about fairness, Mr. Zelinsky stated that he is thinking about fairness to the residents of this City. It is bad enough that somebody has to have graffiti put on their property, and to add insult to injury, we are going to fine them if they don't get it off within 30 days. And, Rep. Zelinsky thinks it is a matter of trying to confuse and cloud the issue. Either a residence is a residence or it is commercial or industrial. Whether it is 4 families or not, it is a residence. It is not a business. He received the information pertaining to just having graffiti and the fining of people who do it on commercial or industrial property from the Code of Ordinances of the City of Hartford.

Rep. Zelinsky stated that when the police department representative appeared in front of the Committee a few months ago, he gave a slide presentation, and he cannot recall any of the properties that he showed on that presentation being residential. They were either commercial or industrial. He urges his colleagues to protect the residents through this amendment.

Rep. Adams stated that in reference to the issues of fallen trees on properties, etc., comparing this as a similar situation, it is not a fair comparison. If someone cuts a tree down on someone's property, they are responsible for removing it. A fallen tree by an act of God or cutting a tree down, there is no comparison. A four-family with an owner occupied unit is a residence, regardless of whether there is income derived from the property, according to the real estate market. He believes this ordinance was unfair from the beginning because we are not chasing the perpetrators. We are grabbing the easy target by saying that if someone tags the building and it is not cleared up in 90 days, instead of getting the perpetrators, we are going after the homeowners, and he feels this is unfair. Not only that, in Stamford, we are saying we need more police, yet we are going to set aside police and instead of enforcing the law, put the burden on the taxpayers.

Rep. Mallozzi stated that for example, Fountain Terrace, there are walls in front of it and graffiti is placed on it. Under this amendment, does that mean that they are excluded from the ordinance?

Rep. Diamond stated that he believes you could require them to remove the graffiti because they would be included in the ordinance because there are more than four units.

Rep. Fedeli stated that in response to Rep. Adams' point, last week she received an email from Lt. Matheny that in the area of Springdale, two youths were caught in the back of CVS in the process of tagging graffiti, and the person that they arrested for criminal mischief admitted to seven other taggings in the neighborhood. So, she does believe that the police are doing their part in trying to control graffiti and to enforce the

law, and she thinks it only fair that on the other side of the law, if graffiti is put on a piece of property – residential or otherwise – they should also be responsible to clean it up.

Rep. Adams asked whether they were going to fine these youth \$90 per tag, or is it just a misdemeanor and they get a pass. This is part of the unfairness he sees in this ordinance. Even though these youth got caught, there are no repercussions to them. The person who is tagged gets charged \$90. If the law says that the fine moneys are deposited into accounts to help homeowners remove graffiti from their property, he would support that. He is against the ordinance in its current form. He understands what the Board is trying to do, but feels it is going after the wrong people.

Rep. Lyons stated that in his district, he had a single-family home that was rented on a very desirable street, and the tenant had guests over who spray painted the front of the dwelling on two or three levels with profane and lewd language, and it remained there in excess of 6 to 9 months. He does not want us to get bogged down on the civil vs. criminal acts. He believes the amendment should be reviewed, digested and perhaps proposed after the original ordinance, which was published for publication, and the public hearing was closed, is enacted unless this amendment is defeated tonight.

The amendment (as amended) failed by a vote of 14-16-0 (Reps. Adams, Berns, Blackwell, Cannady, Esposito, Figueroa, Giordano, Mallozzi, C. Martin, D. Martin, Mitchell, Neary, Young and Zelinsky in favor; Reps. Aposporos, Bernstein-Hunter, Coppola, Day, Diamond, Fedeli, Franzetti, Larobina, Lodato, Lombardo, Lyons II, Mirkin, Molgano, Rauh, Summerville and White opposed) (See [RCS Vote Record No. 795](#)).

President Martin called discussion on the main motion.

Rep. Berns stated that the current form of this ordinance is 70% beautiful. The problem is that the 70% hits property owners smack in the face, which is missing the point of this ordinance. Back in February, he asked Sgt. Gioelle if he had samples of ordinances that included other measures that enhanced the police department's ability to capture people, to educate people and to bring us some of these materials, and he was able to do so. Rep. Berns brought up to the Committee that we need to include other steps in this, specifically, at that time he recommended ... regrettably some of the other members of the committee scoffed and said "this is silly, this is ridiculous, etc.". At the last meeting, a couple of weeks ago, he found a document on the web, and he found it in about 15 minutes after going to Google and typing "graffiti and ordinance," and this is one of the top results. This is a comparison of 59 city ordinances across the country, and many of them include this directing enforcement to the property owner, which, again, he agrees must be a big part of the solution. What this ordinance does not include is some of the many innovative and effective measures used by other cities across the country. These include providing for rewards for people in assisting in turning in the graffiti perpetrators. You are talking about a small number of individuals – perhaps one or two dozen. If we had a good reward system or a good system to motivate people to turn them in, if we catch more of them and take them off the street,

first of all it will reduce dramatically the graffiti that they are doing and can be a signal to the rest of them that we are keeping a closer eye. There are cities that are using a system where after a certain number of weeks or months of levying fines that the City has the right to come in and clean it, so that we are not sitting there a year, or two years or three years later and foreclosing on houses to get them to remove graffiti. You just go there, do it, put a lien on their property and it is done. Three, trust funds. There are cities that have arranged to have some part or even all of the funds assessed, both against graffiti perpetrators and against property owners permitting graffiti to remain on their property, to go into trust funds to help property owners who are distressed, perhaps disabled, who are perhaps elderly, on fixed incomes or cannot afford to do this.

President Martin asked Rep. Berns if he was recommending we vote in favor or against this ordinance. Rep. Berns responded that he is recommending that we either incorporate these things tonight or that we hold this, send it back to Committee, which is only going to postpone things by one month. "As we are here today, if we pass this for publication, all of these measures that add fairness and add balance to this ordinance, if we postpone it and send it back to Committee to discuss and perhaps incorporate some of these things, we come back for publication one month from now, and a month after that we pass it. So at the cost of delaying this for one month, at the cost of making this the law of the land in June instead of May, I recommend that we send this back to Committee, I ask that somebody make the motion as I am not permitted to do so, because with very little extra work, we can turn this into a really great ordinance that is much more effective and far more fair." Rep. Berns thanked the Chair.

The main ordinance failed by a vote of 19-9-0 (Reps. Aposporos, Bernstein-Hunter, Blackwell, Coppola, Day, Diamond, Esposito, Fedeli, Franzetti, Larobina, Lodato, Lombardo, Mallozzi, D. Martin, Mirkin, Molgano, Rauh, Summerville and White in favor; Reps. Adams, Berns, Giordano, Lyons II, C. Martin, Mitchell, Neary, Young and Zelinsky opposed) (See [RCS Vote Record No. 796](#)) (Note: 21 votes are needed for passage).

Rep. Lyons, stated that as a member of the prevailing side, he moved for reconsideration; said motion was seconded. The motion was approved by a machine vote of 20-6-0 (Reps. Bernstein-Hunter, Blackwell, Coppola, Day, Diamond, Esposito, Fedeli, Franzetti, Giordano, Larobina, Lodato, Lombardo, Lyons II, Mallozzi, D. Martin, Mirkin, Molgano, Rauh, Summerville and White in favor; Reps. Adams, C. Martin, Mitchell, Neary, Young and Zelinsky opposed) (See [RCS Vote Record No. 797](#)).

Rep. Lyons moved to return to the item to committee. Said motion was seconded.

Rep. Zelinsky stated that with all due respect, we took a vote, it didn't pass, he was not happy with his motion for the amendment, but he thinks that this is just an effort to bring it back next month, and he is not in favor.

Rep. Mitchell stated that she wanted to understand the purpose of sending it back to Committee. President Martin stated that this is a parliamentary option. Basically, the

proponents of this ordinance were defeated; at this point, they want to resurrect this ordinance and take it back to committee, presumably to reconsider possibly some of the amendments, or who knows what. But this is a parliamentary procedure at this point to keep this from dying as they do in fact have a majority, but they don't have sufficient votes to get it passed.

Rep. Mitchell stated that by sending this back to Committee, we will have the opportunity to bring the amendment that was defeated back up. President Martin confirmed this.

Rep. Berns stated that he is "torn whether to send this back to Committee with the hope that the Committee is not going to be lax in its efforts to really look at ways to make this fair, ways to make it more effective or if this is just a tactic to basically bring back the same thing over and over again." Rep. Berns stated that "he would tell everyone why he has a very specific concern. That is that there were several members of the Committee, who after having heard about the ideas of rewards and trust funds and of the City's right to remove – amendments that could soften the harshness – that there were several members of the Committee who in February scoffed at these ideas, in March said that these were clever ideas but it is too late to do something, and I suspect that what is going to happen is the Legislative & Rules Committee is going to meet again two weeks from today and no one will have asked Corporation Counsel to look into these things, no one will have done the exploration and there will be this pressure to get it passed, we have spent enough time on it. I don't know how these people made it out of grade school thinking that if you spend enough time on something that it is good enough, but you know what, I don't see the will or the desire to actually do the work to make this right."

Rep. Day stated to just recognize the reality that there are only 28 people here, and there were 20 people who supported this, and it missed by one vote. Of course, it is a parliamentary tactic to have enough people here next month to vote on it. That is what we are doing, so let's not get hung up on all this debate about what we are doing here. We should just vote.

Rep. Zelinsky stated that he originally was adamantly against the ordinance, but he thought he could come up with a compromise that he and his fellow colleagues could vote for, and he is really, really very disappointed that his colleagues who were strongly in favor of this couldn't say that. He tried to make a compromise so that it could go through, and one of his colleagues mentioned that there was one situation in his district, he hasn't heard any other mentions of other districts with residential graffiti incidents, and he respects him for bringing this up—he is not making fun of him. But, one case does not warrant excluding residences. He knows this is a parliamentary maneuver, and he urges his colleagues not to send it back to Committee because this is just a matter of next month getting more votes, and then they are going to shove it through whichever way they want it, which will include residences, which will penalize our residents. If they can't see that, they have to account to their own constituents.

The motion, i.e., to return to Committee, was approved by a vote of 23-5-0 (Reps. Aposporos, Bernstein-Hunter, Blackwell, Coppola, Day, Diamond, Esposito, Fedeli, Franzetti, Giordano, Larobina, Lodato, Lombardo, Lyons II, Mallozzi, D. Martin, Mirkin, Molgano, Neary, Rauh, Summerville, White and Young in favor; Reps. Adams, Berns, C. Martin, Mitchell and Zelinsky opposed) (See [RCS Vote Record No. 798](#)).

3. [LR27.038](#) **RESOLUTION & public hearing;** approving a lease agreement between the City of Stamford and the Honorable Christopher Shays for the leasing of office space on the 10th Floor of Government center.
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/13/07 – Approved by Planning Board
03/06/07 – Approved by the Board of Finance (**as amended**)
03/19/07 – Committee approved 9-0-0
- 4b. [LR27.042](#) **RESOLUTION & public hearing;** approving a lease agreement between the City of Stamford and CTE, Inc. for the leasing of premises located at 34 Woodland Avenue for use as a community center.
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/13/07 – Approved by Planning Board
03/06/07 – Approved by Board of Finance
03/19/07 – Committee approved 5-3-0 (as amended)
- APPROVED ON CONSENT AGENDA**
- APPROVED BY MACHINE VOTE 23-0-0 (as amended)**

A motion to approve Item No. LR27.042 was made and seconded.

Chair Diamond stated that this lease was amended from a five-year lease to a one-year lease, with the option to renew deleted from the lease. Chair Diamond stated that the Board of Finance has approved this item.

Rep. Zelinsky stated he originally voted against this because it was in conjunction with the item that will be taken up next, and he cannot appreciate having an organization pay \$1 to lease our city property and then in turn charge the Board of Education for the use of some of the building. Since that time, it has been pointed out to him that other organizations also pay \$1 and they also lease out their space, so he will be in favor of both items.

Chair Diamond stated that Mr. Zelinsky's comments are well taken on this point, and by changing the period of the lease from five years to one year, it is the intention of the Committee and other representatives who attended, for us to review the policy of how we treat the not-for-profits and subleases.

The item was approved by a machine vote of 23-0-0 (Reps. Adams, Aposporos, Blackwell, Coppola, Day, Diamond, Fedeli, Giordano, Larobina, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, Mirkin, Mitchell, Molgano, Neary, Rauh, White, Young and Zelinsky in favor) (See [RCS Vote Record No. 799](#)).

- 4a. [LR27.043](#) **RESOLUTION & public hearing;** approving a sublease agreement between CTE, Inc. and the City of Stamford for the subleasing of a portion of the premises located at 34 Woodland Avenue for use as an alternative high school by the Board of Education.
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/13/07 – To be considered by Planning Board
03/06/07 – Approved by Board of Finance
03/19/07 – Committee approved 7-2-0
- APPROVED BY
UNANIMOUS
VOICE VOTE**

Chair Diamond moved Item No. LR27.043; said motion was seconded. Chair Diamond stated that the lease is for approximately three months at approximately \$20,000. The item was approved by unanimous voice vote.

5. [LR27.037](#) **PROPOSED ORDINANCE; for publication;** amending Section 1-18 of the Code of Ordinances to increase the maximum general fine from \$90 to \$250, as permitted by § 7 of Public Act 06-185.
01/02/07 – Submitted by Reps. Day and DeLuca
02/26/07 – Held in Committee 8-0-0
03/05/07 – No Action
03/19/07 – Committee approved 8-0-0
- APPROVED ON
CONSENT
AGENDA**

6. [LR27.044](#) **PROPOSED ORDINANCE; for publication;** amending Chapter 214, Article V, Sidewalk Cafes to eliminate the requirement of Building Inspector approval.
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/19/07 – Committee approved 9-0-0
- APPROVED BY
MACHINE VOTE
20-6-0**

Chair Diamond moved to approve Item No. LR27.044; said motion was seconded.

Chair Diamond stated that there is a procedure for approval of sidewalk cafes that includes at the moment, approval of both the zoning enforcement officer and the building inspector. It also includes an application that takes into effect the number of chairs, the amount of space and public safety. The Land Use Bureau has submitted this to our Board saying that with all of the review, it simply is not necessary to have the Building Inspector come out and look at the sidewalk café as it does not effect the building or construction, and the zoning enforcement officer is fully qualified to make the review, and therefore he urges adoption.

Rep. White stated that he disagrees with that analysis and that the Building Inspector should be part of that review.

Rep. Mallozzi stated that he will vote for this for publication, but he agrees with Mr. White and would like to know the opinion of the building inspector before he approves it for final adoption.

The item was approved by a machine vote of 20-6-0 (Reps. Blackwell, Coppola, Day, Diamond, Esposito, Fedeli, Giordano, Larobina, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, Mirkin, Molgano, Neary, Rauh, Summerville and Zelinsky in favor; Reps. Adams, Aposporos, Berns, Mitchell, White and Young opposed) (See [RCS Vote Record No. 800](#)).

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

PERSONNEL COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Mary Lisa Fedeli, Chair

Pauline S. Rauh, Vice Chair

Meeting: Wednesday, April 4, 2007

6:30 p.m. – Conference Room #2

Vice Chair Rauh reported that the Personnel Committee met on Wednesday, April 4, 2007. Present were Chair Fedeli and Vice Chair Rauh and Committee Member Reps. Lodato, Layton and Boccuzzi.

Suspension of Rules:

Vice Chair Rauh moved to suspend the rules to take up two items not appearing on the Agenda; said motion was seconded and approved by unanimous voice vote.

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| 1. P27.047 | APPROVAL; of an employment contract as Clerk of the Works II with Vanessa Nobre Valadares 03/08/07 – Submitted by Mayor Dannel P. Malloy 04/04/07 – Committee approved 5-0-0 | APPROVED BY UNANIMOUS VOICE VOTE |
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Vice Chair Rauh moved to approve Item No. P27.047; said motion was seconded. The item was approved by unanimous voice vote.

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| 2. P27.048 | APPROVAL of an employment contract as Assistant Project Coordinator for the Stamford Urban Transit Project with Winston M. McKenzie. 03/08/07 – Submitted by Mayor Dannel P. Malloy 04/04/07 – Committee approved 5-0-0 | APPROVED BY MACHINE VOTE 22-2-1 |
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Vice Chair Rauh moved to approve Item No. P27.048; said motion was seconded.

The item was approved by a machine vote of 22-2-1 (Reps. Aposporos, Blackwell, Coppola, Day, Diamond, Esposito, Fedeli, Larobina, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Mirkin, Mitchell, Molgano, Neary, Rauh, Summerville, Young and Zelinsky in favor; Reps. Berns and White opposed; Rep. Adams abstaining) (See [RCS Vote Record No. 801](#)).

LAND USE/URBAN

REDEVELOPMENT COMMITTEE:

[\(Attendance\)](#)

[\(Report\)](#)

Harry Day, Chair

Patrick J. White, Vice Chair

Meeting: Thursday, March 22, 2007

7:30 p.m. – Republican Caucus Room

- and -

Meeting: Wednesday, April 4, 2007

6:45 p.m. – Conference Room #1

[\(Report\)](#)

Chair Day reported that the Land Use Committee met on Thursday, March 22, 2007. Present were Chair Day and Vice Chair White and Committee Member Reps. Lombardo and Franzetti; absent/excused were Reps. Boccuzzi, Diamond, Greenberg, Summerville, White and Mitchell. Also present were Robin Stein and Erin McKenna of the Land Use Bureau, Mike Freimuth of the Office of Economic Development; Rep. Zelinsky and Tom Cassone, Esq., Director of Legal Affairs. Also present were members of the public Constantine and Linda Zachariadis, John Madigan, Gene Yudolevich and Steve Grasso.

Chair Day reported that the Land Use Committee met also on Wednesday, April 4, 2007. Present were Chair Day and Vice Chair White and Committee Member Reps. Summerville, Lombardo, Franzetti, Boccuzzi and Mitchell.

Chair Day reported that public hearings were held on Item Nos. 2 and 3.

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| 1. LU27.024 | PROPOSED ORDINANCE; for Final Adoption ; establishing “green” building code standards for newly constructed municipal buildings. 12/05/06 – Submitted by Reps. Day and Martin 01/24/07 – Held in Committee 7-0-0 03/22/07 – No quorum; report made | REPORT MADE & HELD IN COMMITTEE |
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Chair Day reported that this item is held and remains on the agenda and within the next month he intends on having an ordinance to vote on.

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| 2. LU27.028 | RESOLUTION & public hearing ; adopting the Old Town Hall Redevelopment Plan. | APPROVED BY |
|-----------------------------|----------------------------------------------------------------------------------------|------------------------|

02/27/07 – Approved by Planning Board
03/22/07 – No quorum; item continued to 4/4/7
04/04/07 – Committee voted 7-0-0

**UNANIMOUS
VOICE VOTE**

Chair Day reported that no one from the public attended the public hearing.

Rep. Zelinsky asked that this item be taken off the Consent Agenda.

Chair Day stated that this is basically a formality, it has nothing to do with the design of the building, it has nothing to do with the sale, it is in a posture of redevelopment under relevant state statutes. This Board has already constituted a redevelopment agency; that agency includes Rep. Summerville and Rep. Day as well as five other individuals. The purpose here is to adopt, as called for by the statutes, a plan of redevelopment. The plan sets forth certain requirements as provided by the statute. It has been unanimously approved by the Planning Board and the Old Town Hall Redevelopment Agency and it needs the approval of this Board.

Rep. Zelinsky asked when the public will have the opportunity to express their opinions as to the design and architecture of the building.

Rep. Day responded that the public has already been invited to at least two public hearings on the design, maybe three. There has already been plenty of public input. The design has been completed and it is undergoing value engineering. The Old Town Hall Redevelopment Agency is meeting at 8:00 tomorrow morning, and it will be taking up some of those value engineering points as well as some other points related to possible lessees of the property.

Rep. Zelinsky stated he did attend one of the public hearings, March 8th, and was told that it had nothing to do with the architectural design of the building. Many constituents have called him as well as other people who do not reside in his district expressing their strong concern about this design, specifically a sail in front of the building. He had tried, unfortunately and unsuccessfully, to try to obtain what the cost of that particular part of that building will be, and he has not received an answer. The closest he got was that it will be between \$300,000 and \$400,000. His constituents and the people that have called him have strong concern against putting a sail, and some architect that has been hired said it is going to look like some French design architecture, and some other European structures. "I have to agree with my constituents; unfortunately because there are no other public hearings the public can speak on or that I can speak on, I will vote against this. I think it is outrageous, and I respect the Committee who worked hard on this, but I don't know where they are coming from. The design ... a beautiful historic structure and some modern sculpture. I am not against modern sculpture, that is not the point, but first of all with the budget and revaluation, \$300,000 or \$400,000 for a sail is ludicrous during these times in the City, and for that reason I cannot vote for this."

Rep. Lyons stated that for the record, he attended a public hearing at the Senior Center, and it had to be back in November or December, and there had to be 50 to 100 people there who spoke, information was shared back then, you got to look, touch, feel ... it

was like a show and tell. If his fellow representatives have missed the three public hearings that are dealing with restoring an antique in the heart of downtown Stamford that had been noticed in the newspaper and on the internet and through engineering notices, he doesn't know where he thought he would get another chance to speak.

Rep. Day stated that he would like to point out that we are not voting on this design tonight. If we don't adopt a plan of development, we are not going to be saving the Town Hall. We could just stop right now, because this is instrumental in terms of putting together the structure that will raise the financing that will take advantage of the historic tax credits and the state grants and all of the other resources that have been assembled to save this building. It will all be down the drain if we don't adopt this plan, so let's not get hung up on the sail. That is not what we are voting on, we are voting on the structure necessary to save the Old Town Hall. We have all of these resources amassed, ready to go. This is a technicality required by the state statutes.

Rep. Zelinsky stated that in response to his colleague, he must apologize because he must have missed the notices in the newspaper, when he realized it was March 8th, he thought that was it. He asked Chair Day if there will be any opportunity in the future where the Board of Representatives will be voting for any monies for the project.

Rep. Day replied that yes, the project is approximately a \$17 million project. There is remaining about a \$1-\$2 million gap, although this is a moving target. It may come before this Board to make up this difference in a capital appropriation, or they may get outside financing. They don't know; they have not completely closed that gap. They are very, very close.

Rep. Zelinsky stated that bearing in mind Rep. Day's statement that if this is not approved tonight, the project will fail, and he certainly does not want that, he will reluctantly vote in favor of this item.

A motion to approve Item No. LU27.028 was made, seconded and approved by unanimous voice vote.

3. [LU27.030](#) RESOLUTION & **public hearing**; approving a lease agreement between the City of Stamford and Woodway Country Club, Inc. for a .2 acre portion of city-owned land for use as a golf tee. **APPROVED BY MACHINE VOTE 18-5-1**
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/13/07 – Approved by Planning Board
03/06/07 – Approved by Board of Finance
03/22/07 – No quorum; item continued to 4/4/7
04/04/07 – Committee voted 4-1-2

Chair Day reported that three members of the public spoke, each of which favored the proposal after their questions were answered.

Chair Day moved to approve Item No. LU27.030; said motion was seconded. Chair Day stated that this item basically involved 12-acre Woodway Park, accessible on Woodway Road behind what is currently the 15th tee of Woodway Country Club. The park has been basically left in a state of disrepair, unmaintained by the City for over 12 years. It is overgrown, filled with garbage and has been used as a dumping ground. Woodway indicated an interest in leasing a fraction of an acre of this property in order to extend the 15th hole, the idea being to build a tee area some 30 yards into the property. It won't really interfere with the park because it is in the area of the park immediately next to Woodway Road. In return, the Club has agreed to spend a considerable amount of resources cleaning up the park, removing all of the garbage and debris and also maintaining the curb area, which is the bus stop and a school bus stop. It is on the boundary of Darien at the river. So, this will become a nicely landscaped and daily-maintained area whereas today it is often in a very poor state. It is a lease – it is not an easement, it is not a sale, it is not a conveyance. It is a five-year lease terminable upon notice. It was supported by Mr. Cassone, Robin Stein, Mickey Docimo, all the people on the City staff that looked at it.

Rep. White stated that it is not the amount, it is the intent of this. It is his philosophical position. It is the idea that you are using city parkland for private corporate use, and he is opposed to that and he has always been opposed to that with all of our parks in Stamford, using them for leasing or whatever. The idea is that you are allowing a private corporation to use it. It is open space, it is passive open space. If there is garbage there, it is the City's obligation to get that garbage out of there. It is open space, it is city land and he is opposed to it being used for a private purpose, in this case a country club.

Rep. Adams asked if there was a dollar value to the lease. Chair Day replied that the value can be viewed as being significant because it involves an expenditure estimated at \$40,000 to clean up the park and the curbside area where the bus stop is. So, the City is gaining something very significant here.

Rep. Adams stated that the City has maintenance workers that could be sent out there to clean it up. He is against this because this is opening up the door for other people who live near city-owned property who can say that they want to take over city property in exchange for letting them clean up the space, too. He doesn't think this is appropriate, doesn't believe the City should be engaging in this. They should lease this land for a dollar value that can go to the taxpayer that will help us reduce the taxes. To give somebody taxpayer property in exchange for cleaning it up, he doesn't believe the City should engage in this.

Rep. Larobina stated that this area is in his district and it is a completely overgrown dumping area that is not useful at all. He was told that we don't have the personnel to maintain it, to clean it up and to keep it a nice park. He doesn't see the downside to somebody offering to get us a very nice, beautiful park. As Rep. Day said, we are not selling it, giving it away, we are just leasing it. We can always take it back and let it go

back to a dumping ground. He doesn't see a downside to making a beautiful park and seeing how it works out.

Rep. Lyons stated that it is important to keep in mind that a 12-acre park is approximately 522,000 sq. ft., an overgrown, neglected area. We are talking about leasing approximately 8,712 sq. ft. of that parcel to a private entity that agrees to maintain, restore and protect the property going forward for the term of the lease.

The item approved by a machine vote of 18-5-1 (Reps. Bernstein-Hunter, Blackwell, Coppola, Esposito, Fedeli, Giordano, Larobina, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, Mirkin, Mitchell, Neary, Summerville and Zelinsky in favor; Reps. Adams, Aposporos, Berns, White and Young opposed; Rep. Day abstaining) (See [RCS Vote Record No. 802](#)).

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| 4. LU27.029 | REVIEW & Update on the activities and progress of the Mill River Collaborative. 01/02/07 – Submitted by Rep. Zelinsky 03/22/07 – No quorum; report made | REPORT MADE |
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Rep. Day stated a report was provided on this item.

Rep. Zelinsky asked Rep. Day to provide him with the information he requested regarding the financing, adding that perhaps the other members of the Board would like this information.

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| 5. LU27.025 | REVIEW; possible changes in EPB aquifer protection regulations to conform to DEP model municipal regulations. 12/11/06 – Submitted by Chair Day 01/24/07 – No action 02/08/07 – Report Made & Held in Committee 03/05/07 – Report Made 03/22/07 – No action taken | NO ACTION TAKEN |
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Rep. Day reported that this item was held.

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| OPERATIONS COMMITTEE: (Attendance) (Votes) (Report) | John R. Zelinsky, Jr., Chair Scott Mirkin, Vice Chair Meeting: Wednesday, March 28, 2007 7:00 p.m. – Republican Conference Room |
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Chair Zelinsky reported that the Operations Committee met on March 28, 2007. Present were Chair Zelinsky and Vice Chair Mirkin and Committee Member Reps. Berns, Larobina, Lodato, Munger and White. Absent/excused were Reps. Adams and

Mallozzi. Also present were Clerk of the Board Summerville, Alex Tergis of Operations, Tom Cassone and Ben Barnes, Director of Operations.

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| 1. O27.016 | RESOLUTION & public hearing ; increasing the municipal solid waste and bulky waste tipping fees, currently at \$82/ton. 01/27/07 – Submitted by Director Ben Barnes 02/21/07 – Committee approved 7-0-0 03/05/07 – Public Hearing approved by Board 03/28/07 – Committee approved 8-0-0 | APPROVED ON CONSENT AGENDA |
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Chair Zelinsky stated that he opened the public hearing and read two letters from residents opposing the increase into the record. The public hearing was closed. Much discussion was held to change the present tipping fee from \$82 to \$88.

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| 2. O27.018 | PROPOSED ORDINANCE; for publication ; amending the tipping fee ordinance. 02/21/07 – Submitted by President Martin 03/28/07 – Committee approved for publication 7-1-0 (<i>as amended</i>) | APPROVED BY MACHINE VOTE 23-0-0 |
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Chair Zelinsky moved Item No. O27.018; said motion was seconded. Chair Zelinsky stated that there was discussion, and the Committee voted 7-1-0 for approximately five changes that the members have received. Chair Zelinsky stated he is going to amend the item.

Chair Zelinsky moved to amend Item No. O27.018 by adding language that allows for a re-establishment of the rates by resolution in the result of an overage in the account. The present ordinance without any changes specifies that the Board of Representatives periodically by resolution can increase the tipping fees. This was included because in February or March of 2003.

President Martin asked Mr. Zelinsky to make his motion.

Chair Zelinsky stated his motion would be to include in 137.10, under Paragraph B: “In the event of a shortfall, the tipping fee can be adjusted by resolution of the Board of Representatives.” Said motion was seconded by Rep. Adams.

Rep. Zelinsky stated that the present ordinance allows us to do this. The change approved by the Committee says that the only time that the tipping fee can be increased would be once a year on July 15th. That is well and good, but he doesn’t want to see the Board of Representatives lose the power of, in the event of a shortfall in the future, to by resolution increase the tipping fee. It may never happen, but he believes it should be in there and he asks his colleagues to support it.

Rep. Mirkin stated that he was against this in Committee along with the other members except Rep. Zelinsky. The reason he was against this is a matter of fairness and how we go about setting mill rates. "Without making it very, very long-winded, it is very simple. The City should have one opportunity, based on projections from the Dept. of Operations to raise a suggested increase in the tipping fee, so that it gets incorporated in the next fiscal year budget. Once mill rates are set, people who get city trash pickup are going to get a tax bill. If we have the opportunity to increase tipping fees after the mill rate is set, at some point after July 1, everyone who is in tax district C will get an automatic increase from the private vendor, but people in A and CS won't get a supplemental tax bill by increasing the mill rate. And, that unusual circumstance of the \$100,000 that happened several years ago, \$100,000 in a budget on the city side that is \$173 million, we have a contingency fund, we have other budgets that go over, so does that mean we want to send out supplemental tax bills when we have overtime for police or 911 or other parts of the city government? He thinks it is a matter of fairness. We can adjust this every July based on what is voted on prior to the start of that fiscal year. The mill rate is locked in, the people who get trash pickup know what their tax bill is and people who live in Tax District C should know any tax increases that comes from private haulers are not as a result of an increase in tipping fees. So, he asks everyone to not support this amendment."

Rep. Zelinsky stated that "for some points of clarification, first of all, one of the haulers was caught in the papers as raising his fees by about 8 or 9 percent back in August. The City does due diligence in trying to ascertain the cost of the haulaway, but we don't have a crystal ball to say what will happen in the future. As I said, back in 2003, the City had a shortfall of \$100,000, if we didn't act at that time, which was February or March, by the time we got to July, it could have been double. I really don't think it is unfair to C district residents, because on the other hand, you could say, well, it could be unfair to A, B and CS residents, also. So, I am representing my district, and I respects my colleagues who are representing C district, but again, I think this is only to protect the City. I don't think this has anything to do with the mill rate, the police department or the fire department, it is simply a situation that if our hauling costs go up before July 15th of next year, this Board of Representatives, the legislative branch, should have the ability and the power to, by resolution, if it need be, increase the tipping fee. It may never happen, but if not, then we maybe burdened with this once a year, July 15th, and if something happens in between, tough stuff, and the shortfall would just increase. So, I don't think it is unfair at all to approve this, I think it is being fair to all of the residents of the City of Stamford."

Rep. Lyons stated that "we need to have some mechanism, whether it is a 2/3 vote or a 3-4 vote – you need some mechanism in the ordinance to change the fee. What would you do if the DEP gave a cease and desist order or if there was a law enforcement action against four of our processing facilities and for three or four months we couldn't haul trash into those facilities. The whole city would need to share in the burden, so we need some mechanism eventually put in the ordinance that allows for something besides the scenarios being presented. That is my only goal, and I intend to support the ordinance for publication, allow it to go forward and then allow Operations to review

it with some type of mechanism down the line to change it if there is some event that is unforeseen when the date the collection is set.”

Rep. Lodato stated the “two North Stamford representatives in the Operations Committee both supported the increase in the fee out of the principle of fairness and parity with the rest of the City of Stamford. In this current ordinance, the schedule for setting the tipping fee was set to July out of a sense of parity with the rest of the City so that it would occur at the same time, and in this ordinance as it exists prior to Chair Zelinsky’s amendment, there is one opportunity for adjustment of the rate, whether it be for the mill rate or for the tipping fee. Again, out of parity and fairness to both regions. I want to amplify that this whole situation is tied in with the increases. I received a deluge of emails from constituents asking me not to do this, but again, it was the principle of fairness. But, again it works both ways. If we are adjusting rates, to keep things in conformity, we should have conformity in scheduling and the opportunity to adjust things. On the city pickup side, we only have an opportunity to adjust once a year, and that schedule needs to be maintained by North Stamford.”

Rep. Mirkin stated that if “something did happen that was catastrophic, the people who would be paying for whatever happened would be one group of folks in the City, and that would be those who get private tax pickup. There would be no impact on anybody in A District or CS District, because when that mill rate is set and the time period goes throughout May that is set, so there will be other ways to find money. We do have rates locked in through 2008, so what happened a couple of years ago, I think, is an anomaly, and I urge my colleagues to vote no on this amendment.”

Rep. Adams stated that “if the rate did change in the midst of the year, the majority of the City is affected by that. Anybody that uses the city dump for spring cleanup, or any other cleanup, has to go down there and pay; if the fee is changed, the dumping fee changes and you pay more per \$100 lbs. So, it is not true that only the C district and those would be affected, the whole City would be effected. People use the dump every day, and you pay per \$100 lbs. and if the fee goes up, everyone in the city would be affected by it, also. We all try to represent our constituents as fairly as possible; to say that only those who get their garbage picked up at their house will be affected, is not true.”

Rep. Lyons stated that he “regrets to hear that certain representatives are regionalizing this. We are a city. I am under no assumption that every private hauler that is in a certain tax district goes only to our scale house to dump their debris. We have no empirical data to know that. We are under the assumption, because a barrage of emails went out after some garbage haulers said, ‘please don’t raise our fees.’ Well, Mr. Adams is 100% right. This affects every single person who enters the scale house or the transfer station with a non-passenger vehicle. So, I have to pay when I go with my pick up truck. Other people have to pay when they go with their pick up truck. The people who are in dump trucks, construction trucks, other refuse companies. It is not just the tax in a certain district or region of the City, and I regret that this information is being reported like that.”

Rep. Zelinsky stated that, “in passing, in all fairness, this amendment is just a safeguard in the event of a contingency, like that which happened in the past, which could happen again. It may never happen, so I really ask my colleagues, even those who may not agree with the amendment, that are affected in C District, look at it that way. We are not talking about the tipping fees just arbitrarily. It has to be because of a shortfall or an emergency situation. And, finally, we on the Board of Representatives have no control on the private haulers in the City of Stamford. They can raise their rates whenever they want unfortunately and burden the constituents that reside in their particular areas, which is unfortunate. We unfortunately don’t have an opportunity to do something about this, but that is their trade. So, as I mentioned earlier, they raise it without even knowing that we are going to raise the tipping fees, so the rates can go up any time, and I really don’t believe that this should be clouded by this amendment. I really ask my colleagues to support it because all it is is a safeguard to protect the City and if we have to act, we have to act quickly.”

The amendment failed by a machine vote of 9-13-0 (Reps. Adams, Blackwell, Lyons, C. Martin, Mitchell, Neary, White, Young and Zelinsky in favor; Reps. Aposporos, Bernstein-Hunter, Coppola, Day, Fedeli, Giordano, Larobina, Lodato, Lombardo, Mallozzi, D. Martin, Mirkin and Rauh opposed) (See [RCS Vote Record No. 803](#)).

The main motion was approved by a machine vote of 23-0-0 (Reps. Adams, Berns, Bernstein-Hunter, Blackwell, Coppola, Day, Fedlei, Giordano, Larobina, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, Mirkin, Mitchell, Neary, Rauh, Summerville, White, Young and Zelinsky in favor) (See [RCS Vote Record No. 804](#)).

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| 3. O27.017 | REVIEW; five-year trend of municipal solid waste pickup. 02/08/07 – Submitted by Reps. Mirkin and DeLuca 02/21/07 – Held in Committee 7-0-0 03/05/07 – No Action 03/28/07 – Report Made | REPORT MADE |
| 4. O27.019 | RESOLUTION & public hearing; approving a lease agreement and potential purchase agreement between the Perkins Family Partnership, LLC and the City of Stamford for the City’s leasing of 85 Magee Avenue for use as a waste transfer facility. 02/16/07 – Submitted by Mayor Dannel P. Malloy 03/13/07 – Approved by Planning Board 03/06/07 – Approved by the Board of Finance 03/28/07 – Held in Committee | HELD IN COMMITTEE |
| 5. O27.020 | RESOLUTION; approving a termination agreement between the City of Stamford and Saturn of | HELD IN COMMITTEE |

Stamford, Inc. for Saturn's leasing of property
located on Magee Avenue.
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/28/07 – Held in Committee

6. O27.001 REVIEW; problems at the new public works
 highway garage. **REPORT
 10/11/05 – Submitted by Reps. Mirkin & Zelinsky
 and President Martin MADE**
 12/12/05 – Placed on Pending Agenda
 01/25/06 – Held in Committee
 02/22/06 – Held in Committee
 03/13/06 – Placed on Pending Agenda
 07/19/06 – Report Made
 08/30/06 – Report Made
 09/27/06 – Report Made
 03/28/07 – Report Made

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

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

No report.

**PARKS & RECREATION
COMMITTEE: Linda Cannady, Co-Chair
 Joseph Coppola, Co-Chair**

1. [PR27.019](#) REVIEW; citywide field maintenance including **NO ACTION
 Board of Education fields. TAKEN**
 02/09/07 – Submitted by Reps. Pia, Molgano and
 Coppola
 02/20/07 – Held in Committee
 03/05/07 – No action taken

EDUCATION COMMITTEE: Michael L. Molgano, Vice Chair

No report.

HOUSING/COMMUNITY DEVELOPMENT/

SOCIAL SERVICES COMMITTEE:

Elaine Mitchell, Chair

[\(Attendance\)](#)

Philip J. Giordano, Vice Chair

[\(Votes\)](#)

Meeting: Tuesday, March 20, 2007

[\(Report\)](#)

6:30 p.m. – Legislative Chambers

- and -

[\(Attendance\)](#)

Meeting: Thursday, March 29, 2007

[\(Votes\)](#)

6:45 p.m. – Republican Caucus Room

[\(Report\)](#)

Chair Mitchell reported that the Housing-Community Development-Social Services Sub-Committees met on Tuesday, March 20, 2007. Present were Chair Mitchell and Committee Member Reps. Aposporos, Blackwell, Giordano, McCullen and Molgano. Absent/excused were Reps. Figueroa and Munger. Also present was Tim Beeble.

Chair Mitchell reported that the Housing-Community Development-Social Services Sub-Committees also met on Thursday, March 29, 2007. Present were Chair Mitchell and Committee Member Reps. Aposporos, Blackwell, Giordano, McCullen and Molgano. Absent/excused were Reps. Figueroa and Munger. Also present was Tim Beeble.

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| 1. HCD27.024 | SECOND PUBLIC HEARING; for Year 33 HUD entitlement funding for the Community Development Block Grant and HOME Programs. 03/12/07 – Submitted by Chair Mitchell 03/20/07 – Report Made & Meeting Continued 03/29/07 – Committee approved additions to budget 6-0-0 | REPORT MADE |
| 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 01/09/07 – Placed on Pending Agenda 03/20/07 – Committee voted 5-0-0 to continue review of matter | REPORT MADE & HELD IN COMMITTEE |

TRANSPORTATION COMMITTEE:

Robert “Gabe” DeLuca, Chair

[\(Attendance\)](#)

Terry Adams, Vice Chair

[\(Report\)](#)

Meeting: Thursday, March 22, 2007

7:00 p.m. – Republican Caucus Room

Vice Chair Adams reported that the Transportation Committee met on Thursday, March 22, 2007. Present were committee members DeLuca, Adams, Young, Blackwell,

Franzetti, Lombardo, Zelinsky and Giordano, Mirkin was excused. Also present were Rimiller and Habesch of Urban Engineers, Inc.

1. T27.026 REVIEW/Focus Group; regarding traffic calming **REPORT**
 measures (joint meeting with Board of Finance and **MADE**
 Urban Transit).
 01/28/07 – Submitted by Rep. DeLuca
 02/12/07 – Placed on Pending Agenda
 03/22/07 – Report Made

Chair Adams read the Transportation Committee report (copy attached) into the record.

Rep. Zelinsky stated that he “is very disappointed in this group that is holding the focus groups. When this was presented to us, I very clearly and specifically remember that they were going to meet with each of the two representatives in each of the districts to go over what they felt their constituents needed in their particular district. When I attended the Transportation Committee meeting, they handed out a brochure, which is the first time I believe anyone, including myself, on the Committee saw it, saying that they selected six or seven areas in the City to have constituents go and speak. That does not cover all of the districts, only certain areas of the City, and I am very disappointed. First we are told one thing, to get input from other representatives, and then all of a sudden we are told, we are having meetings in only certain areas of the City, which I don’t think is fair to all of the representatives. I bring this up because one of the areas that was listed was the 11th District, which I represent, and I want to state this for the record. I mentioned it, and they said, ‘well we may have little meetings later on.’ I am going to try and pursue it, and hopefully I can get all of the representatives involved in this process throughout the whole city, not just certain areas.”

Rep. Berns stated that he had the same concern. He spoke to the representative of the company, and he said that in October they will be holding meetings in other parts of the city.

Rep. Adams stated that they said that if anybody had any input or questions or suggestions or to arrange a meeting, they can email them. They will be open to this. He thinks it is a touch and feel with everyone who wants to hear about it, what they want in their neighborhood. It is an ongoing process throughout the city.

STATE & COMMERCE COMMITTEE: Paul A. Esposito, Chair

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Meeting: Thursday, March 29, 2007

7:00 p.m. – Democratic Caucus Room

President Martin noted that Mr. Esposito has left the meeting, and asked Rep. Summerville to give the State & commerce Committee report.

Committee Member Summerville reported that the State & Commerce Committee met on Thursday, March 29, 2007. Present were Chair Esposito and Committee Member Reps. DeLuca, Diamond, Esposito, Fedeli, Mallozzi and Summerville; also present were Reps. Adams and Zelinsky; Sandy Dennies, Director of Administration and Tom Cassone, Esq., Director of Legal Affairs. Excused were Committee Member Reps. Day, Heaphy, Lombardo, Rauh and Skigen.

1. [SC27.012](#) APPROVAL; of an agreement for state lobbying services with Sullivan & LeShane; contract expires: **RETURNED TO COMMITTEE**
12/31/09; amount of contract: 2007 - \$40,000;
2008 - \$50,000; 2009 - \$60,000.
02/16/07 – Submitted by Mayor Dannel P. Malloy
03/06/07 – Approved by Board of Finance 5-0-1
03/29/07 – Committee approved 6-0-0

Rep. Summerville moved to approve Item No. SC27.012; said motion was seconded.

Rep Coppola asked Ms. Summerville some questions, saying that he is a little troubled with the amounts of this contract. "One, do we have an option in this contract to terminate it at any time?" Rep. Summerville stated that "no, there is no option." Rep. Coppola inquired as to where the source of funds to pay this contract were coming from. Rep. Summerville stated she would have to contact Chair Esposito. She added, that we cannot get out of this contract once we enter it. Rep. Coppola asked if we normally receive a performance report from these people at the end of the year. Rep. Summerville replied that Sandra Dennies did report that they get a performance report, though she doesn't know if it is called that. Sandra Dennies had stated they doubled the money, but now they are trying to get them to do even more, and she went on and on why this contract is necessary.

Rep. Summerville read the committee report into the record: "Sandy Dennies reported that the City issued a RFP, received 7 responses and interviewed 5 respondents. The selection committee consisted of Mike Freimuth, Bob Ruskowski, Bridgette Fox, Sandy Dennies and Robin Stein. They selected Sullivan & LeShane for its long history and successful record in Hartford. While the previous firm did a good job, the selection panel felt that Stamford's interests were best served by Sullivan & LeShane."

"Ms. Dennies explained that there is a lot of activity in Hartford, including Stamford's establishment of a TIF system for the South End development, the ECS formula and energy initiatives. The contract is for 3 years at \$40,000 per year."

Mr. Coppola noted that the item description differs from the report. Clerk Summerville replied that she is just reading the report, which was submitted by Mr. Esposito, and he would need to address this issue.

Mr. Zelinsky stated that he apologizes to his colleagues for being rather active but there are some items on the agenda that he feels strongly about, and he does apologize for the time spent. For the record, we sent out fifty proposals, seven lobbying firms did

reply and we reduced it to five. There was a selection panel as Rep. Summerville described. He was concerned that they did not pick the low bidder, they did not pick the high bidder, this was something in the middle because they felt that this particular lobbying firm has a little more clout. “Just for the record, last year we did have a paid lobbyist, which we paid \$40,000 for. I spoke to Director of Administration Sandy Dennies today, and I asked her if she could give me information as to what type of money was gotten back for the City of Stamford as a result of the lobbyist, and she said, ‘nothing and that he or she or the lobbyist was primarily trying to work in to the committees and trying to find out what bills were being passed’ and so on and so forth. What concerns me also is that I read recently in the paper that the Mayor said he was spending a lot of time in Hartford to get grants and other money for the City of Stamford, and I asked Sandy Dennies whether we have any goals or situations. Here we are going from \$30,000 last year to \$40,000 in the first year, \$50,000 in 2008 and in 2009, \$60,000, and they don’t even have to have any results. So, I have a concern. I don’t know if we actually do need a lobbyist. I was under the strong impression that our State representatives and our State senators and of course we have a Lt. Governor who lives right in Stamford, would certainly be lobbyists to get funds and bills passed to benefit Stamford. I didn’t realize that they weren’t sufficient and that we had to hire outside lobbyists to do the job that I thought they were doing. So, I am not in favor of that, and somebody else could make a motion to send it back. If not, I am going to vote against it.”

Rep. Summerville stated for the record that “she is making a motion to send this back to Committee because the Chair has already left the meeting and there are unanswered questions.” Said motion was seconded. The motion to return Item No. SC27.012 to Committee was made, seconded and approved by a unanimous voice vote.

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| 2. SC27.011 | REVIEW; legal significance of property located within the City of Stamford that is listed on the National Register of Historic Places. 02/07/07 – Submitted by Rep. Diamond 02/28/07 – Report Made & Held in Committee 03/05/07 – Report Made 03/29/07 – Report Made | REPORT MADE |
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MINUTES

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| 1. | March 5, 2007 Regular Board Meeting | APPROVED BY UNANIMOUS VOICE VOTE |
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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 12:50 a.m.