

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

MINUTES

The meeting was called to order at 9:25 p.m.

INVOCATION: Led by Rep. Esposito

“We are asking for guidance, not how to get the majority vote, but we ask for guidance on how to get it right. Get it right for the people of Stamford, and get it right quickly. Thank you. Amen.”

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

ROLL CALL: Led by Clerk of the Board Annie M. Summerville. There were 34 members present; five members absent/excused (Reps. Adams, Day, DePina, Larobina and C. Martin) and one vacancy. (Note: Rep. C. Martin arrived after roll call.)

VOTING MACHINE STATUS: The machine tested in good working order; at the meeting, Mr. Franzetti’s voting station was not working and his votes were recorded by voice record. After Mr. Gabriele’s appointment to fill the vacancy, he voted from the station identified as “vacancy.”

MOMENTS OF SILENCE: For the late: Samuel Kahn and Frank Rich, Jr., by the 27th Board of Representatives; Erica Weems and Constance Higgs by Clerk of the Board Summerville; Josephine M. Martinoli, William Richard Alexander, Sara A. Arcano and Lena Winters by Rep. Giordano; Joseph P. Tomczyk and Michael R. Considine by Reps. Giordano and Zelinsky; Phil Rizzuto, Edith Trawinski, Rose Rubell, Fernando Quell, Jules Bernadel, Christine Cuzzo, Barbara Jean Vozzella and Mary Hickey by Rep. Zelinsky.

COMMUNICATIONS:

1. President Martin noted that Disclosure Forms were provided to all members; anyone who has not completed one can do so this evening and submit to the Board Office for mailing.
2. President Martin wished Art Layton a happy birthday.
3. President Martin announced he would be making committee appointments/changes in the next two weeks.
4. President Martin announced that Rep. Greenberg submitted a letter of resignation effective August 31, 2007.
5. Rep. DeLuca announced that the ball game has been cancelled for September 11th; he is trying to establish a new date for the game.

FILLING OF VACANCIES:

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

1. Rep. DeLuca moved to appoint Mr. Salvatore Gabriele to fill the vacancy created by the resignation of Mr. Greenberg in the 16th District. Said motion was seconded and approved by voice vote (Rep. Skigen abstaining). President Martin administered the oath of office to Mr. Gabriele.
2. Rep. Mirkin moved to appoint George Christiansen to fill the vacancy as Constable created by the resignation of Mr. Joseph Tarzia. Said motion was seconded and approved by voice vote (Rep. Skigen abstaining). President Martin administered the oath of office to Mr. Christiansen.

Clerk Summerville moved to take the Transportation Committee Report out of order. Said motion was seconded and approved by unanimous voice vote.

TRANSPORTATION COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Robert "Gabe" DeLuca, Chair

Terry Adams, Vice Chair

Meeting: Thursday, August 23, 2007

6:30 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on Thursday, August 23, 2007. Present were Chair DeLuca and Vice Chair Adams and Committee Member Reps. Blackwell, Giordano, Lombardo, Young and Zelinsky; absent/excused were

Committee Member Reps. Franzetti and Mirkin. Also present were Rep. Rauh; Estelle Alexander, Carol Hunt and Robert Violette of the Stamford Housing Authority; and members of the public Michele Mason, Marion Haynes and Darryl Mayer.

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| 1. T27.027 | PROPOSED ORDINANCE; for public hearing and final adoption ; regarding parking enforcement on Housing Authority properties.
03/28/07 – Submitted by Stamford Housing Authority
05/24/07 – Committee approved 5-2-0
06/04/07 – Returned to Committee
06/18/07 – Held in Committee 6-2-0
07/26/07 – Committee approved 7-0-0
08/23/07 – Failed in Committee 3-4-0 (as amended) | APPROVED BY MACHINE VOTE 35-0-0 (as amended) |
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Chair DeLuca stated that a public hearing was held. There were outstanding comments from Ms. Mason, Mr. Mayer and others. They were all in favor of this ordinance. There were two minor amendments made to the ordinance.

Chair DeLuca moved approval of Item No. T27.027; said motion was seconded. Chair DeLuca moved to amend the ordinance as follows: (n) On any property owned or managed by the Stamford Housing Authority without a resident or visitor permit issued, *or otherwise authorized*, by the Stamford Housing Authority. Said motion was seconded and approved by unanimous voice vote.

Chair DeLuca moved to amend the ordinance by adding the following language to Section 231-71: *The regulation of these parking lots shall include a plan for assigned parking spaces.* Said motion was seconded and approved by unanimous voice vote.

President Martin ruled that the amendments were not substantive; therefore, republication was not necessary.

Chair DeLuca stated that Estella Alexander did a fantastic job making her presentation as to why this ordinance was needed. Comments from the presidents of the various associations were made, and all were in favor of the ordinance. This is something that the people look forward to, something that is needed that will improve the quality of life for the residents that live there. Chair DeLuca hoped that the full Board would vote for approval.

Rep. Zelinsky stated that he was one of the no votes on the Committee. His vote was based on two of his colleagues that had reservations about having the program in place before this was approved, but he has been assured that the program will go forth, and this will benefit all residents. Therefore, he will be voting in favor of this.

Rep. Diamond stated that the process and the procedure that our Board followed with this item is legislating at its best. The item was proposed; we had a public hearing, the

representatives listened to the members of the public that came forward. We amended the ordinance on the floor last month after listening to concerns. The Committee duly deliberated, they made amendments. The ordinance is now in proper form and should be approved.

Rep. Mirkin stated he is also a member of the Transportation Committee, and while he was not at last month's meeting, had he been there he would have voted in favor of the ordinance. The Committee clearly heard eloquently from the residents of various housing communities and the representatives of the Stamford Housing Authority, and this is something the public is asking for help on; everything has been addressed regarding a pilot program for assigned parking spaces. For the Board not to pass this would be a real dereliction of duty to not provide constituents the help they are asking for. He asked his colleagues to joint him in voting for this ordinance.

Rep. Blackwell stated she is also on the Committee and is one of the persons who voted against it. After hearing her colleagues speak this evening, she will support the ordinance.

The main motion was approved by a machine vote of 35-0-0 (Reps. Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Miller, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Summerville, Gabriele, White, Young and Zelinsky in favor.) (See [RCS Vote Record No. 851.](#))

Clerk of the Board Summerville noted that Mr. Franzetti's machine was not working properly.

HONORARY RESOLUTIONS:

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| 1. | SENSE OF THE BOARD RESOLUTION ;
commending Jeanne Ormond for her 19 years of
service with the City Health Department. | APPROVED BY
MACHINE VOTE
33-1-0 |
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A motion to approve Item No. 1 was made, seconded and approved by a machine vote of 33-1-0 (Reps. Blackwell, Boccuzzi, Coppola, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Miller, Mirkin, Mitchell, Molgano, Munger, Neary, Pia, Rauh, Skigen, Summerville, Gabriele, White, Young and Zelinsky in favor; Rep. Berns opposed) (See [RCS Vote Record No. 852.](#))

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| 2. | SENSE OF THE BOARD RESOLUTION ;
congratulating Trinity Catholic High School on the
occasion of its 50 th Anniversary. | APPROVED BY
UNANIMOUS
VOICE VOTE |
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STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, August 13, 2007
([Report](#)) 7:00 p.m. – Democratic Caucus Room

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

APPOINTMENTS COMMITTEE: **Annie M. Summerville, Chair**
([Attendance](#)) **John J. Boccuzzi, Vice Chair**
([Votes](#)) Meeting: Tuesday, August 28, 2007
([Report](#)) 7:00 p.m. – Democratic Caucus Room

Chair Summerville reported that the Appointments Committee met on Tuesday, August 28, 2007. Present were Chair Summerville and Vice Chair Boccuzzi and Committee Member Reps. Aposporos, Blackwell, DePina, Layton and Munger. Absent/excused were Committee Member Rep. Molgano.

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|----------------------------|---|--|
| 1. A27.101 | <u>Traffic Hearing Officer</u>
George E. Christiansen (R) <i>Reappointment</i>
30 Beach View Drive <i>Term exp. 4/3/6</i>
Stamford, CT 06902
Term Expires: 04/03/08
07/20/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0 | APPROVED ON
CONSENT
AGENDA |
| 2. A27.102 | <u>Commission on Aging</u>
Ann Hogan (R) <i>New Position</i>
1111 Hope Street #12 <i>Term exp. 6/1/9</i>
Stamford, CT 06907
Term Expires: 06/01/09
07/20/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – No action taken | HELD IN
COMMITTEE |
| 3. A27.103 | <u>Commission on Aging</u>
Marguerite A. Munger (R) <i>New Position</i>
3 Elaine Drive <i>Term exp. 6/1/8</i>
Stamford, CT 06902
Term Expires: 06/01/08
08/09/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0 | APPROVED ON
CONSENT
AGENDA (Rep.
Munger
abstaining) |

A motion to approve the Consent Agenda, consisting of Item Nos. 1 and 3 above, was made, seconded and approved by voice vote (Rep. Munger abstaining on Item No. 3).

Suspension of Rules:

A motion to suspend the rules to take up items (#s 4-11) not appearing on the Agenda was made, seconded and approved by unanimous voice vote.

4. [A27.104](#) **Harbor Management Commission** **HELD IN
COMMITTEE**
Edward Esposito *Reappointment*
6 Stanwick Circle *Term exp. 8/2/7*
Stamford, CT 06905
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – No action taken

Chair Summerville stated that Mr. Esposito could not attend the meeting.

5. A27.105 **Harbor Management Commission** **APPROVED BY
UNANIMOUS
VOICE VOTE**
John Condlin *Reappointment*
Stamford Chamber of Commerce *Term Exp.8/2/7*
733 Summer Street, Suite 104
Stamford, CT 06901
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0

6. [A27.106](#) **Harbor Management Commission** **APPROVED BY
UNANIMOUS
VOICE VOTE**
Bernard Weiss *Reappointment*
51 Regent Court *Term Exp. 8/2/7*
Stamford, CT 06907
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0

7. [A27.107](#) **Harbor Management Commission** **APPROVED BY
UNANIMOUS
VOICE VOTE**
Robert J. Strada *Reappointment*
Harbour Square *Term Exp. 8/2/7*
700 Canal Street
Stamford, CT 06907
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0

8. A27.108 **Harbor Management Commission** **APPROVED BY**

Jim Bartley
93 Downs Avenue
Stamford, CT 06902
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0

Reappointment
Term Exp. 8/2/7

**UNANIMOUS
VOICE VOTE**

9. [A27.109](#)

Harbor Management Commission

Roger Fox
82 Sweet Briar Road
Stamford, CT 06902
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0

Reappointment
Term Exp. 8/2/7

**APPROVED BY
UNANIMOUS
VOICE VOTE**

10. [A27.110](#)

Harbor Management Commission

Griffith Trow
Bloomenthal & Trow
30 Oak Street, Suite 104
Stamford, CT 06905
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0

Reappointment
Term Exp. 8/2/7

**APPROVED BY
UNANIMOUS
VOICE VOTE**

11. A27.111

Harbor Management Commission-Alternate

Arthur Ruffels, Jr
54 Cook Road
Stamford, CT 06902
Term Expires: 08/02/2010
08/14/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 7-0-0

Reappointment
Term Exp. 8/2/7

**APPROVED BY
UNANIMOUS
VOICE VOTE**

A motion to approve Item Nos. 5-11 above was made, seconded and approved by unanimous voice vote.

FISCAL COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Randall M. Skigen, Chair

Linda Cannady, Vice Chair

Meeting: Monday, August 27, 2007

7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, August 27, 2007. Present were Committee Chair Skigen and Vice Chair Cannady and Committee Member Reps. Day, Fedeli, Figueroa, Giordano and Mirkin. Absent/excused were Committee Member Reps. DeLuca, Lyons and Mitchell. Also present were Chris Martin

of Webster Bank; Sandra Dennies, Director of Administration; Robin Stein of the Land Use Bureau and Lou Casolo, City Engineer.

1. [F27.282](#) ADDITIONAL APPROPRIATION (Capital Budget) **APPROVED ON
CONSENT
AGENDA**
\$20,000.00 Land Use Bureau; Mill River Corridor; funds from
court settlement with O&G Industries.
07/30/07 – Submitted by Mayor Dannel P. Malloy
08/09/07 – Approved by Board of Finance
08/27/07 – Committee approved 7-0-0

2. [F27.283](#) ADDITIONAL APPROPRIATION (Capital Budget) **APPROVED ON
CONSENT
AGENDA**
\$10,000.00 to fund improvements as recommended by
Waterside Coalition; funds from court settlement
with O&G Industries.
07/30/07 – Submitted by Mayor Dannel P. Malloy
08/09/07 – Approved by Board of Finance
08/27/07 – Committee approved 7-0-0

3. [F27.281](#) ADDITIONAL APPROPRIATION (Operating **APPROVED ON
CONSENT
AGENDA (Rep.
Pia abstaining)**
\$1,208.00 Budget); Non-City Agencies; Glenbrook
Community Center; extra funding request.
07/30/07 – Submitted by Mayor Dannel P. Malloy
08/09/07 – Approved by Board of Finance
08/27/07 – Committee approved 7-0-0

4. [F27.280](#) RESOLUTION; accepting a gift of a sculpture, the **APPROVED ON
CONSENT
AGENDA**
07/30/07 – Submitted by Mayor Dannel P. Malloy
08/27/07 – Committee approved 6-0-1

5. [F27.277](#) ADDITIONAL APPROPRIATION (Operating **ITEM
WITHDRAWN**
\$7,500.00 Budget); Office of Administration; to hire attorney to
establish "Other Post Employment Benefit" Trust.
07/27/07 – Submitted by Mayor Dannel P. Malloy
08/09/07 – Withdrawn by Administration
08/27/07 – Item withdrawn

6. [F27.278](#) RESOLUTION; approving a Swaps Policy for the **HELD IN
COMMITTEE**
07/30/07 – Submitted by Sandra Dennies
08/09/07 – Approved by Board of Finance
08/27/07 – Held in Committee 7-0-0

7. [F27.252](#) RESOLUTION; requiring a revaluation in 2007. **NO ACTION**

05/14/07 – Submitted by President Martin & Rep. Lodato **TAKEN**
05/29/07 – Held in Committee
06/25/07 – Held in Committee 6-0-0
07/30/07 – Held in Committee
08/27/07 – Item withdrawn

President Martin stated that the item is not withdrawn, but that the Committee took no action and intends on not placing it on next month's agenda.

8. [F27.249](#) **PROPOSED ORDINANCE; for publication;** **RETURNED TO COMMITTEE BY UNANIMOUS VOICE VOTE**
requiring revaluations be performed every two years and that all revaluations be phased-in over two-year time periods.
05/10/07 – Submitted by Reps. Skigen, Mirkin, DeLuca & Lodato
05/29/07 – Held in Committee
06/25/07 – Held in Committee 7-0-0
07/30/07 – Held in Committee
08/27/07 – Committee approved 6-0-1 for publication (*as amended*)

Chair Skigen stated that the reason he and others proposed this ordinance was the belief that we need to get to a revaluation system that is not only fair and accurate but is also predictable. Whether it is a two-year or longer period with a phase-in for every revaluation, he believes that it is in our interest and the City's long-term interest to have a system that is predictable – that we set out beforehand that we are going to do it, that we do it and that we will phase it in every time. The Committee approved this 6-0-1. He is aware of some opposition on the Board to the ordinance.

A motion to approve Item No. F27.249 was made and seconded.

Rep. Lyons moved to return the item to Committee; said motion was seconded and approved by unanimous voice vote.

9. F27.284 **APPROVAL;** of expansion of the scope of the \$500,000 capital project approved for the property known as the Edward Hunt Recreation Complex on Courtland Avenue to include potential inclusion of the YMCA and alternatives (approved as Item No. F27.139 on 8/7/6). **FAILED BY MACHINE VOTE 10-26-0**
08/13/07 – Submitted by Mayor Dannel P. Malloy
08/27/07 – Committee approved 5-1-1 (*item description changed by committee*)

President Martin stated that the Mayor has requested that the scope be changed on this project. President Martin stated it is his opinion that when a capital project is approved, it comes down with a *scope* and that the *scope* should be followed. If they want to do

something different, then they have to get another capital project approved. This is a little bit different. Given that he does not want a way to get around the capital requirements as set forth in the Charter, he is going to require the same 2/3 vote that would be required for a capital project approval. Failure to approve this item does not jeopardize the original \$500,000 as approved; it will only change the scope.

Rep. Heaphy asked her colleagues to vote against this proposal. She was involved in the RFP process after the approval of the \$500,000 and doing that convinced her that we are talking about – even for the Childcare Learning Center – a large project to be put into a very small park. It is not anything that the neighbors have welcomed as far as members of this Board have heard, and to now add a second project – we are not even sure what the YMCA has in mind – is unwise. There are legal issues concerning the use of the park which have not been resolved and for which the City has asked for a ruling from Hartford (as to whether or not we can use the park for a non-recreation purpose), which was a deed restriction when the land was donated to the City. So, without getting into the issues of whether the school belongs there, she suggests that putting an additional facility – a facility that would be open 7 days a week hurting the ability of the neighbors to use the park on the weekends (which they tend to do now) – would be very unwise at this point. She hopes that we defeat this proposal.

Rep. Zelinsky stated that he understands both representatives of this area are strongly against this along with the residents. The reasons are the present traffic conditions, the intense possible development of this park, which is very small. They want to keep it for the parkland. In the Mayor's letter, he mentions that the original \$500,000, which was approved in May of last year, and as a result of the YMCA's closing, he wants us to consider this inclusion of a possible site for the YMCA. However, in the Stamford Advocate, it says that the YMCA members said, "their report of the preliminary study should not be misconstrued as support for the plan." He has a concern about that. Why would we go and spend money for a study when they may not want this site? The YMCA, because of their financial difficulties – that is why they have to move and sell their property – because of the lower membership. And, he cannot see where moving to a new location – a smaller location at that – would help their situation. Some representatives have said, "well, it is going to be a small facility and we don't know what is going to go there, so let's do the study." However, let's use common sense. The Y is used for athletics and exercise and so forth, and he is sure that they will continue that, possibly a pool, a gymnasium, as well as athletic and exercise equipment. That is a very busy road, and the Y will be open on the weekends. He really thinks we should not encourage this type of expansion into the park. And, his strong reservation is that we will be allowing a business, even though it is a non-profit business, into a park. And, you have to think about that. Parks are made for our residents and their families and their children to enjoy – whether it is the playground, picnic area, etc., and now we are going to allow a business in the park. What's next? Are we going to have some kind of a business at Cove Island, down at Cummings? So, Mr. Zelinsky stated he thinks that we have to close the door before it opens any wider. He reiterated that we should support the representatives in their district. If we had a situation in our district where there was something that his constituents – say, for example, in his district – he certainly would

ask the support of his colleagues on both sides of the aisle to help the representatives help their constituents.

Rep. Lyons stated that he will not get bogged down into all of the other details as to what may or may not happen at this site, but he supports the initial expansion of the scope as a review process and the expenditures necessary to see if it is at all feasible. This is all he views it – as a feasibility study. Nothing is set in stone. We hear so many different issues of Not in My Backyard, and businesses in the park. Last time he checked, Soundwaters occupies a house at Cove Island; the Stamford Sailing Foundation leases parkland in Southfield Park, and the City hasn't gone to rubble because of it. He understands there is a lot of concern about what can and can't happen. The charter specifically states that if parkland is taken for any other use than parkland, it must be replaced by like and kind in the charter. That process is clear and has been done time and time again in this City. So, he supports moving forward at this point. Whether he supports the ultimate proposal, he doesn't know. But, tonight he intends to vote in favor of the approval of the expansion.

Chair Skigen stated that he joins with Rep. Lyons in his statements. He also noted that, to make it very clear, we are not voting for any additional dollars. We have already voted for \$500,000. We put much more serious restrictions on this capital money than the Planning Board and the Board of Finance. They both approved \$1 million for the CLC project, and after consultation with the Mayor, both of those boards felt it was not necessary for them to re-authorize this new scope. In essence, what the administration is asking to do here is to expand the traffic study to see what additional impact putting a Y on this property would have, and they are asking to expand the site study and the schematics that would go along with it to include 3 additional drawings. The original RFP called for 3 drawings for a CLC site on this; this would call for 3 additional drawings that would either have the Y or have a mixed facility or have the Y and CLC in separate facilities there. So, the money is there, the study can go forward, and as Rep. Lyons said – we'll find out whether this site will work or not. He urged support with the understanding that we are not supporting ultimately placing the Y there, we are just understanding what the options are.

Rep. White stated that he does not agree with changing the scope of this study. First of all, it is an inappropriate use. It is parkland, and putting a YMCA or even considering the YMCA is wrong. It would be intensive, it would change the whole character of the park, and, in time, we would be paving over the park, changing the footprint of the building, we would have intense use affecting the neighborhood itself. We wouldn't have a 5-acre park; you would have a 5-acre YMCA, buildings and parking lots and very little open space. It is simply wrong to allow a group, any corporation with this kind of intensity to come in and use parkland. It is not in the same scope as something like Soundwaters and the Stamford Sailing Foundation – that is much smaller. In terms of a traffic study, he doesn't think that will change much in terms of what will happen. The end result is that you will have more traffic. That will impact the neighborhood. The representatives and the neighbors don't want this kind of traffic increase. They don't want this kind of usage of the park – it is intensive. They want a park, not a YMCA.

Rep. White continued by stating that the fact is that the YMCA has always billed itself as a downtown organization. They were located on Atlantic Street and they moved to their present site back in the mid-70s. Their priority was that they wanted to stay downtown. They have always said they were a downtown organization in terms of providing rental rooms, various programs. Now, they have changed their tune. If they are in trouble and simply try to go for a real estate deal, so be it and they have to solve their own problem, but not by using city parkland. It should not be considered and is wrong. He is going to vote against this and urged his colleagues to vote with him. The idea is that the Board is changing the scope; it has nothing to do with the \$500,000 or the other issues – it is a change in scope of this capital project by including the YMCA and using parkland for intense use. This is wrong, and he urged his colleagues to vote against it.

Rep. Berns stated he will vote against this. When the Board first talked about the Childcare Learning Center using the park and doing a feasibility study there, one of the attractions was that the CLC would be using it during the day when most people in the neighborhood were at work, which would leave the park available evenings and weekends. The YMCA, on the contrary, he expects would be used more often in evenings and on weekends, and therefore bringing a lot of people from out of the neighborhood, increasing the intensive use of the park. His children learned to play t-ball, he has played volleyball there – it is a nice little park, and we shouldn't start taking up space for other purposes. Lastly, why in the world would we be considering studying the feasibility of putting in a YMCA one mile from another YMCA in Darien? When he lived in this neighborhood, many people belonged to the Y in Darien. It had a great pool, great facilities, basketball courts, etc.

Rep. Layton stated he voted against this proposal in May and he is voting against it this evening. It doesn't matter how many studies are done, and you don't have to be a traffic engineer to know traffic-intensive use of this park will not work. That is why he voted against it the first time and is voting against it now.

Rep. Figueroa stated that tonight she speaks on behalf of the residents of the district that she represents. The Mayor said that he would do whatever the residents wanted him to do with that park. Guess what – the residents have said no. After receiving many calls, speaking to her neighbors and receiving many emails, she has no choice but to once again oppose this project. The traffic is so heavy; it is a nightmare trying to get into Courtland Avenue. It is wrong to take away a park that belongs to the residents. Another 300-400 units of housing are being developed on the East Side, so we are going to be needing a park for those people moving into the area. That property has a deed and she thinks it is wrong to go to the state to ask that the deed restriction be removed. She requested all members to please listen to the residents and support her in opposition to this.

Rep. Coppola stated that he agrees with his colleagues, Mr. White and Ms. Figueroa and will vote against it for those reasons.

A motion to approve Item No. F27.284 was made and seconded. President Martin stated that because this was originally a capital budget appropriation, a 2/3 vote would be required for passage. The item failed by a machine vote of 10-26-0 (Reps. Boccuzzi, DeLuca, Fedeli, Hunter, Lyons, D. Martin, Mirkin, Munger, Rauh and Skigen in favor; Reps. Aposporos, Berns, Blackwell, Cannady, Coppola, Diamond, Esposito, Figueroa, Franzetti, Giordano, Heaphy, Layton, Lodato, Lombardo, Mallozzi, C. Martin, Miller, Mitchell, Molgano, Neary, Pia, Summerville, White, Young and Zelinsky opposed. See [RCS Vote Record No. 853.](#))

A motion to approve the Consent Agenda, consisting of Item Nos. 1, 2, 3 and 4, was made, seconded and approved by unanimous voice vote.

(Clerk Summerville noted that Reps. Munger and Cannady left the meeting at 10:30 p.m.)

LEGISLATIVE & RULES

COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

James D. Diamond, Chair

Arthur Layton, Vice Chair

Meeting: Monday, August 20, 2007

7:00 p.m. – Democratic Caucus Room

Chair Diamond reported that the Legislative & Rules Committee met on Monday, August 20, 2007. Present were Chair Diamond and Committee Member Reps. Day, Heaphy, Lodato, C. Martin and Zelinsky. Absent/excused were Committee Member Reps. Berns, Esposito, Layton, Lombardo and Mitchell. Also present was President of the Board David Martin.

1. [LR27.046](#) APPROVAL; of amendment to Rules of the Board re: **APPROVED BY**
motion to limit debate. **MACHINE VOTE**
04/04/07 – Submitted by President Martin **32-2-0**
04/16/07 – Held in Committee 7-2-0
05/07/07 – No action taken
05/21/07 – Held in Committee
06/18/07 – Committee approved 6-1-0 (as amended)
07/02/07 – No action taken
07/09/07 – Placed on Pending Agenda
08/20/07 – Committee approved 5-1 (as amended)

Chair Diamond stated that debate is governed by two sets of rules – Roberts' Rules of Order and our own Rules which were adopted at the beginning of this term. Our rules do have a section on debate, but they currently do not have a motion to limit debate. Roberts' Rules does provide for a motion to limit debate. It is the sense of the L&R Committee, however, that without a particular rule of our own, if a motion is made during a debate to limit debate, that could cause chaos as different time limits for the overall debate could be set, different time limits per member could be set, number of times a

member could speak could be set. This could be unfair and chaotic. What it does is provide for a motion to limit debate going forward. It does not replace the calling of the question – that could still occur. However, once the motion to limit debate was approved, then the procedure would follow and there would not be a calling of the question. This Rule, as approved by the Committee, has to be bi-partisan and cannot be one political party forcing its will on the other side of the aisle – it must come from both sides of the aisle. Once that motion to limit debate is made, the motion is not debatable. It goes to a vote and requires a majority vote. If approved, then the speakers that follow have a maximum of 2 minutes to speak on an item. The president has discretion to allow additional time. If we approve this tonight, it will require members when speaking to be brief, get to the point and not be repetitive. This item, he believes, because it changes our rules, requires a 2/3 vote this evening.

A motion to approve Item No. LR27.046 was made and seconded

Rep. Zelinsky stated that he voted against this item in the L&R Committee. He does not support it in that he believes it is overkill. He took the time and the trouble to check our board minutes from the time the 27th Board came into existence, and with the exception of one evening in April 2007, when we adjourned at 12:50 a.m., and this meeting started extremely late, the latest time of our starting since the Board was formed was 9:45 p.m. The rest of the meetings ended around 10:00 or 11:00 p.m., and started anywhere from 8:15 to 9:45. If it was a constant pattern of late evenings and late starts, he would be strongly in favor of it, but it only happened once, and since then it hasn't. We adjourned the four meetings after that long meeting at approximately 10:30 p.m. Also, that particular evening we had some very controversial items on the agenda, and people wanted to express themselves. He thinks that 2 minutes may be difficult for some people to express themselves and keep their thoughts together, and he doesn't think it would be fair, especially if it is something controversial. We had an item concerning the Hunt Center, as an example.

Rep. Zelinsky stated he also took the time to check with Hartford, the Speaker's Office and the State Senate Pro-Tem office, and they don't have any limits on debates of issues on the floor. He also spoke to representatives in our two U.S. Senators' offices, and they were not sure here locally, and they had to check with Washington, and then reported there was no limit on debate unless the Senate leaders asked for cloture. In that situation, there is a one-hour limit. Also in the Congress, there is no limit on the amount of time a speaker can speak. Again, we are a small body, and we want to express the concerns of our residents, and he feels it would be very unfair to limit that discussion. Again, as an example, if someone would want to speak a half-hour, there is no limit on that, and if someone wanted to invoke this new amendment, it is already after the fact, so what does it accomplish – nothing? So, he urges his colleagues to think twice; it is overkill, and he thinks in the future if we have meetings that go to 2:00 a.m., we may need it, but at this time we do not.

Rep. White stated that he doesn't think this is necessary; we are a local legislature. Very often when people speak, sometimes they may be rambling, there may be issues

that are mundane to another person, but to people from a particular district, it is important that they be allowed to speak and that they be allowed to collect their thoughts and get their opinions articulated on the floor. If that means it is going to be a longer meeting or a meeting that may cause tempers to flare, that is part of a local legislature, and that is something that we should tolerate. He would rather have the discussion, rather than stifle the debate and limit the debate. Quite frankly, in the future, we don't know if this could be used against us as a legislature. While we say it will be bipartisan, there could be a time when people from both sides of the aisle feel very strongly on an issue, and it may be that we choke off debate on the floor. We don't know how this is going to go, and he doesn't think it is necessary.

Chair Diamond stated that the motion to limit debate most probably will be made after debate is already underway, and this is a big board – 40 members – if everyone took their 2 minutes, we would be here for 80 minutes on a particular item, after the motion to debate is made (not that everyone would speak, but they could). And, we come out here and the public comes to attend our meetings, and to ask them to sit until 11:00, 12:00 midnight, 12:50 a.m. watching their Board in action is simply not fair.

Chair Diamond stated he takes issue with what Rep. Zelinsky said about it happening once. Since December of 2005, we have been here until 11:00 at least 7 times, and many of us have to get up early in the morning to attend work and other things. In respect to Hartford and Washington not having limits on debate, that is absolutely not true. They have limits on debate, and anyone who has watched C-Span watches members stand up and yield their time – obviously they have certain time limits within which to make their remarks because the time allotted to debate is very heavily regulated and limited. In respect to future boards and how things will work, this Rule makes it very easy and simple to repeal if it is not needed, and always at the beginning of every term the rules are established. Chair Diamond asked members to approve this item.

Rep. Berns stated that he is very reluctantly going to vote in favor of this. He sees a fatal weakness in this proposal in that it does not do away with nor does it replace or make as a first option a motion to limit debate rather than someone moving the motion, which means that unless we as individual members always keep in mind when someone goes for the nuclear option of killing debate entirely with a motion to move the question so that we can vote it down knowing that we can then take up a motion to limit debate, we are quickly not going to be using this motion. We are going to continue to have the problem of people of moving the question and closing debate when there are still people that want to speak. There is a way to fix that, which is to re-write our rules slightly by saying that any motion to move the question shall initially be considered a motion to limit debate, and only if defeated as a motion to limit debate, then be turned into a motion to move the question and close off all debate. With this imperfect rule, he asks that we think about using it rather than a motion to close debate. And when someone, unwisely in his opinion, moves the question, that we vote against it so that we can then consider a motion to limit debate rather than close it. He also asks that the

President suggest and recommend to someone moving the question that they consider and think about making a motion to limit debate rather than close debate.

Rep. Zelinsky stated that first of all, he wants to remind his colleagues that when we have members of the public here on a certain issue, we usually take the item out of order at the beginning of the meeting so that they don't have to sit here for two or three hours. Number two, there were four meetings that did go, as one of his colleagues mentioned, to 11:00, and those meetings started 9:23, 9:30 and 9:45, which is less than two hours to cover our whole agenda. Finally, he takes strong exception to the comments saying that what he said pertaining to Hartford and Washington were not true. He did speak to representatives of our United States Senators and Congressmen and women, and this is what he was told, and he tends to believe that they did check it. As he said, if the U.S. Senate wants to limit debate, the leadership asks for cloture, and they limit debate for the hour, and that is what someone might have seen on CNN.

The item was approved by a machine vote of 32-2-0 (Reps. Aposporos, Berns, Blackwell, Boccuzzi, Coppola, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Gabriele, Giordano, Heaphy, Hunter, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Miller, Mirkin, Mitchell, Molgano, Neary, Pia, Rauh, Skigen, Summerville and Young in favor; Reps. White and Zelinsky opposed. See [RCS Vote Record No. 854.](#))

PERSONNEL COMMITTEE:
[\(Attendance\)](#)
[\(Votes\)](#)
[\(Report\)](#)

Mary Lisa Fedeli, Chair
Pauline S. Rauh, Vice Chair
Meeting: Tuesday, August 28, 2007
7:00 p.m. – Republican Caucus Room

Chair Fedeli reported that the Personnel Committee met on Tuesday, August 28, 2007. Present were Chair Fedeli and Vice Chair Rauh and Committee Member Reps. Boccuzzi, Cannady, Layton, Lodato and Skigen; absent/excused were Committee Member Reps. Figueroa and Greenberg. Also present were Reps. Aposporos, Blackwell, DePina, Munger and Summerville; Alex Tergis, Public Services Bureau Chief; Lou Casolo, City Engineer and Ed Gentile, Engineering Department; Tania Barnes, Human Resources; Ben Barnes, Director of Operations and Thomas Cassone, Director of Legal Affairs.

1. P27.054	APPROVAL; of a Clerk of the Works agreement with Alan Bush. 07/09/07 – Submitted by Mayor Dannel P. Malloy 08/28/07 – Committee approved 4-0-2	APPROVED BY MACHINE VOTE 28-3-2
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Chair Fedeli stated that this is a 3-year agreement with a salary of \$71,162. She moved to approve Item No. P27.054; said motion was seconded.

Rep. Coppola stated that he asked this to be taken off because he feels while he can agree with a few of the individuals, he believes these are items that can wait. We have four firefighters that are laid off that directly affects the public's safety. We have 17 crossing guards that were laid off, and he thinks that if we have extra money (and he understands that this is paid for out of capital funds), that one of these individuals is going to be paid \$5,000 more than his salary before he was laid off. Another individual is receiving a pension from the City of Stamford, and he cannot in good conscience vote for these individuals. It is nothing personal against these individuals.

Rep. Boccuzzi stated he will vote in favor. He would like to know why Mr. Coppola selected these people, when his reasoning was based on the laying off of four firefighters. Mr. Coppola gave no reason why he selected these people. These are all qualified people who can do the job, and he will vote in favor of all three of them.

Rep. Berns confirmed that there are no benefits – no vacation, no health benefits. Workers' compensation is probably required by State law.

Rep. Mirkin confirmed that some of the contracts provide for overtime with the approval of the Director of Operations. President Martin stated that labor laws may require the payment of overtime for certain positions.

Chair Fedeli stated that the two employment contracts (as opposed to Clerk of the Works contracts) do provide for benefits.

Rep. Skigen stated that overtime requires prior written consent of the Director of Operations or the Bureau Chief.

The item was approved by a machine vote of 28-3-2 (Reps. Berns, Blackwell, Boccuzzi, DeLuca, Diamond, Esposito, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Miller, Mitchell, Molgano, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor; Reps. Aposporos, Coppola and Mirkin opposed; Reps. Fedeli and Gabriele abstaining. See [RCS Vote Record No. 855.](#))

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| 2. P27.055 | APPROVAL; of a Clerk of the Works agreement with Walter Taylor.
07/09/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 5-0-1 | APPROVED ON
CONSENT
AGENDA |
| 3. P27.056 | APPROVAL; of a Clerk of the Works agreement with Frank Cannella.
08/08/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 5-0-1 | APPROVED ON
CONSENT
AGENDA |
| 4. P27.057 | APPROVAL; of a Clerk of the Works agreement | APPROVED BY |

with Paul Montanaro.
08/08/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 5-0-2

MACHINE VOTE
29-4-0

A motion to approve Item No. P27.057 was made, seconded and approved by a machine vote of 28-3-2 (Reps. Berns, Blackwell, Boccuzzi, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Heaphy, Hunter, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Miller, Mitchell, Molgano, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor; Reps. Aposporos, Coppola, Mirkin and Gabriele opposed. See [RCS Vote Record No. 856.](#))

5. P27.058 APPROVAL; of a Clerk of the Works agreement with Jonathan M. Zurkowski.
08/08/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 3-0-3

APPROVED BY
MACHINE VOTE
27-3-1

A motion to approve Item No. P27.058 was made, seconded and approved by a machine vote of 28-3-2 (Reps. Berns, Blackwell, Boccuzzi, DeLuca, Diamond, Esposito, Fedeli, Franzetti, Giordano, Heaphy, Hunter, Layton, Lodato, Lombardo, Mallozzi, C. Martin, D. Martin, Miller, Mitchell, Molgano, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor; Reps. Aposporos, Coppola and Mirkin opposed; Rep. Gabriele abstaining. See [RCS Vote Record No. 857.](#))

6. P27.059 APPROVAL; of a Clerk of the Works agreement with Morton Klein.
08/08/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Held in Committee 6-0-0

HELD IN
COMMITTEE

7. P27.060 APPROVAL; of an employment agreement with Laura Labosky.
08/08/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 6-0-0

APPROVED ON
CONSENT
AGENDA

8. P27.061 APPROVAL; of an employment contract with Sybil Richards, Deputy Corporation Counsel.
08/08/07 – Submitted by Mayor Dannel P. Malloy
08/28/07 – Committee approved 6-0-0

APPROVED ON
CONSENT
AGENDA

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 2, 3, 7 and 8, was approved by unanimous voice vote.

LAND USE/URBAN

Clerk of the Board Summerville and Rep. Mallozzi; Lisa Reynolds, Controller and Bill Callion, Director of Public Safety, Health & Welfare.

1. PS27.021 REVIEW; of new citywide radio system.
07/09/07 – Submitted by Chair Lyons
08/23/07 – Report Made **REPORT
MADE**

2. [PS27.024](#) REVIEW; draft policies & procedures manual for
CCTV cameras.
04/06/07 – Submitted by Director Callion
05/31/07 – Report Made & Held in Committee
07/09/07 – Motion to place on Agenda **failed**
08/23/07 – Report Made **REPORT
MADE**

3. [PS27.026](#) PROPOSED ORDINANCE; **for publication**;
amending Chapter 70, Article I, Burglar and Fire
Alarms, Section 70-5 Unintentional or False
Alarms, to eliminate the periodic registration
requirement for alarm systems.
07/20/07 – Submitted by Mayor Dannel P. Malloy
08/23/07 – Committee approved 7-0-1 **APPROVED ON
CONSENT
AGENDA**

Rep. Berns asked that his email that was distributed at 11:13 a.m. this morning be distributed to all representatives and be entered into the record. In the report that Chair Lyons signed off on, there were two points that were very important that were left out. The first is that Clerk Summerville reported that she would extend a formal invitation to the Constitution Project to send a representative at their cost from Washington to come speak to the Committee at its next meeting. This was not included in the report. Secondly, there was a clear consensus of the Committee that the Director of Public Safety & Health should integrate the short draft proposal that he had prepared in April, four months ago, with the model legislation prepared by the Constitution Project and the input of various notes, which he also asks be included in this thrice emailed notes providing thereby a more complete draft – a draft that includes as many issues as possible for us to then review in the future.

President Martin stated that he, for one, made that suggestion as a possibility, but he would not characterize it in any way as a consensus of the Committee at that time.

Rep. Lyons stated that an email went off to the Constitution Project today with the date of the September meeting.

Rep. Coppola stated that he agrees with the Chair in that he did not have an impression that there was any consensus at all of the Committee. If they want to be heard, he is willing to hear what they have to say, but there was no consensus of including anything. We haven't gotten that far yet.

Chair Lyons moved the Consent Agenda, consisting of Item No. 3. Said motion was seconded and approved by unanimous voice vote.

**PARKS & RECREATION
COMMITTEE:**

**Linda Cannady, Co-Chair
Joseph Coppola, Co-Chair**

No meeting.

EDUCATION COMMITTEE:

**Polly Rauh, Chair
Michael L. Molgano, Vice Chair**
Meeting: Thursday, August 23, 2007
7:00 p.m. – Democratic Conference Room

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

Chair Rauh reported that the Education Committee met on Thursday, August 23, 2007. Present were Chair Rauh and Vice Chair Molgano and Committee Member Reps. Lodato and Young; absent/excused were Committee Member Reps. Franzetti, Martin, Mitchell and Pia. Also present were Jane Anderson, Director of Human Capital Development, SPS; Wayne Holland, Director of Special Ed Services, SPA; Bill Dunn, CFO – Board of Education; Jaime Michaels, UCONN intern; Chris Gosier of the Advocate; Robin and Michael Portanova; and Sharon Ballin.

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| 1. E27.017 | REVIEW; 2007 CMT scores.
08/07/07 – Submitted by Chair Rauh
08/23/07 – Report Made | REPORT
MADE |
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Chair Rauh stated that the Board of Ed staff could not attend the meeting. The complete CMT report is in the Board Office. The Committee intends on looking at comparing scores of last year's third graders and their fourth grade scores. Two schools are to be commended – Rogers and Davenport – which have adopted many of the Westover practices and have made tremendous growth.

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| 2. E27.018 | REVIEW; termination of special education aides.
08/09/07 – Submitted by Rep. DeLuca
08/23/07 – Report Made | REPORT
MADE |
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Chair Rauh stated that an internal audit had been done of the education assistants, matching them with the requirements of the independent special ed students, and they found that there were 28 aides that could not be matched with the students for which they were hired. The Committee was assured, in answer to Mr. DeLuca's question, that all students will receive one-on-one assistance if it is needed and in their IEP.

HOUSING/COMMUNITY DEVELOPMENT/

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

No meeting.

STATE & COMMERCE COMMITTEE: Paul A. Esposito, Chair

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Meeting: Wednesday, August 29, 2007

7:00 p.m. – Democratic Caucus Room

Chair Esposito reported that the State & Commerce Committee met on Wednesday, August 29, 2007. Present were Committee Chair Esposito and Committee Member Reps. Day, DeLuca, Diamond, Fedeli, Heaphy, Rauh and Summerville; absent/excused were Reps. Lombardo, Mallozzi and Skigen. Also present were President David Martin; Erin McKenna of the Land Use Bureau; Michael Scorrano of Pareto Energy; Michael Freimuth, Director of Economic Development; and Lucy Corelli and Alice Fortunato, Registrars of Voters.

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| 1. SC27.019 | REVIEW; new voting machines and procedures.
07/09/07 – Submitted by President Martin
08/29/07 – Report Made | REPORT
MADE |
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Chair Esposito stated that anyone who fears technology should not fear voting in this election. This is a very easy machine to operate, and hopefully it will serve its purpose.

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| 2. SC27.020 | PROPOSED ORDINANCE; for publication;
establishing an Energy Improvement District.
07/09/07 – Submitted by Mayor Dannel P. Malloy
08/29/07 – Held in Committee 8-0-0 | HELD IN
COMMITTEE/
REPORT MADE |
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(Clerk Summerville noted that Rep. Berns left the meeting at 10:45 p.m.)

MINUTES

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| 1. | August 6, 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 10:57 p.m.