



Parks & Recreation Committee - Board of Representatives

Dennis Mahoney, Co-Chair Marion McGarry, Co-Chair

Committee Report

Date: Tuesday, August 20, 2019

Time: 7:00 p.m.

Place: Republican Caucus Room, 4th Floor, Government Center,
888 Washington Boulevard

The Parks & Recreation Committee met as indicated above. In attendance were Co-Chair Mahoney, Co-Chair McGarry, and Committee Member Reps. de la Cruz, Giordano, Matherne, Stella, Watkins and Wallace. Absent or excused Committee Member Reps. Aquila, Pratt and Saftic. Also present were Rep. Sherwood; Kathryn Emmett and Chris Dellaselva, Law Dept.; Mark McGrath, Director of Operations; Doug Bora, Leigh Shemitz, and Bud Grebey, Soundwaters, Inc.; and Deborah Miller, Health Dept.

Co-Chair Mahoney called the meeting to order at 7:05 p.m.

Item No.	Description	Committee Action
1. PR30.025	RESOLUTION <u>and public hearing</u> ; Approving Amended and Restated Lease Agreement and Assignment of Rights of a Portion of the Premises Known as John J. Boccuzzi Park a/k/a Southfield Beach Park a/k/a Boccuzzi Park by the City of Stamford to Soundwaters, Inc. 06/03/19 – Submitted by Mayor Martin 06/04/19 – Approved by Planning Board 06/19/19 – Approved by Parks & Recreation Commission 07/08/19 – Approved by Harbor Management Commission 07/11/19 – Approved by Board of Finance 4-1-0 06/10/19 – Moved to Pending	Approved 8-0-0

Mr. Dellaselva explained the proposed changes are in response to requests from the 7/23/19 Parks & Recreation Committee meeting, and subsequent requests from some representatives. All of the proposed changes are in favor of the City.

There was a meeting at the SoundWaters office between SoundWaters representatives, Rep. Sherwood and Rep. Stella. Mr. Dellaselva was present. Mr. Dellaselva took the concessions discussed to the Mayor and those concessions were agreed upon.

Additionally, Rep. de la Cruz and Rep. Watkins met separately with SoundWaters representatives, and made it clear at that meeting that it was to discuss concerns from the 7/23/2019 Parks & Recreation meeting, but that they had no position to negotiate and were not representing any other BOR representatives.

Mr. Dellaselva explained the proposed changes.

- Language was cleaned up to make it clear that “Lease” means the collective littoral and riparian rights, and clarifies that those rights would not limit public access to the shore.
- SoundWaters agreed to reduce the lease term to a flat 50 years from when the lease is executed.
- The Harbor Police will have dock space if needed, and should they require office space in the building, the City will pay the cost of fitting in the office space.
- Signage will now require approval from the Parks & Recreation Commission, in addition to the Director of Operations.

The Committee discussed the above referenced meetings held after the 7/23/19 Park & Recreation Committee meeting.

- There are some proposed changes in the lease that were not discussed during the 7/23/19 Parks & Recreation Committee meeting.
- Some representatives expressed concern over meetings being held outside of the BOR meetings to discuss this lease and other issues.
- Mr. Dellaselva is the Mayor’s representative in meetings, and the Mayor was involved in these proposed changes.
- Ms. Emmett explained that BOR President Quinones has requested a legal opinion for clarification of procedural authority regarding the process of negotiations held outside of BOR committee meetings. The legal department is working on that opinion.
- Some representatives expressed concern that if they will not be allowed to have discussions outside of Committee meetings, then they cannot properly advocate for their constituents.
- The BOR has worked hard to build a reputation of transparency, and changes to the terms of a lease as a result of meetings held outside of BOR meetings can affect that transparency.
- There is a fine line between meeting with people to get an understanding of what is going on, and meeting to negotiate agreements. This needs to be looked into further to determine what the right process is from the City perspective, since the City, the Mayor and the Mayor’s office, on behalf of the entire City, negotiates the agreements.

There was discussion on the lease.

- Co-Chair Mahoney stated that Rep. McMullen is concerned that the City’s *interpretation* of City statutes and ordinances is in conflict with State statutes and ordinances.
- SoundWaters did not meet the conditions of the 2005 lease by not building a structure in 14 years, so the City has had an encumbrance of the lease. Proposed changes state that SoundWaters must begin building a new structure within four years, or SoundWaters can terminate the lease.

- If SoundWaters does not build a new building, the entire lease cannot be terminated, but the City can claim they are in default. SoundWaters would retain the area of the trailers and the docks.
- The City does not have the authority to approve a merger as long as the intended use remains the same.
- The old lease stated the City would own the building, if there was one. In the new lease SoundWaters will own the building, since they are raising all of the funds for it. If the lease terminates, the building is relinquished to the City.
- If the building is lost to a judgement lien, the lease is terminated.
- The general contractor will have to carry performance bonds.
- The City will pay for the installation of utilities and the connection from street (part of the Master Plan)
- “Disadvantaged youth” has been removed in the description of programs provided because the programs available have broadened since the original lease to include public and adult programs.
- SoundWaters primarily serves Stamford residents, however the lease states that non-residents will not be excluded from programs. All of the student programs are for Stamford students, but non-residents can participate in other activities.
- SoundWaters is allowed to have alcohol served at events, but the alcohol cannot leave the building or connected deck area.

A motion to approve this item was made, seconded and approved by a vote of 8-0-0 (Reps. Mahoney, McGarry, de la Cruz, Giordano, Matherne, Stella, Wallace and Watkins in favor).

Co-Chair Mahoney adjourned the meeting at 8:40 p.m.

Respectfully submitted,
Dennis Mahoney, Co-Chair

This meeting is on [video](#).