

*The Regular Meeting of the 27th Board of Representatives of the City of Stamford was held on **Monday, August 4, 2008** 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 8:18 p.m.

INVOCATION: Led by Clerk of the Board Summerville

“Dear Lord, we come before You tonight asking You to give us mercy, grace and peace. We ask for Your guidance and wisdom while we do the work of the City of Stamford. We ask that You bring us all together here as a body of one, and keep our hands on You and our minds on each other as we try to do the best that we can. In Your name, we pray. Amen.”

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

ROLL CALL: There were thirty members present and ten members absent/excused (Reps. Berns, Blackwell, Esposito, Franzetti, Heaphy, Lyons, C. Martin, Mitchell, Munger and Pia.)

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

MOMENTS OF SILENCE: For the late Peter Fischer by Clerk Summerville; David Liebeskind by Rep. Day; Hope Leo by Rep. Fedeli; Daniel P. Gaudio, Fanny “Caputo” Savona, Walter C. “Bud” O’Meara, Michael P. Vartuli, Joseph Romaniello, Nicholas W. Romaniello III, John Preli, Earl W. Gerberg, Joan Carroll Bankowski, Victoria A. Tassitano and Jane C. Hlavaty by Rep. Giordano; Marion A. Zeiss and John L. Demaio, Sr., by Reps. Giordano and Zelinsky; Georgeanna Barbara Berzon, Janice Green, Nina Turnbull and Dominick Angotta by Rep. Zelinsky.

COMMUNICATIONS:

1. President Martin congratulated Reps. Adams, Giordano, Lombardo, Rauh, Young and Miller on their August birthdays.

2. President Martin introduced Valerie Rosenson, the new legislative aide.

HONORARY RESOLUTIONS:

1. [SENSE OF THE BOARD RESOLUTION](#);
congratulating the Westhill High School Baseball
team on winning the State Championship.
06/09/08 – Submitted by Rep. Day **APPROVED BY
UNANIMOUS
VOICE VOTE**
2. [SENSE OF THE BOARD RESOLUTION](#);
congratulating Vanessa Petroni of Westhill High
School on winning the Girls State Tennis Open
Championship.
07/08/08 – Submitted by Rep. Zelinsky **APPROVED BY
UNANIMOUS
VOICE VOTE**

A motion to approve the two honorary resolutions was made, seconded and approved by unanimous voice vote.

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, July 14, 2008
[\(Report\)](#) 7:00 p.m. – Democratic Caucus Room

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

**APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair
John J. Boccuzzi, Vice Chair**

No meeting; no report.

**FISCAL COMMITTEE: Randall M. Skigen, Chair
Linda Cannady, Vice Chair**
[\(Attendance\)](#) Meeting: Monday, July 28, 2008
[\(Votes\)](#) 7:00 p.m. – Democratic Caucus Room
[\(Report\)](#) - and -
[\(Attendance\)](#) Meeting: Monday, August 4, 2008
[\(Votes\)](#) 6:30 p.m. – Republican Caucus Room
[\(Report\)](#)

07/10/08 – Approved by Board of Finance
07/28/08 – Committee approved 8-0-0

5a. [F27.424](#)
~~\$164,000.00~~
\$119,064.00

ADDITIONAL APPROPRIATION (Operating Budget); Stamford Fire; Overtime; ~~due to delay in the transition of firefighters with Belltown, Glenbrook and Turn of River, these expenses have exceeded budget~~ due to contractual obligations under the collective bargaining agreement.
07/02/08 – Submitted by Mayor Dannel P. Malloy
07/10/08 – Approved by Board of Finance
07/28/08 – Held in Committee 9-0-0
08/04/08 – Committee approved 5-0-3

**APPROVED BY
UNANIMOUS
VOICE VOTE**

Chair Skigen reported that the Committee changed the heading of this item as indicated above. The amount originally requested was \$164,000, and after the Committee asked questions, the amount was reduced to \$119,064. Chair Skigen moved the item; said motion was seconded.

Rep. Fedeli stated that during the Fiscal Committee meeting several members spoke about the way the item was worded, which brought about a lot of questions. Because of the questioning from the entire Fiscal Committee, the administration had to go back and through this, we ended up saving the City some \$50,000. So, she hopes in the future that the administration is a bit more careful about wording, because here they were trying to indicate overtime was from the volunteer fire departments, when that was really not the fact.

Rep. Skigen extended his tanks to Rep. Coppola who asked a lot of probing questions regarding the numbers related to the volunteer companies, which certainly helped the Fiscal Committee along in this process.

The motion was approved by unanimous voice vote.

5b. [F27.425](#)
~~\$30,000.00~~
\$26,542.00

ADDITIONAL APPROPRIATION (Operating Budget); Stamford Fire; Stand-by/Acting; ~~due to delay in the transition of firefighters with Belltown, Glenbrook and Turn of River, these expenses have exceeded budget~~ due to contractual obligations under the collective bargaining agreement.
07/02/08 – Submitted by Mayor Dannel P. Malloy
07/10/08 – Approved by Board of Finance
07/28/08 – Held in Committee 9-0-0
08/04/08 – Committee approved 5-0-3

**APPROVED BY
UNANIMOUS
VOICE VOTE**

Chair Skigen stated that the language was again changed for 5b. Again, after the Committee asked questions, OPM went back and sharpened its pencil and came back

with a revised number of \$26,542. Chair Skigen moved the item; said motion was seconded and approved by unanimous voice vote.

5c. F27.426 \$46,016.00	ADDITIONAL APPROPRIATION (Operating Budget); Stamford Fire; Holidays; due to delay in the transition of firefighters with Belltown, Glenbrook and Turn-of-River, these expenses have exceeded budget due to contractual obligations under the collective bargaining agreement. 07/02/08 – Submitted by Mayor Dannel P. Malloy 07/10/08 – Approved by Board of Finance 07/28/08 – Committee approved 9-0-0	APPROVED BY UNANIMOUS VOICE VOTE
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Secondary Committee (5a, b & c): Public Safety & Health

Chair Skigen reported that the title was again changed. Chair Skigen moved to approve the item; said motion was seconded and approved by unanimous voice vote.

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

6a. F27.427 \$7,398.00	ADDITIONAL APPROPRIATION (Operating Budget); OPM/Salaries (\$6,872) and Social Security (\$526); to fund reallocation and re-titling of senior management analyst position to Asst. Director of OPM per stipulated agreement between the City and the MAA. 07/02/08 – Submitted by Mayor Dannel P. Malloy 07/10/08 – Approved by Board of Finance 07/28/08 – Committee approved 9-0-0	APPROVED ON CONSENT AGENDA
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6b. F27.430 \$91,539.00 \$81,539.00	ADDITIONAL APPROPRIATION (Operating Budget); OPM/Salaries (\$73,901)/Medical & Life (\$5,653) and Social Security (\$11,985); to fund Buyer position for the Purchasing Department per stipulated agreement between the City and the MAA. 07/02/08 – Submitted by Mayor Dannel P. Malloy 07/10/08 – Approved by Board of Finance 07/28/08 – Committee approved 9-0-0 (<i>reduced to \$81,539.00</i>)	APPROVED ON CONSENT AGENDA
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7. F27.433 \$10,000.00	ADDITIONAL APPROPRIATION (Operating Budget); Operations; Special Events; Fireworks); to appropriate donation by G. Fuller Company. 07/02/08 – Submitted by Mayor Dannel P. Malloy	APPROVED BY UNANIMOUS VOICE VOTE
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07/10/08 – Approved by Board of Finance
07/28/08 – Committee approved 9-0-0

Rep. Zelinsky confirmed that this was the same company that is building the Trump Parc building. Chair Skigen moved to approve the item; said motion was seconded and approved by unanimous voice vote.

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| 8. F27.421 | REVIEW; matter of providing a contingency fund for retiring police officers and fire fighters to allow for more rapid hiring of replacement personnel.
07/01/08 – Submitted by Rep. Fedeli
07/28/08 – Moved to Pending Agenda 9-0-0 | NO ACTION
TAKEN |
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Secondary Committee: Public Safety & Health

Chair Skigen stated that this item will be moved to the Pending Agenda. Rep. Fedeli will be working with Directors Dennies and Cassone on this item.

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

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| 9. F27.408 | REVIEW; funding sources (both capital and operating budgets) for SEMS parking lot project and Stamford Fire & Rescue temporary locations.
05/19/08 – Submitted by Rep. Mirkin
06/30/08 – Report Made
07/07/08 – Report Made
07/28/08 – Report Made | REPORT
MADE |
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Chair Skigen stated that a report has been provided on this item.

President Martin stated he asked Mr. Skigen to notify the Audit Committee of the Board of Finance; he also asked Mr. Skigen to keep Board of Representatives leadership informed as to that notification.

A motion to approve the Consent Agenda, consisting of Item Nos. 1, 2, 4 and 6a-6b was made, seconded and approved by unanimous voice vote.

LEGISLATIVE & RULES

COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

James D. Diamond, Chair

Arthur Layton, Vice Chair

Meeting: Monday, July 21, 2008

7:00 p.m. – Democratic Caucus Room

Chair Diamond reported that the Legislative & Rules Committee met on Monday, July 21, 2008. Present were Chair Diamond and Vice Chair Layton and Committee Member Reps. Day, Esposito, Heaphy, Lodato, Mitchell and Zelinsky; absent/excused were Committee Member Reps. Lombardo and C. Martin. Also present were: Rep. Giordano; Tom Cassone, Esq., Director of Legal Affairs; Sandra Dennies, Director of Administration; Al Barbarotta, Facilities, Board of Ed; Representatives of Pilgrim Towers, Graham Powell, Kay Reese and Michael Grogan; and Mike Meyer of Stamford Public Schools.

1. [LR27.070](#) PROPOSED ORDINANCE; **for publication**; **APPROVED ON CONSENT AGENDA**
approving a second amendment to a tax abatement agreement between the City and Pilgrim Towers, Inc.
06/12/08 – Submitted by Mayor Dannel P. Malloy
07/21/08 – Committee approved 8-0-0
2. [LR27.071](#) RESOLUTION; approving a lease between the City and the Yerwood Center for classroom space for a BOE-run alternative high school. **APPROVED BY MACHINE VOTE 28-1-0**
07/09/08 – Submitted by Mayor Dannel P. Malloy
07/15/08 – Approved by Planning Board
07/10/08 – Approved by Board of Finance
07/21/08 – Committee approved 7-1-0

Chair Diamond moved to approve Item No. LR27.071, said motion was seconded. Chair Diamond stated that this was a sublease, and it is the third time that the Board is considering this sublease of a portion of the Yerwood Center for use as an alternative high school by the Board of Education. We have a number of these throughout the City; there are two on tonight's agenda. This is for part of the Yerwood Center consisting of classrooms, a gymnasium, office space, stage, computer lab, after school programs, etc. There are 30 children at the school, and it has been going well. This has been a difficult program to place over the years, but these two items on tonight's agenda are success stories, and they are working out well. Chair Diamond stated that this is the first time in three years that he is not complaining that the City came in late with these leases. These are timely, but time is of the essence as school starts the end of the month.

Rep. Lodato stated that he was the sole vote on the Committee against this item. He, like his fellow committee members, supports the Yerwood Center and its mission. He also supports the alternative high school and its mission. Where he differs with fellow committee members is that he is not satisfied that they have justified the expense of

\$90,000 for a ten-month period for a use that is mandated to be for approximately half a day for four classrooms, one office, shared access to the gym and shared access to the computer room. He doesn't see the value in this. We have a \$1 lease and a \$90,000 sublease. If the administration were able to enumerate how they came up with this number, he could be persuaded to vote in the other direction, but he has not received such an explanation. Therefore, because of the open questions he has, he will oppose the lease.

Chair Diamond responded that the City came forward and explained that prior to the program being housed at the Yerwood Center, this Board had a difficult time finding a home for these students, and he believes that we have an obligation to these students to provide them with an education under the law. Nonetheless, we had them going from place to place. We turned them down at a number of places, and in fact we even had to have them be educated in this building because nobody wanted them. The Yerwood Center wants them, it is running well, and the explanation Mr. Barbarotta gave was that you cannot quantify the square footage, but we have exclusive use of half the gym, full use of a stage, a computer lab, after school programs, and these are the kinds of programs that the City wants to offer to students regardless of the fact that they have to be in an alternative location. We should do the best that we can so that they get a good education and get the kinds of services that other students are given. We paid a similar amount in the past to another landlord, and all things considered, this is something that we should move forward on. This is exactly the amount of money that we have paid for the past two years; there are no increases.

Rep. Skigen stated that he plans on supporting this, however, he does join Rep. Lodato in his concern regarding the cost of the sublease. We have had this discussion with a number of outside agencies to whom we lease space who are then turning around and subleasing that space to other organizations that we provide funding to at rates that are difficult for those other organizations to pay. We have had discussions regarding CLC subleases in city-owned buildings that are leased for \$1/year; and then CLC has to turn around and pay tens or hundreds of thousands of dollars to sublease that space. We have tried to moderate those subleases to the extent we can. That being said, as Rep. Diamond has noted, this was a program that was near homeless on a number of occasions in past years, this does seem to be a location at which it is working, but during next year's budget discussions these issues will be raised with organizations that receive very favorable leases from the City to encourage them to not charge so much to other not-for-profits that are struggling at these times.

Rep. Rauh stated that she supports this because the group absolutely does need the home, but she would like the record to show that this is the second year funds were paid. The first year was leased in exchange for some renovations to the kitchen at Yerwood Center. The lease needs clarification, not for us but for the Board of Education. They came to the Education Committee and asked for help, but then backed off when the analysis was done. The space, for example, on the stage, is not the exclusive use of the alternate high school because the Yerwood Center spoke of the seniors using the space 3 times a week. Classrooms have to be vacated completely at

1:30 in the afternoon, which is almost impossible for one day yet alone 181 days. She hopes that the lease will be in clearer language and that the subleasing of city-owned space will be clarified. While this will probably be undertaken by the Legislative & Rules Committee, the Education Committee will be happy to work on the education leases as they come down.

Rep. Diamond stated that he agrees with much of what has been said, and he knows he doesn't want to throw the students out, but the issue of the stage is clear in the lease. The lease itself says 100% use of the stage, and if that is not being enforced, there is not much that the Committee can do. The lease is clear.

The item was approved by a machine vote of 28-1-0 (Reps. Adams, Aposporos, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, Fedeli, Figueroa, Gabriele, Giordano, Larobina, Layton, Lombardo, Mallozzi, D. Martin, McGarry, Miller, Mirkin, Molgano, Neary, Rauh, Skigen, Summerville, White and Young in favor; Rep. Lodato opposed) (See [Vote Record No. 933](#)).

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| 3. LR27.072 | RESOLUTION; approving a lease between the City and St. Andrew's Episcopal Church for classroom space for a BOE-run alternative high school.
07/09/08 – Submitted by Mayor Dannel P. Malloy
07/15/08 – Approved by Planning Board
07/10/08 – Approved by Board of Finance
07/21/08 – Committee approved 8-0-0 | APPROVED ON
CONSENT
AGENDA |
| 4. LR27.069
Tax Office
Report | REVIEW; of Ordinance No. 1070; tax credits for elderly and disabled homeowners.
5/18/08 – Submitted by Reps. Zelinsky and DeLuca
06/09/08 – Placed on Pending Agenda
07/21/08 – Report Made | REPORT
MADE |

Chair Diamond reported that after the discussion on Item No. 4, the Committee requested that an ordinance be drafted for next month.

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

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

Mary Lisa Fedeli, Chair
Pauline S. Rauh, Vice Chair
Meeting: Wednesday, July 30, 2008
7:00 p.m. – Republican Caucus Room

Chair Fedeli reported that the Personnel Committee met on July 30, 2008. Present were Chair Fedeli and Vice Chair Rauh and Committee Member Reps. Boccuzzi, Cannady, Figueroa, Gabriele, Layton, Lodato and Skigen. Also present was Dennis Murphy, Director of Human Resources.

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| 1. P27.079 | REJECTION; of an MAA Bargaining Agreement extension.
07/09/08 – Submitted by Mayor Dannel P. Malloy
07/30/08 – Committee failed to reject 1-7-1
08/04/08 – Advisory issued by Board of Finance | FAILED TO
REJECT BY
MACHINE VOTE
3-27-0 |
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Chair Fedeli stated that this is a one-year extension of the MAA bargaining agreement. The only change is to extend the contract by one year and provide the same 3% increase for the 09-10 year. There was much discussion; Director Murphy spoke regarding his view on the extension. There is a lot of change going on right now in the economy, and Mr. Murphy feels that he would like to have this one year to see what other municipalities in the area are doing regarding health benefits and OPEB contributions and where the wage percentage increases go. So, the total cost of the 1 year extension is \$339,416. The Committee failed to reject 1-7-1. Chair Fedeli moved to REJECT the item. Said motion was seconded.

President Martin stated he just received a letter from the Board of Finance, which was unclear to the members of the Board whether there was a vote on recommending the contract.

Rep. Day stated that the opinion of the Board of Finance under the charter is advisory only, and does not have any binding effect on this body. In connection with that, he urges that we not reject. Translating what the Board of Finance said is that they are advising us to reject. They have not used those words, but in essence that is what they are advising this Board to do. Rep. Day stated that it would be unwise to follow that recommendation given that the 3% increase is acceptable at this point for a one-year period for both sides, and it is difficult to make an argument that it should be more or less. The issue is when to define that argument, not whether to have it. It would be to everyone's advantage to have that debate next year when we have more information. It is the reality that Mr. Murphy will only be here until October, and it would be awkward for the City to undertake this during the transition.

Rep. Lodato stated that he was in favor of rejection because he wanted to ensure that this item did not end up on the consent agenda. He was somewhat uncomfortable with approving this until we had seen the Board of Finance opinion on this matter. That being said, in terms of the actual content of the matter, he supports the extension and will be reversing his position and voting against rejection of this contract extension.

PUBLIC SAFETY &

HEALTH COMMITTEE: Richard Lyons, II, Chair

Meeting: ~~CANCELLED Thursday, July 31, 2008~~

~~7:30 p.m. — Republican Caucus Room~~

1. [PS27.024](#) REVIEW; draft policies & procedures manual for CCTV cameras. **NO ACTION TAKEN**
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, 09/27/07, 10/01/07 – Report Made
11/15/07 – Held in Committee 9-0-0
01/31/08 – Report Made
02/28/08, 03/03/08, 03/27/08, 04/07/08, 05/29/08,
06/02/08, 6/19/08, 7/7/08 – Report Made & Held in Committee

As Secondary Committee:

2. F27.421 REVIEW; matter of providing a contingency fund for retiring police officers and fire fighters to allow for more rapid hiring of replacement personnel.
07/01/08 – Submitted by Rep. Fedeli

PARKS & RECREATION

COMMITTEE:

Linda Cannady, Co-Chair

Joseph Coppola, Co-Chair

No meeting; no report.

EDUCATION COMMITTEE:

Polly Rauh, Chair

Michael L. Molgano, Vice Chair

No meeting; no report.

HOUSING/COMMUNITY DEVELOPMENT/

SOCIAL SERVICES COMMITTEE:

Elaine Mitchell, Chair

Philip J. Giordano, Vice Chair

No meeting; no report.

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

Robert “Gabe” DeLuca, Chair
Terry Adams, Vice Chair
Meeting: Wednesday, July 23, 2008
7:00 p.m. – Republican Caucus Room

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| 1. T27.043
Rates, as
amended by
Committee | RESOLUTION; for publication ; approving adjustments to parking rates at city-owned garages.
07/08/08 – Submitted by Mayor Dannel P. Malloy
07/23/08 – Committee approved 6-0-0 (as amended) | APPROVED BY UNANIMOUS VOICE VOTE
<i>(Rep. Lodato abstaining)</i> |
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President Martin stated that a public hearing will be held on this item next month. Chair DeLuca moved the item; said motion was seconded and the item was approved by unanimous voice vote.

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| 2. T27.044 | RESOLUTION; providing for reduced parking fees for employees of the Ferguson Library.
07/10/08 – Submitted by President Martin
07/23/08 – Committee approved 6-0-0 (\$23/month) | APPROVED BY UNANIMOUS VOICE VOTE |
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Chair DeLuca stated that after much discussion, an amendment was made whereby at the present time, the Library is paying \$46/ month at the garages. A motion was made to amend it by providing that the employee will pay \$23 per month and the Library will not pay anything. Chair DeLuca moved the item; said motion was seconded and the item was approved by unanimous voice vote.

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| 3. T27.045 | RESOLUTION; providing for reduced parking fees for employees of the Stamford Center for the Arts.
07/10/08 – Submitted by President Martin
07/23/08 – Committee approved 5-0-1 (\$46/month) | APPROVED BY UNANIMOUS VOICE VOTE |
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Chair DeLuca stated that the Committee agreed that the Center for the Arts should pay the fee of \$46/month. Chair DeLuca moved the item; said motion was seconded and the item was approved by unanimous voice vote.

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| 4. T27.046 | RESOLUTION; eliminating free parking in city garages on Saturdays/Sundays.
07/10/08 – Submitted by Rep. DeLuca
07/23/08 – Failed in Committee 0-6-0 | DEFEATED BY UNANIMOUS VOICE VOTE |
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Chair DeLuca stated that the Committee unanimously agreed that it wanted to retain free parking in city garages on Saturdays and Sundays. Chair DeLuca moved the item; said motion was seconded and the item was defeated by unanimous voice vote.

**STATE & COMMERCE COMMITTEE: Paul A. Esposito, Chair
Eileen Heaphy, Vice Chair**

No meeting; No report.

MINUTES

1. [July 7, 2008 Regular Board Meeting](#) **NO OBJECTIONS**

III. OLD BUSINESS

IV. NEW BUSINESS

1. President Martin stated he will be speaking with the Chair and Vice Chair of the Operations Committee to schedule a committee of the whole meeting regarding the Trump Tower construction project. It may be scheduled immediately following next Monday's Steering Committee meeting, but this has not yet been confirmed.

V. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

*An audio tape of these proceedings is available
in the offices of the Board of Representatives.*