

*The Regular Meeting of the 27th Board of Representatives of the City of Stamford was held on **Monday, April 6, 2009** in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.*

MINUTES

INVOCATION: Given by Clerk Summerville.

“Dear Lord, cleanse our hearts and minds of all malice and hatred; all jealousy that might linger here tonight. Let us support our duty with an open mind and a friendliness toward all our fellow workers on the Board of Representatives. Let us not forget that our fellow citizens have placed us on this Board, which has grown & developed through sacrifice, labor and the many faithful ones who have gone before us. Let us recognize that our great contribution to the public service will be earnest, and that we adhere to the application of the principals of Thy golden rule. Thank you.”

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

ROLL CALL: Conducted by Clerk of the Board Annie Summerville. There were 35 members present and five members absent/excused (Reps. Coppola, Giordano, Heaphy, Larobina and Lyons II.) (Note: Reps. Lyons and Larobina arrived after roll call.)

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

MOMENTS OF SILENCE: For the late: Eleanor Ryan Austin by the 27th Board of Representatives; Ida Smith, Moses Davis and Walter Noel, Sr., by Clerk of the Board Summerville; Maria Esther Sandoval, Charles Andrew Mailhot, Henry E. Smith and Felice DeFelice, Jr. by Rep. Giordano; Dorothy McCue by Reps. White and Lyons; Maxin Dombroski, Daniel Cabanas, Richard Nichols, Michele McNamara, Frank Daniele and Mary Daley by Rep. Zelinsky.

COMMUNICATIONS: President Martin

1. Wished Harry Day, Maria Aposporos, Walter Neary and Richard Lyons a happy birthday;
2. stated there is a new budget page available on the website; and
3. the Granicus tapes will be on line in the next two to three days;

4. stated he will be adding the Smith House issue to the next Steering Agenda.

HONORARY RESOLUTIONS:

1. [SENSE OF THE BOARD RESOLUTION](#);
congratulating the Stamford High School Black Knights on winning the FCIAC Boys Basketball Championship.
03/09/09 – Submitted by the 27th Board
APPROVED BY UNANIMOUS VOICE VOTE
2. [SENSE OF THE BOARD RESOLUTION](#);
congratulating Stamford High Basketball Coach Jim Moriarty on winning 400 games.
03/09/09 – Submitted by the 27th Board
APPROVED BY UNANIMOUS VOICE VOTE
3. [SENSE OF THE BOARD RESOLUTION](#)
congratulating Paul Zeiss, City Coordinator of Inspection and Plan Review, on being awarded the 2009 Building Official of the Year award.
03/09/09 – Submitted by the 27th Board
APPROVED BY UNANIMOUS VOICE VOTE
4. [SENSE OF THE BOARD RESOLUTION](#); thanking Dr. Adina Goldstein, Sgt. Scatamacchia and officers Kane, Krivinskas, Pierre and Presti for saving the life of a man who fell into Stamford Harbor.
03/23/09 – Submitted by 27th Board
APPROVED BY UNANIMOUS VOICE VOTE
5. [SENSE OF THE BOARD RESOLUTION](#);
congratulating Polish people as they commemorate the 218th anniversary of the adoption of Poland's First Constitution.
03/30/09 – Submitted by 27th Board
APPROVED BY UNANIMOUS VOICE VOTE

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

At 9:05 p.m. Majority Leader Boccuzzi moved to return to caucus; said motion was seconded and approved by unanimous voice vote.

The meeting was reconvened by President Martin at 9:20 p.m.

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, March 9, 2009
[\(Report\)](#) 7:15 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.

A motion to take the Personnel Committee Report out of order was made, seconded and approved by unanimous voice vote.

PERSONNEL COMMITTEE: **Mary Lisa Fedeli, Chair**
[\(Attendance\)](#) **Pauline S. Rauh, Vice Chair**
[\(Votes\)](#) Meeting: Wednesday, April 1, 2009
[\(Report\)](#) 6:30 p.m. – Republican Caucus Room

Chair Fedeli reported that the Personnel Committee met as indicated above. Present were Chair Fedeli and Vice Chair Rauh and Committee Member Reps. Cannady, Figueroa, Gabriele, Layton, Lodato and Skigen. Absent/excused was Rep. Boccuzzi. Also present were Reps. DeLuca, Franzetti and Summerville; Jim Kelley, Stamford Professional Firefighters; Robert Murray, Asst. Director of HR; Joseph Kennedy, Stamford Police Association and Bill Callion, Director of Public Safety, Health & Welfare.

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| 1. P27.099 | REJECTION; of a one-year contract extension with the Stamford Police Association.
02/27/09 – Submitted by Mayor Dannel P. Malloy
03/09/09 – Advisory Opinion issued to Mayor by Board of Finance
03/19/09 – Negative Advisory Opinion issued by Board of Finance (to Bd. Reps.)
04/01/09 – Committee REJECTED 3-2-2 | MOTION TO REJECT FAILED BY MACHINE VOTE OF 14-21-0
<i>(Rep. Franzetti left the floor)</i> |
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(Note: At 9:20 p.m. Reps. Larobina and Pia left the meeting; Rep. Lyons arrived.)

A motion to REJECT the Police Contract was made and seconded.

Chair Fedeli stated this is strictly a one-year extension for 3% for \$936,177. The Committee voted to reject 3-2-2.

Rep. Zelinsky stated that he is in favor of approving the extended one-year contract for 3% for the police association. This Board has approved seven other union contracts for 3%, so it would be discriminatory to pick on the police and firefighters tonight. If this is rejected, the alternative is for the City and the SPA to go to binding arbitration, which is going to take about six months, and based on the approval of the other contracts, the

arbitrator would be hard pressed to not approve it. We would be delaying the inevitable, incurring additional costs for the arbitration (as much as \$50,000).

Rep. Zelinsky stated that this evening we honored five of Stamford's finest for saving a life. They put their lives on the line every day in the City to protect the residents; it would be a disservice to them not to approve the contract. The City can find the funds for this somehow. If the Board of Representatives approves this, it must be done. The Board of Finance will have to allocate additional funding, and if they don't they would look foolish in his estimation.

Chair Fedeli stated that during the committee meeting, there was no mention of the length of time or cost of arbitration.

President Martin noted that Rep. Franzetti left the floor.

Rep. Lyons stated that the actions of the Board of Finance stand alone, they can not fund whatever they choose. The Board of Representatives' job is to approve or reject the contract. It is a fairly negotiated, good faith agreement between a recognized bargaining unit. The whole issue as to funding and political sequence of timing and secondary issues of freezes or givebacks – that can all happen after the contract is approved. Our job is to approve or reject; the Board of Finance's job is to worry about the financial impact. They have rendered their negative advisory opinion, and they took the money out of the budget. If we approve it, the City will find a way to fund it. If we don't approve it, we move into a very, very difficult area for not only the unions and the administration, but also the taxpayers.

Clerk of the Board Summerville stated that she agrees with Rep. Lyons. She added that "our word is our bond." She urges everyone to support the contract.

Rep. Boccuzzi stated this is one of the hardest votes he has had since the URC. The Board of Finance reduced the budget for raises, and if we approve the contract, money will not be available and there may be lay-offs, which he does not want to see. Normally, the upper echelon negotiates the contract, they are pretty well protected, it is the new people down at the bottom who might get laid off. He hopes that if we approve the contract that the SPA and the other unions will sit down with the Mayor, the Board of Finance and the Fiscal or Personnel Committee of this Board to work out an agreement to prevent lay-offs. He doesn't see where the funds will come from at this time; people are trying to just keep their homes, and he doesn't want to see a 6% increase in property taxes. He hopes that the unions sit down and work out something that avoids layoffs.

The motion FAILED by a vote of 14-21-0 (Reps. Aposporos, Caterbone, Cerasoli, Day, DeLuca, Fedeli, Gabriele, Larobina, Layton, Lodato, Lombardo, D. Martin, Mirkin and Rauh in favor; Reps. Adams, Berns, Boccuzzi, Cannady, DePina, Diamond, Esposito, Figueroa, Lyons II, Mallozzi, C. martin, McGarry, McNeil, Mitchell, Neary, Skigen,

Summerville, Wallace, White, Young and Zelinsky opposed) (See [Vote Record No. 996](#)).

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| 2. P27.100 | REJECTION; of a one-year contract extension with the Stamford Professional Firefighters Association, Local 786, IAFF.
02/27/09 – Submitted by Mayor Dannel P. Malloy
03/09/09 – Advisory Opinion issued to Mayor by Board of Finance
03/19/09 – Negative Advisory Opinion issued by Board of Finance (to Bd. Reps.)
04/01/09 – Committee REJECTED 4-1-3 | MOTION TO REJECT FAILED BY MACHINE VOTE OF 14-20-0
<i>(Rep. Esposito & Franzetti left the floor)</i> |
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Chair Fedeli moved to REJECT the Fire Contract; said motion was seconded. She stated that this is also a one-year extension at 3%, with a cost of \$735,320. There is one other item in the contract, that puts the 24-hour shift in the contract permanently. The Committee voted to reject 4-1-3.

Rep. Zelinsky stated that as he said previously, this would be discriminatory and a disservice to not approve this contract. The cost for the one year extension is an additional \$936,000 or so. If it goes to arbitration, it will cost the City more, and it may have the same outcome, and it will take six months, and that won't be fair to the firefighters. As Rep. Fedeli mentioned, there was one change, with edited wording to make official an already-implemented move to 24-hour shifts. This change has reduced overtime and sick-leave.

Rep. Fedeli stated that the cost is \$735,320.

Rep. Day stated that those who are taking a different position, it is out of recognition that we are in a different world. There should be no inference whatsoever that we don't hold them in the highest admiration.

Rep. Mirkin stated that with regard to the word "discriminating," he finds the word objectionable. Even the last skeptic cannot hold the position that the world has not changed.

The motion FAILED by a vote of 14-21-0 (Reps. Aposporos, Caterbone, Cerasoli, Day, DeLuca, Fedeli, Gabriele, Larobina, Layton, Lodato, Lombardo, D. Martin, Mirkin and Rauh in favor; Reps. Adams, Berns, Boccuzzi, Cannady, DePina, Diamond, Figueroa, Lyons II, Mallozzi, C. martin, McGarry, McNeil, Mitchell, Neary, Skigen, Summerville, Wallace, White, Young and Zelinsky opposed) (See [Vote Record No. 997](#)).

APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair

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

John J. Boccuzzi, Vice Chair
Meeting: Monday, April 6, 2009
7:00 p.m. – Conference Room #1

Chair Summerville reported that the Appointments Committee met as indicated above. Present were Chair Summerville and Vice Chair Boccuzzi and Committee Member Reps. Aposporos, Caterbone, Cerasoli, DePina, Layton, McGarry and McNeil.

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| 1. A27.185 | Energy Improvement District Board
Henry A. Ashforth, III (R)
22 Spectacle Lane
Ridgefield, CT 06877
03/04/09 – Submitted by Mayor Dannel P. Malloy
04/06/09 – Committee approved 9-0-0 | APPROVED
ON CONSENT
AGENDA |
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A motion to approve the Consent Agenda was made, seconded and approved by unanimous voice vote.

FISCAL COMMITTEE: (Attendance) (Votes) (Report)	Randall M. Skigen, Chair Linda Cannady, Vice Chair Meeting: Monday, March 30, 2009 7:00 p.m. – Democratic Caucus Room
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Chair Skigen reported that the Fiscal Committee met at the above time and place. Present were Chair Skigen and Committee Member Reps. Day, DeLuca, Fedeli, Figueroa, Lyons, Mitchell, Rauh and Summerville. Absent/excused were Vice Chair Cannady and Committee Member Rep. Mirkin. Also present were Jim Hricay of OPM; Karen Cammarota of the Grants Office; John Freeman of Harbor Point; Ben Barnes, Director of Operations and Bill Callion, Director of Public Safety, Health & Welfare.

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| 1. F27.501
\$26,474.00 | ADDITIONAL APPROPRIATION (Grants Budget);
WIC Grant; represents increase to FY 08/09
allocation.
02/24/09 – Submitted by Mayor Dannel P. Malloy
03/19/09 – Approved by Board of Finance
03/30/09 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 2. F27.503 | RESOLUTION; authorizing the Mayor to submit an
application and to execute agreements with the State
of Connecticut for Homeland Security Funding
03/04/09 – Submitted by Mayor Dannel P. Malloy
03/30/09 – Committee approved 7-0-0 | APPROVED
ON CONSENT
AGENDA |
| 3. F27.488 | ADDITIONAL APPROPRIATION (Grants Budget); | APPROVED |

- | | | |
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| \$450,000.00 | Brownfield Municipal Pilot Grant; Contracted Services; State Dept. of Economic & Community Development grant for remediation of contaminated land in Harbor Point.
01/29/09 – Submitted by Mayor Dannel P. Malloy
02/09/09 – Approved by Board of Finance
02/23/09 – Held in Committee 8-0-0
03/02/09 – Held in Committee
03/30/09 – Committee approved 7-0-0 | ON CONSENT
AGENDA |
| 4. F27.477 | PROPOSED ORDINANCE; for final adoption ; amending Section 47-62 of the Code of Ordinance by revising the Minimum Mandatory Contribution for OPEB (Section 47-62 (b)).
12/08/08 – Submitted by Mayor Dannel P. Malloy
12/15/08 – Held in Committee 6-0-0
01/05/09 – Committee approved 8-0-1 for publication
01/05/09 – Approved for publication
01/26/09 – Public Hearing Held; Held in Committee 8-0-0
02/02/09 – Held in Committee
02/23/09 – Held in Committee 8-0-0
02/03/09 – Held in Committee
03/30/09 – Committee approved 8-0-0 as amended to 40% (by a vote of 8-0-0) | APPROVED FOR
REPUBLICATION
BY UNANIMOUS
VOICE VOTE (as
amended) |
| Chair Skigen moved to amend the ordinance from a 50% contribution to 40% contribution. Said motion was seconded and approved by unanimous voice vote. | | |
| President Martin confirmed that the ordinance must be republished. | | |
| Chair Skigen moved to approve the ordinance for republication. Said motion was seconded and approved by unanimous voice vote. | | |
| 5. F27.500 | REVIEW; Police Extra Duty Administrative Rate
02/05/09 – Submitted by Reps. DeLuca & Lyons
02/23/09 – Report Made & Held in Committee
02/30/09 – Report Made & Held in Committee
03/30/09 – Report Made | REPORT
MADE |
| 6a. F27.494 | AMENDED REJECTION ; capital projects closeouts in the amount of \$2,179,490.65 (original total: \$2,184,360.65) by reducing Northeast Sewage Disposal (CP4957) by \$4,750.00.
01/29/08 – Submitted by Mayor Dannel P. Malloy
02/09/09 – Approved by Board of Finance
02/10/09 – Planning Board took no action (ie, | NO
MOTION |

approved)
02/23/09 – No motion
03/02/09 – No motion
03/30/09 – No motion

6b. [F27.487](#) **AMENDED** ADDITIONAL APPROPRIATION (Capital Budget); Engineering Department; Street Patch ReSurface; to continue addressing critical backlog of paving at 8 roads (See Item No. F27.494 above). **APPROVED ON CONSENT AGENDA**
\$984,360.65
\$979,490.65
01/29/08 – Submitted by Mayor Dannel P. Malloy
02/09/09 – Approved by Board of Finance
02/10/09 – Approved by [Planning Board](#)
02/23/09 – Committee approved 8-0-0
03/02/09 – Approved on Consent Agenda
03/30/09 – Committee approved 7-0-0

Suspension of Rules:

A motion to suspend the rules to take up the item below was made, seconded and approved by unanimous voice vote.

7. [F27.531](#) REVIEW; Recovery Act Justice Assistance Grant (JAG). **REPORT MADE**
03/30/09 – Submitted by K. Cammarota
03/30/09 – Report Made

Chair Skigen stated that the terms of this grant require that a thirty-day review period for the Legislative Body be available. Details of the grant are available on the website for any representative that wants to review it. No action is needed by the Committee or the full Board.

A motion to approve the Consent Agenda, consisting of Item Nos. 1, 2, 3 and 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, March 16, 2009

7:00 p.m. – Democratic Caucus Room

Chair Diamond reported that the Legislative & Rules Committee met on March 16, 2009. Present were Chair Diamond and Vice Chair Layton and Committee Member Reps. Berns, Esposito, Gabriele, Heaphy and Zelinsky. Absent/excused were Committee Member Reps. Day, Lodato, Lombardo, C. Martin and Mitchell. Also present were Thomas Cassone, Esq., Director of Legal Affairs, City of Stamford; Ben Barnes, Director of Operations; and William Forker, Director of Assessments and Collection.

1. [LR27.091](#) RESOLUTION; and **public hearing**; approving a lease agreement between the City and CTE, Inc. for 34 Woodland Avenue. **APPROVED BY UNANIMOUS VOICE VOTE**
01/09/09 – Submitted by Mayor Dannel P. Malloy
02/09/09 – Approved by Board of Finance
02/10/09 – Approved by Planning Board
03/16/09 – Committee approved 6-0-0

Chair Diamond stated this is a five-year lease for \$10. Chair Diamond moved the Consent Agenda; said motion was seconded and approved by unanimous voice vote.

(Note: Rep. Skigen left the meeting.)

2. [LR27.088](#) RESOLUTION; approving a lease with Congressman James A. Himes and the City of Stamford for office space on the 10th Floor of the Government Center. **RETURNED TO COMMITTEE BY MACHINE VOTE OF 18-15-0**
01/05/09 – Submitted by Mayor Dannel P. Malloy
01/13/09 – Approved by Planning Board
02/09/09 – Approved by Board of Finance
02/23/09 – Committee approved 7-0-0 (*public hearing held*)
03/02/09 – Returned to Committee
03/16/09 – Committee approved 4-3-0
(Rep. DePina left the floor)

A motion to approve Item No. LR27.088 was made and seconded. Chair Diamond stated that this item brought forth a spirited discussion at the Committee meeting. Ultimately, the vote was 4-3 approving the item. This lease is a two-year lease with Congressman Himes, who was recently elected in November; it provides for a rental term of \$733 a month one year; second year going up to \$769 a month for annual rental amounts of close to \$9,000 a year, \$18,000 for the two years. The space is on the 10th floor of this building, about 900 square feet, a small space. Chair Diamond added that there was considerable discussion about the fact that the lease was a reduction from the amount that Congressman Shays was previously paying. And, Mr. Benjamin Barnes from the administration came forward to explain there was nothing untoward about these lease negotiations, that Congressman Himes' office staff came forward to negotiate with the city, that originally the City had offered Congressman Himes the same rate that Congressman Shays was paying, and that Congressman Himes' staff came forward and said they were new members of Congress, they have to start up with new equipment, staff, technology, furniture, rentals and in order to do that, they were desirous of a reduction in rent. The administration, through Mr. Barnes, said that rather than make money on the lease, that the city would take a break-even stance on this lease and offer Congressman Himes the space at cost.

Chair Diamond stated that this building is a government center, the purpose is to serve the public; this particular office serves a vital function to the public; approximately 60 persons are served each day; thirty people walk in each day and approximately 25-30 call each day with questions regarding immigration, veterans' affairs, social security,

etc. Further, we are living in a completely different world (as other representatives have pointed out), and the administration was mindful of that. According to Michael Freimuth, we have an 18% office commercial vacancy rate right now and rents are down approximately 25%. So, the reality is that we may not rent this space at all if we don't approve this lease.

Chair Diamond stated that to have a member of Congress in this building is appropriate for taxpayers and for city government as well. To compare this lease to commercial or fair market value rates is an unfair comparison because it is apples and oranges. Chair Diamond circulated a list of space that the city rents out to various agencies at no cost. There would be significant rental income if Sound Waters or the elderly housing corporation or Stamford Childcare Center or the Ferguson Library or the Glenbrook Community Center were rented at fair market value. The point is this is a government building serving the public, and it is not a bank or commercial office space.

Chair Diamond explained that Mr. Barnes reported that Congressman Shays' rent went up approximately 3% a year over 23 years; obviously the rent will go up with this new congressman as well.

Rep. Mirkin stated that on Page 26 of the budget book, the line for revenue, under US House of Representatives, which was prepared by the current mayor and his staff, has a rent of \$21,126. It is as clear as day that was the expectation this administration had as late as March 8 when they submitted the book to the elected boards.

Rep. Mirkin added that regarding start-up costs, every congressman in the United States had a substantial increase in their budget. Also, he has heard talk that if we don't stick with that lease, then the congressman might leave. Rep. Mirkin stated that if the congressman, who has as one of his largest cities the City of Stamford, chooses to hold that threat over our heads, he does that at his own peril should he choose to seek reelection. Rep. Mirkin added that this is not a break-even lease, there is a subsidy that comes from the taxpayers, whether it is \$1, \$12 or \$12,000 - which \$12,000 happens to be the number - those are taxpayer dollars.

Rep. Mirkin continued by saying that he won't be surprised if this lease gets approved, because on the one hand we want to give unions extensions, but when the time comes to collect rent, fair market rent, we seem reluctant to move ahead. He hopes he is wrong and that a majority of colleagues will join him in rejecting this lease and doing what is right for the taxpayer; i.e., giving the taxpayer a small victory this evening.

Rep. Fedeli stated that, in agreement with Rep. Mirkin, the comparison of the free leases that we give Lathon Wider and the community centers is not an apples-to-apples comparison. We are not looking to take a free lease from Chris Shays and give a free lease to Jim Himes. This is a reduced cost put on an existing lease. She added that she is not quite sure she understands the logic in trying, in this economy, to take more from the not-for-profits on a free lease.

Rep. Day stated that there is only one relevant comp for this lease and that is the Shays lease that preceded it. In reference to the statement that market rents have dropped 25%, there is more than a 50% difference here, and most of us would agree to a lease that reflects market conditions, but that is not what this is doing. Rep. Day added that he does not find it credible that he would have walked away from an office in Stamford. This matter is not even about the money, it is about clean government and the propriety of what we do.

Rep. DeLuca stated that the comparison spreadsheet is not apples-to-apples, and it has no bearing on what we are discussing this evening. The administration never went back to Chris Shays and offered to lower the rent, and that he is confused about what the City is doing with this lease. The Board of Finance just made drastic cuts to the salary accounts, the Board of Representatives' leadership just sent a letter to all the union leaders asking them to make concessions, yet the city wants to give Congressman Himes space that is \$12,000 less than the prior lease. Congressman Himes should honor the wishes of the voters of Stamford that elected him, and if he wants to leave them because of an impropriety we have over here, then so be it. I would rather leave the space vacant than to capitulate to something like this. We cannot in good conscience approve this lease before us, our good citizens are hurting, and we have people working for poverty wages and they are paying more for a one-room apartment than what we want to do for Congressman Himes. Let's do the right thing and vote no. Rep. DeLuca continued saying that it is a guarantee that if Chris Shays was reelected, his rent would have gone up \$84 a month as it had been doing the last couple of years. He stated that he has received numerous phone calls to reject this lease.

President Martin stated that Ms. DePina has left the floor, presumably because of a conflict of interest.

Rep. Zelinsky stated that this situation has nothing to do with Congressman Himes or his staff. However, he does fault Director Barnes and the other two gentlemen who were involved in negotiating this lease. As he understands it, Mr. Barnes stated that he offered whoever negotiated for Congressman Himes the same lease as former Congressman Shays. And, they turned it down. Rep. Zelinsky added that to his surprise, Director Barnes, instead of negotiating down $\frac{1}{2}$ or $\frac{1}{3}$ went down to \$8 or \$9 a square foot. So, there is where the fault lies. He cannot blame the congressman, he would have also negotiated for the least amount of rent. The city should have done a better job of negotiating.

Rep. Zelinsky stated he checked with a commercial real estate broker in Stamford, who told him that as of approximately 2 weeks ago a storefront (an office over a storefront) would rent for between \$13 and \$15 a sq. ft.; a regular office building would rent for between \$18 and \$22 a sq. ft.; a step up between \$24 and \$28; and if you want a "Park Avenue" it would rent for \$35 to \$40 sq. ft. He added that the City dropped the ball by not trying to negotiate for a higher rent.

Rep. Zelinsky continued by saying that he did receive many calls saying that it gives the appearance that we have a democratic administration and we have a democratic congressman, and this is sort of like a sweetheart deal.

Rep. Zelinsky also checked in Washington with an individual with the Committee on House Administration, who stated rental expenses related to district offices, except for security deposits, are reimbursable. It also states on another page that the private office space must be leased at fair market value as the result of a bona fide arms-length marketplace transaction. He added that the L&R Committee Report did not reflect the opposition's position; it was sort of a one-sided report.

Rep. Zelinsky added that he found out from the same Committee on House Administration, on average, new congressmen get \$1,496,000 a year for expenses for their district offices. Washington office expenses are free. But in their district offices they get that much money for office space, salaries, benefits, furniture, computers, etc., etc., etc. \$1,496,000 is a lot of money and to ask for an additional \$8,000 or \$9,000 out of that a year for office space is not asking for the moon.

Rep. Zelinsky also stated that he doesn't enjoy not being able to vote in favor of this lease, and he prefers to have it go back because Mr. Barnes did not bring anything new after it was sent back to committee last month. He believes firmly that Congressman Himes wants to have an office in Stamford. He doesn't believe that if we reject this, they are not going to have an office here. The bottom line is because it gives an appearance of something not being right and because of the way the public feels, he will have to vote against this contract.

Rep. Berns stated that he thinks turning down this lease would be a pyrrhic victory in every possible sense. He hears some of my colleagues say they would rather have empty space rather than rent it out and get some income; he wonders how much they care about the taxpayer. Half a loaf is better than none.

Rep. Berns continued by saying that with reference to whether this is a fair lease, the prior congressman having been given one rental and this one is proposed to get another rental, he had a couple of calls and they were in favor of this lease. One of his constituents pointed out that Congressman Shays had been in office for more than two decades, he was the chair of a subcommittee, and his budget was significantly larger than that of a freshman representative. It is not unreasonable to assume that a freshman representative is getting less than ½ of the operating budget as someone with as much seniority as Congressman Shays; therefore, it is not unfair to offer him a rent of about ½ of what Mr. Shays paid as he would be paying essentially the same percentage of his operating budget.

Rep. Berns stated that the real fundamental question here is, if you want to see it as a \$12,000 break rather than renting it to him at a rate commensurate with his budget, then the next question is do we get \$12,000 in benefit from him being here in Stamford? This paltry 50% discount is well worthwhile in that city personnel can walk over to his

office, talk to his staffers, and this is a direct benefit to the city when we are lobbying our congressman for benefits to come to Stamford and we are in competition with other cities and towns in the district. This is a huge advantage having him right next door to the movers and shakers in the administration on the 10th floor.

Rep. Berns concluded by saying that this doesn't even begin to account for the fact that there are people coming to the Government Center here with all kinds of problems, and many of them are very confused, they don't have any idea of what is a local, state or federal government issue, and it is a huge help when they come and they ask our department of social services or our town clerk for help on an issue for that town clerk, for that person in the social services department or the health department, to say go to the 10th floor and they can help you. So the real question is, is it worth paying, if you want to put it that way, \$12,000 to have him here for the public, for our administration?

Rep. Gabriele stated that he would have supported a \$2-\$3000 decrease, but not a \$12,000 decrease in this type of economy and not when we are asking the taxpayer to pay a tax increase. Congressman Himes has a very good location, with free parking and it is close to the train station. And, if he feels he can get a better deal somewhere else, with all due respect, he can go.

Rep. Diamond stated that there are two sides to this argument. In this economy, there are 18% vacancies in offices, rents are down 25%. So, it is reasonable to reduce a rent. Mr. Zelinsky said he objected that the L&R report was one sided, yet when he cited the law regarding leasing of a congressional office space, he misquoted the law. While it does talk about fair market value, it only refers to leasing space in the private sector, not in a government office building

Rep. Deluca said we should give a break to the taxpayers and we should remember that this is taxpayer dollars one way or another.

Rep. Diamond concluded by saying that a congressman is saying that he is looking to do more with his budget. He is not pocketing the difference; he is going to use it for other equipment, staff and office space. And, I think, to refer to what has occurred as an impropriety, I think is unfair. There is nothing improper, there is not an impropriety. In this economy, it is fair and reasonable to reduce the rent and to have increases in the future as things change.

Rep. Lyons asked whether Director Barnes formally submitted a letter requesting a revised rental. Chair Diamond responded that he did not. Rep. Lyons asked whether the lease would have to go back through the Planning Board and the Board of Finance if the amount was changed, and President Martin stated that If we make a change to the lease, those Boards have an opportunity to reject the lease, and in our history, this has never happened.

Rep. Lyons moved to return the item to committee and to formally ask Mr. Barnes to ask Congressman Himes' office and/or representatives to submit a revised amount for the lease for the space on the 10th floor. Rep. Rauh seconded the motion.

Rep. Berns stated that he sees a great deal of wisdom in postponing this vote, but wondered how much it is going to disrupt the Congressman from getting his office up and running and serving the constituents. He does not want one of his constituents calling and saying that Mr. Himes has been unable to help because he doesn't know whether to invest in the Stamford office or not.

Clerk Summerville moved move the question; said motion seconded and approved by a vote of 32-1-0 (Reps. Adams, Aposporos, Boccuzzi, Cannady, Caterbone, Cerasoli, Day, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Gabriele, Larobina, Layton, Lodato, Lombardo, Lyons II, Mallozzi, C. Martin, D. Martin, McNeil, Mirkin, Mitchell, Neary, Rauh, Summerville, Wallace, White, Young and Zelinsky in favor; Reps. Berns opposed) (See [Vote Record No. 998](#)).

The motion to return to Committee was approved by a vote of 18-15-0 (Reps. Aposporos, Caterbone, Cerasoli, Day, DeLuca, Fedeli, Figueroa, Franzetti, Gabriele, Larobina, Layton, Lodato, Lombardo, Lyons II, Mirkin, Rauh, White and Zelinsky in favor; Reps. Adams, Berns, Boccuzzi, Cannady, Diamond, Esposito, Mallozzi, C. Martin, D. Martin, McNeil, Mitchell, Neary, Summerville, Wallace and Young opposed) (See [Vote Record No. 999](#)).

(Note: Rep. John Boccuzzi left the meeting.)

3. LR27.092 REVIEW; clarity and instructions of application forms **REPORT**
for senior citizens and disabled property owners for **MADE**
tax abatement and deferral programs.
02/23/09 – Submitted by Chair Diamond & Rep.
Zelinsky
03/16/09 – Report Made

LAND USE/URBAN

REDEVELOPMENT COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Harry Day, Chair

Patrick J. White, Vice Chair

Meeting: Thursday, March 26, 2009

7:30 p.m. – Democratic Caucus Room

Chair Day reported that the Land Use/Urban Redevelopment Committee met on March 26, 2009. Present were Chair Day and Vice Chair White and Committee Member Reps. Franzetti, Gabriele and Mitchell. Absent/excused were Committee Member Reps. Boccuzzi, Diamond, Lombardo and Summerville. Also present were Reps. Esposito, DeLuca, Heaphy, Mallozzi and Rauh.

Also attending were Ann Brown and Laura Labosky of Engineering, and Rachel Goldberg and Kip Bergstrom of the URC.

(Note: Reps. Berns, Larobina, Mirkin and Diamond left the meeting.)

1. [LU27.060](#) RESOLUTION; **and public hearing & referral to Planning Board**; authorizing the initiation of the process for acquiring by negotiation or eminent domain of rights of way for Phase II of the Stamford Urban Transitway Project. **APPROVED BY MACHINE VOTE 25-2-1**
- 01/30/09 – Submitted by Mayor Dannel P. Malloy
03/19/09 – Board of Finance approved 3-2-1
03/31/09 – Approved by Planning Board
02/25/09 – Committee approved for public hearing/referral 4-1-0
03/02/09 – Approved by vote of 28-3-0
03/26/09 – Committed approved 3-2-0

Chair Day made a motion to approve Item No. LU27.060; said motion was seconded. Chair Day stated that no one from the public appeared at the public hearing.

Rep. White stated he voted against it because of his long-standing objection to the Urban Transitway. It will become a speedway in the area and will not enhance the neighborhood.

Rep. Lodato stated he will support the resolution, but he does have some concerns about eminent domain, and he encourages the administration, if necessary to use eminent domain, to use it prudently, sparingly and fairly. We have declining property values, sometimes less than the mortgage on the property. The use of eminent domain in a bad market can be really painful for the property owner.

Rep. Adams stated that the concept of acquiring property by negotiation or eminent domain should be separated so that the homeowner can have the best opportunity to negotiate without the hammer of eminent domain hanging over their heads. The Board of Representatives should have the last say in whether the process of eminent domain should be utilized.

Chair Day stated that the Board of Representatives does have the final say on the final values of the properties. The final report will come back to the Board of Representatives for approval, as required by Charter. The committee has always been sensitive to any issues involving the possible use of eminent domain. This is a traditional, sanctioned, long used use of it, and we don't expect to have to use it, but for possibly a couple of cases. The key thing to remember is that in addition to the protections offered by the Charter and the Code, there is an overlay of federal procedural protections that apply here because this project is receiving tens of millions of dollars of federal grants. In Phase I of the public hearings, many people showed up with concerns. With respect to Phase II, no one showed up because most of the people

proximate to this project are actually embracing the project because they realize how it will benefit their businesses and property values.

Rep. Aposporos stated that she will not vote to support because she does not trust that the administration will do the right thing. Notices in the paper may not be read so the public may not attend meetings. That should not be construed as a lack of interest. All properties will be sold for the right amount of money.

Clerk Summerville stated that at the Committee meeting, the URC stated they had talked with property owners, and this is why they may not have attended.

Rep. Adams stated that at some point, the procedures should be looked at so that the Board of Representatives can have ultimate control over each individual situation. Right now, we only have the power to reject the entire package, which would cause the whole project to be shut down.

Rep. Zelinsky asked that the Board of Representatives be kept apprised of the negotiations.

Rep. Lyons stated that representatives should be aware of the districts, and as a representative of one of the districts, he has not heard from any of the constituents. Rep. White, a representative of this district, has heard from affected property owners.

The motion was approved by a machine vote of 25-2-1 (Reps. Adams, Cannady, Caterbone, Day, DeLuca, DePina, Esposito, Fedeli, Figueroa, Franzetti, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McNeil, Mitchell, Neary, Rauh, Summerville, Wallace, Young and Zelinsky in favor; Reps Gabriele and White opposed) (See [Vote Record No. 1000](#)).

2. LU27.056	REVIEW; City of Stamford development and economic review – URC Presentation. 10/08/08 – Submitted by Rep. Martin 10/13/08 – Placed on Pending Agenda 03/26/09 – Report Made	REPORT MADE
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Co Committee: State & Commerce

Chair Day stated that a presentation by Kip Bergstrom from the URC was given, and this was a joint committee meeting with the State & Commerce Committee meeting. He strongly recommends that people look at the literature that was distributed.

OPERATIONS COMMITTEE: (Attendance) (Report)	John R. Zelinsky, Jr., Chair Scott Mirkin, Vice Chair Meeting: Wednesday, March 18, 2009
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7:15 p.m. – Democratic Caucus Room

Chair Zelinsky reported that the Operations Committee met on March 18, 2009. Present were Chair Zelinsky and Vice Chair Mirkin and Committee Member Reps. Berns, Adams, Coppola, Lodato and Neary. Absent/excused were Committee Member Reps. Caterbone, Larobina, Mallozzi and White. Also present was President Martin, Frank Fedeli, Citizens Service Supervisor; and Tony Romano and Mike Pensiero of the IT Department.

1. O27.053 REVIEW; Citizens Service reports to members of the Board of Representatives **REPORT
MADE**
02/06/09 – Submitted by President Martin
02/09/09 – Placed on Pending Agenda
03/18/09 – Report Made

Rep. Zelinsky stated that the Committee looked at two versions of the report, and the Committee felt Version 2, chronological order, would be sent to district representatives on a quarterly basis.

PUBLIC SAFETY &

HEALTH COMMITTEE:

Richard Lyons, II, Chair

[\(Attendance\)](#)

Meeting: Thursday, March 26, 2009

[\(Report\)](#)

7:00 p.m. – Republican Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on March 26, 2009. Present were Chair Lyons and Committee Member Reps. Adams, Aposporos, Berns, Coppola, and Zelinsky. Absent or excused were Committee Member Reps. DePina, Larobina, C. Martin, Mirkin and Pia. Also present were Board President Martin; Reps. Layton and Mitchell; and William Callion, Director, Public Safety, Health & Welfare.

1. [PS27.024](#) REVIEW; policies & procedures manual for CCTV cameras. **REPORT
MADE**
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
08/11/08 – Placed on Pending Agenda
02/26/09 – Report Made & Held in Committee
03/02/09 – Report Made & Held in Committee
03/26/09 – Report Made & Held in Committee

Chair Lyons stated that review of the manual is on-going. The Committee has reviewed through Page 12.

PARKS & RECREATION

COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Linda Cannady, Co-Chair

Joseph Coppola, Co-Chair

Meeting: Tuesday, March 24, 2009

6:30 p.m. – Republican Caucus Room

Co-Chair Cannady reported that the Parks & Recreation Committee met on March 24, 2009. Present were Co-Chair Cannady, Co-Chair Coppola and Committee Member Reps. Fedeli, Franzetti, Heaphy, Mallozzi, McGarry, Pia and Young. Absent or excused were Committee Member Reps. Lyons and White. Also present were Rep. Caterbone; Ben Barnes, Director of Operations; and Tom Cassone, Director of Legal Affairs.

1. [PR27.038](#) APPROVAL; of an agreement between the City and AFB Construction Management of Trumbull, Inc. for management services for city parks.
01/16/09 – Submitted by Mayor Dannel P. Malloy
02/09/09 – Approved by Board of Finance 4-2-0
02/24/09 – Committee approved 4-1-4
03/02/09 – Returned to Committee
03/24/09 – Committee approved 8-0-1 *(as amended by a vote of 9-0-0)*

**APPROVED BY
UNANIMOUS
VOICE VOTE**

Chair Cannady stated that the contract was amended in Committee by providing for five one year contract extensions from one five-year contract extension. Upon motion duly made and seconded, the item was approved by unanimous voice vote.

EDUCATION COMMITTEE:

Polly Rauh, Chair

Meeting: No Meeting

1. E27.041 REVIEW; City and Board of Ed policies for mandatory reporting to Stamford Police Youth Services Bureau.
03/04/09 – Submitted by Chair Rauh

**NO
REPORT**

**HOUSING/COMMUNITY DEVELOPMENT/
SOCIAL SERVICES COMMITTEE:**

Elaine Mitchell, Chair

[\(Attendance\)](#)

[\(Report\)](#)

Philip J. Giordano, Vice Chair

Meeting: Tuesday, March 24, 2009

6:30 p.m. – Democratic Caucus Room

Chair Mitchell reported that the Housing-Community Development-Social Services Committee met on March 24, 2009. Present were Committee Members Reps. Chair Mitchell, Wallace and McNeil. Reps. Giordano and Figueroa were excused. Reps. Also present: Tim Beeble, Director of Community Development.

1. [HCD27.45](#) SECOND PUBLIC HEARING; for the proposed annual Action Plan (budget) for the CDBG Year 35, the American Recovery and Reinvestment Act and the HOME Program. **REPORT MADE**
03/09/09 – Submitted by Tim Beeble
03/24/09 – No quorum/Report Made

Chair Mitchell stated that no one from the public attended the public hearing.

2. [HCD27.48](#) RESOLUTION; authorizing the Mayor to file an Amended Annual Action Plan for the use of \$303,818 in CDBG funds under the American Recovery and Reinvestment Act. **REPORT MADE & HELD IN COMMITTEE**
03/09/09 – Submitted by Mayor Dannel P. Malloy
03/24/09 – No quorum/Report Made

Chair Mitchell stated that the Committee still does not have the true allocation, so the item will be held.

TRANSPORTATION COMMITTEE:

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Robert “Gabe” DeLuca, Chair

Terry Adams, Vice Chair

Meeting: Thursday, March 19, 2009

7:00 p.m. – Republican Caucus Room

- and -

Meeting: Monday, April 6, 2009

6:45 p.m. – Conference Room

Chair DeLuca reported that the Transportation Committee met on March 19, 2009. Present were Chair DeLuca and Vice Chair Adams and Committee Member Reps. Franzetti, Lombardo, McNeil and Zelinsky. Absent/excused were Committee Member Reps. Giordano, Larobina and Young. Also present was Mani Poola.

Chair DeLuca reported that the Transportation Committee also met on April 6, 2009. Present were Chair DeLuca and Committee Member Reps. Franzetti, Lombardo, Young and Zelinsky.

1. [T27.053](#) PROPOSED ORDINANCE; **for public hearing &** **APPROVED ON**

final adoption; amending Chapter 231, Vehicles & Traffic, Article IX – One Way Streets to provide for signage and notification of residents when streets directions are altered.

**CONSENT
AGENDA**

11/27/08 – Submitted by Chair DeLuca and Reps. Coppola and Zelinsky

01/22/09 – Committee approved 6-0-0 (*as amended*)

02/02/09 – Approved for publication

02/19/09 – Committee approved 6-0-0 (*as amended*)

03/02/09 – Approved for republication

03/19/09 – Committee approved 6-0-0

2. [T27.054](#) RESOLUTION; supporting the Traffic Monitoring Video Devices on Street Network and Traffic Signal Location Project & REVIEW; public information plans for traffic cameras (Plan 1 & Plan 2).
03/06/09 – Submitted by Mani Poola
03/19/09 – Committee approved 5-1-0 (*after suspension of rules to add re-title item to include resolution*)

**REPORT
MADE & HELD
IN COMMITTEE**

Suspension of Rules:

Chair DeLuca stated that this was on the agenda as a review item, but in Committee, the rules were suspended to take the item up as an agenda. A motion to suspend the rules to take up Item No. T27.054 above as a resolution was made, seconded and approved by unanimous voice vote.

Chair DeLuca, stated that although the committee voted for approval, to accommodate Reps. Cannady and Adams, he moved to hold the item. Said motion was seconded and approved by unanimous voice vote.

Suspension of Rules:

A motion to suspend the rules to take up Item No. T27.055 below was made, seconded and approved by a vote of 25-1-0 (Reps. Adams, Aposporos, Caterbone, Cerasoli, Day, DeLuca, DePina, Esposito, Fedeli, Figueroa, Franzetti, Gabriele, Lodato, Lombardo, Mallozzi, C. Martin, D. Martin, McNeil, Mitchell, Neary, Rauh, Summerville, Wallace, White and Young in favor; Rep. Zelinsky opposed) (See [Vote Record No. 1001](#)).

3. [T27.055](#) RESOLUTION; opposing the imposition of tolls on I-95.
03/12/09 – Submitted by Rep. Layton
04/06/09 – Committee approved 4-0-1

**APPROVED BY
MACHINE VOTE
22-2-1 (*as
amended*)**

A motion to amend the resolution to include Route 15 (Merritt Parkway), was made, seconded and approved by a machine vote of 25-1-0 (Reps. Adams, Aposporos, Caterbone, Cerasoli, Day, DeLuca, DePina, Esposito, Fedeli, Figueroa, Franzetti, Gabriele, Lodato, Lombardo, Mallozzi, C. Martin, D. Martin, McNeil, Mitchell, Neary,

Rauh, Summerville, Wallace, White and Young in favor; Rep. Zelinsky opposed) (See [Vote Record No. 1002](#)).

Chair DeLuca moved the resolution as amended. Said motion was seconded.

Rep. Lyons stated he understands the intent of the resolution, but he does not support it because he firmly believes that commercial freight and trucks and other users of the highway would be driven off the roads if the tolls were substantial enough. If this has to do with residents and their passenger vehicles, he cannot support it for commercial freight haulers. The I-95 corridor is pounded day after day. Also, the police and fire respond to all accidents on these roads and receive nothing from Hartford.

Rep. Zelinsky stated that he is concerned because the Governor appointed a group that voted to approve and submit to the legislature the results of a \$1 million study. The legislature's Transportation Committee approved a bill asking for a study at tolls on state borders. He has mixed feelings on this, but at least at the borders, if this would get revenue from out-of-staters, to help pay repair the roads, he would be for it. But if the money is going to be used for projects outside of FF County, he would not be in favor of it. He cannot support this and will abstain.

A motion to approve the resolution, as amended, was made, seconded and approved by a machine vote of 22-2-1 (Reps. Adams, Aposporos, Caterbone, Cerasoli, DeLuca, DePina, Esposito, Fedeli, Figueroa, Franzetti, Lodato, Lombardo, Mallozzi, C. Martin, D. Martin, McNeil, Mitchell, Neary, Rauh, Summerville, Wallace and Young in favor; Reps. Lyons II and White opposed; Rep. Zelinsky abstaining) (See [Vote Record No. 1001](#)).

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

STATE & COMMERCE COMMITTEE: Paul A. Esposito, Chair

[\(Attendance\)](#)

[\(Report\)](#)

Eileen Heaphy, Vice Chair

Meeting: Thursday, March 26, 2009

7:30 p.m. – Democratic Caucus Room

Chair Esposito reported that the State & Commerce Committee met with the Land Use Committee. Present were Chair Esposito, Vice Chair Heaphy and Reps. Day, DeLuca, Mallozzi and Rauh. Absent/excused were committee members Diamond, Fedeli, Lombardo, Skigen and Summerville. Also present were Reps. Franzetti, Gabriele and Mitchell. Also attending were Ann Brown and Laura Labosky of Engineering, and Rachel Goldberg and Kip Bergstrom of the URC.

1. LU27.056 REVIEW; City of Stamford development and economic review – URC Presentation.
10/08/08 – Submitted by Rep. Martin
10/13/08 – Placed on Pending Agenda

**REPORT
MADE**

03/26/09 – Report Made

Co Committee: Land Use-Urban Redevelopment

MINUTES

1. [March 2, 2009 Regular Board Meeting](#)

**APPROVED BY
UNANIMOUS
VOICE VOTE**

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

The meeting was adjourned at 11:30 p.m.

*A video and audio tape of these proceedings is available
In the Offices of the Board of Representatives or at
www.boardofreps.org*