

The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Monday, May 3, 2004 at 8:00 p.m. in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, Stamford, Connecticut.

Minutes

CALL TO ORDER: The meeting was called to order at 9:04 p.m. by President David Martin.

INVOCATION: Led by Rep. Brian O'Neill.

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

ROLL CALL: Conducted by Clerk of the Board Annie M. Summerville. There were thirty-eight (38) members present and two absent/excused (Reps. Kernan and Browne).

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

MOMENTS OF SILENCE:

Clerk of the Board Summerville stated that during this solemn time in the meeting, she asked for a moment of silence for a long time member of the Board, Handy Dixon. Several members here tonight served with Mr. Dixon. Clerk Summerville stated that Mr. Dixon was one of her mentors, along with Mr. Boccuzzi and Mr. Lathon Wider. She stated that for those who didn't know him, to know him was to love and respect him. He set a tone and a good example for other members of the Board

Clerk of the Board Summerville stated that she would privately share some of her thoughts about Mr. Dixon. She stated that Mr. Dixon was one of those people who went far and beyond the call of duty. He will be sorely missed by those in Stamford. She added that we should all remember Mr. Dixon's guidance and service on the Board.

For the late: Margaret W. Piche, Dorothy A. Hart, Brian Wayne Boccuzzi, Phillip A. Petrucci, John F. Kuran, Sr., Lois C. Contaras by Rep. Loglisci; Austin J. Sabato, Ted M. Lionetti, Sr. and Frank W. Longo, Sr. by Reps. Loglisci, Giordano and Zelinsky; Josephine M. DeSalvo and Emmanuel G. Chalakis by Reps. Giordano and Loglisci; Leonard M. Sadowski, Sr. by Reps. Loglisci and Zelinsky; Antoinette D. Uva and William M. Parese by Reps. Giordano and Zelinsky; Catherine Madison, Marguerite Rooney, George E. O'Brien and Louis L. Johnacki by Rep. Giordano; and Morris Rubell by Rep. Zelinsky.

STANDING COMMITTEES

STEERING COMMITTEE: **Meeting: Monday, April 12, 2004**
[\(Attendance\)](#) **7:00 p.m. – Democratic Caucus Room**
[\(Minutes\)](#)

Upon motion duly made and seconded and approved by unanimous voice vote, the Steering Committee Report was waived.

APPOINTMENTS COMMITTEE: Paul A. Esposito, Chair
[\(Attendance\)](#) **Annie M. Summerville, Vice Chair**
[\(Votes\)](#) Meeting: Tuesday, April 20, 2004

Chair Esposito stated that the Appointments Committee met on Tuesday, April 20, 2004. Present were Reps. Esposito, Mirkin, Coppola, Blackwell, Clear, Kernan, Morrow and Boccuzzi. Reps. Summerville and DePina were excused.

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| 1. A26.127 | <u>Environmental Protection Board</u>
Louis P. Levine (R) <i>Reappointment</i>
10 Carroll Street
Stamford, CT 06905
Term Expires: 12/01/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 6-0-2 | APPROVED
ON
CONSENT
AGENDA |
| 2. A26.128 | <u>Environmental Protection Board</u>
William E. Morris (D) Reappointment
55 Big Oak Lane
Stamford, CT 06903
Term Expires: 12/01/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 6-0-2 | APPROVED
ON
CONSENT
AGENDA |

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| 3. A26.129 | <u>Health Commission</u>
Kate McCabe (R) Reappointment
123 Harbor Drive, Suite 512
Stamford, CT 06902
Term Expires: 12/01/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 7-0-1 | APPROVED
ON
CONSENT
AGENDA |
| 4. A26.130 | <u>Patriotic & Special Events</u>
Martha Dombroski (R) Reappointment
204 Cascade Road
Stamford, CT 06903
Term Expires: 12/01/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 8-0-0 | APPROVED
ON
CONSENT
AGENDA |
| 5. A26.131 | <u>Smith House Board of Directors</u>
Leonard C. D’Andrea (R) Reappointment
170 Nichols Avenue
Stamford, CT 06905
Term Expires: 12/31/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 8-0-0 | APPROVED
ON
CONSENT
AGENDA |
| 6. A26.132 | <u>Social Services Commission</u>
Sheila Glenn (D) Reappointment
122 Hoyt Street #4J
Stamford, CT 06905
Term Expires: 12/01/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 7-0-1 | APPROVED
ON
CONSENT
AGENDA |
| 7. A26.133 | <u>Traffic Hearing Officer</u>
George E. Christiansen (R) Reappointment
30 Beachview Drive
Stamford, CT 06902
Term Expires: 04/03/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 7-0-1 | APPROVED
ON
CONSENT
AGENDA |
| 8. A26.134 | <u>Zoning Board of Appeals</u>
John Sedlak (R) Reappointment
83-10 Courtland Avenue
Stamford, CT 06902 | APPROVED
ON
CONSENT
AGENDA |

Term Expires: 12/01/06
04/08/04 – Submitted by Mayor Dannel P. Malloy
04/20/04 – Committee approved 8-0-0

Chair Esposito moved the Consent Agenda; said motion was seconded and approved by unanimous voice vote.

FISCAL COMMITTEE:

Randy Skigen, Chair

Linda Cannady,

[\(Attendance\)](#)

Vice Chair

[\(Votes\)](#)

[\(Report\)](#)

Meeting: Monday, April 26, 2004

7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, April 26, 2004. Present were Committee Member Reps. Skigen, Cannady, DeLuca, DePina, Fedeli, Giordano, Figueroa, Hunter, Loglisci, Lyons and Mirkin. Also present was Rep. Greenberg; Mary Willis of Youth Services; Don Whitting, Risk Manager; Peter Privitera, Director of OPM; Al Barbarota, Board of Ed Facilities; Rhudean Bull of the WPCA; Mike Pensiero of Technology; Donna Porstner of the Advocate; Peter Brown of the Stamford Fire Department; and Chief DeCarlo of the Police Department.

1. [F26.324](#)
[Back-Up](#)

PROPOSED ORDINANCE; **for final adoption**; phase-in of re-assessment over three years.

02/02/04 – Submitted by President Martin, Republican Caucus and Fiscal Committee

01/26/04 – Report Made

02/02/04 – Report Made

02/23/04 – Committee approved 9-0-0

02/23/04 – Amendment to hold failed 3-6-0

03/01/04 – Approved for publication

03/29/04 – Committee approved 4-3-2

04/07/04 – Held in Committee

04/26/04 – Committee approved 10-0-0

**APPROVED
BY
MACHINE
VOTE (38-
0-0)**

Chair Skigen moved Item No. F26.324; said motion was seconded. Rep. Lyons stated that even though we are still awaiting any action from our State delegation with regard to this particular revaluation, this is the formal adoption of the phase-in process, which can be later repealed if it is not needed, based upon relief from the State. Rep. Lyons stated that he does not want it to appear to the public that we have abandoned our efforts for property tax relief with regard to the most recently performed revaluation.

The motion was approved by a machine vote of 38-0-0 (See [RCS Vote Record No. 488](#)).

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| 2. F26.334 | REJECTION; of \$1,104,782.47 in capital close outs.
03/09/04 – Submitted by Mayor Dannel P. Malloy
03/29/04 – Held in Committee 9-0-0
04/07/04 – Held in Committee
04/26/04 – Committee approved 10-0-0 (as amended-
see <u>report</u>) | APPROVED
BY
MACHINE
VOTE (38-
0-0) (as
amended) |
|----------------------------|---|--|

Chair Skigen stated that the Committee went through the entire list of capital projects close-outs, and some were recommended to be rejected. This was because the Committee either didn't have enough information on or that were not complete, or in some cases, had not even been started. Chair Skigen read through the list of those that they are recommending the Board reject:

- C56118 – Glenbrook and Courtland - \$171,000
- C56241 – Traffic Management Studies - \$142,000
- C56259 – Game Courts - \$60,000
- C46047 – Housing Development - \$50,000
- CP8219 – Traffic Calming - \$50,000
- C45251 – Athletic Fields - \$25,000
- CP9235 – Park Trails - \$25,000
- C56139 – Playground Rehabilitation - \$25,000
- CP4214 – Downtown litter baskets.

Chair Skigen moved the rejection of the above-listed capital project close outs; said motion was seconded and approved by a machine vote of 38-0-0 (See [RCS Vote Record No. 489](#)).

Chair Skigen stated that the remaining capital close-outs on the list will be deemed accepted if the Board does not reject them within sixty days.

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| 3. F26.368 | PROPOSED ORDINANCE/RESOLUTION (as may be required by law); regarding postponement of the required revaluation.
04/07/04 – Submitted by President martin
04/26/04 – No action taken | NO ACTION
TAKEN |
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Secondary Committee: Legislative & Rules Committee

Chair Skigen stated that the Committee took no action on this as it is waiting for the State to take some action.

President Martin stated that should the State pass anything in line with our resolution last month or the subsequent letter, then we will have a special meeting.

4. [F26.358](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED**
\$1,000.00 Youth Services Bureau; YSB Direct Service Grant; to **ON**
fund Students Against Destroying Dreams. **CONSENT**
03/12/04 – Submitted by Mayor Dannel P. Malloy **AGENDA**
04/06/04 – Approved by Board of Finance
04/26/04 – Committee approved 6-0-0

5. [F26.359](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED**
\$30,000.00 Education Through Adventure; funding from **ON**
community groups to pay for seasonal employees. **CONSENT**
03/12/04 – Submitted by Mayor Dannel P. Malloy **AGENDA**
04/06/04 – Approved by Board of Finance
04/26/04 – Committee approved 8-0-0

Secondary Committee: Education

Upon motion duly made and seconded, the Secondary Committee Report was waived by unanimous voice vote.

6. [F26.360](#) RESOLUTION; authorizing school construction grants. **APPROVED**
03/24/04 – Submitted by Mayor Dannel P. Malloy **ON**
04/26/04 – Committee approved 9-0-0 (as revised) **CONSENT**
AGENDA

7. [F26.361](#) ADDITIONAL APPROPRIATION (Operating Budget); **APPROVED**
\$128,751.00 Stamford Fire & Rescue; Payments to Insurance Fund; **ON**
to fund increased workers' compensation costs. **CONSENT**
03/26/04 – Submitted by Mayor Dannel P. Malloy **AGENDA**
04/06/04 – Approved by Board of Finance
04/26/04 – Committee approved 10-0-0

Secondary Committee: Public Safety & Health

Upon motion duly made and seconded, the Secondary Committee Report was waived by unanimous voice vote.

8. [F26.362](#) ADDITIONAL APPROPRIATION (Operating Budget); **APPROVED**
\$25,608.00 WPCA Administration; Payments to Insurance Fund; to **ON**
fund increased workers' compensation costs. **CONSENT**
03/26/04 – Submitted by Mayor Dannel P. Malloy **AGENDA**
04/06/04 – Approved by Board of Finance
04/26/04 – Committee approved 10-0-0

Secondary Committee: Operations

Concur 7-0-0

9. [F26.363](#) ADDITIONAL APPROPRIATION (Operating Budget); **APPROVED**
\$326,292.00 Police Department; Payments to Insurance Fund; to **ON**
to fund increased workers' compensation costs. **CONSENT**
03/26/04 – Submitted by Mayor Dannel P. Malloy **AGENDA**
04/06/04 – Approved by Board of Finance
04/26/04 – Committee approved 10-0-0

Secondary Committee: Public Safety & Health

Upon motion duly made and seconded, the Secondary Committee Report was waived by unanimous voice vote.

10. [F26.364](#) ADDITIONAL APPROPRIATION (Operating Budget); **APPROVED**
\$72,643.00 Stamford Fire & Rescue; Salaries; to fund 8 new **ON**
additional firefighters during training period. **CONSENT**
03/26/04 – Submitted by Mayor Dannel P. Malloy **AGENDA**
04/06/04 – Approved by Board of Finance
04/26/04 – Committee approved 10-0-0

Secondary Committee: Public Safety & Health

Upon motion duly made and seconded, the Secondary Committee Report was waived by unanimous voice vote.

11. [F26.365](#) ADDITIONAL APPROPRIATION (Operating Budget); **APPROVED**
\$32,809.00 police Department; Overtime Mandated Training; to **ON**
fund mandated training costs. **CONSENT**
03/26/04 – Submitted by Mayor Dannel P. Malloy **AGENDA**
04/06/04 – Approved by Board of Finance
04/26/04 – Committee approved 10-0-0

Secondary Committee: Public Safety & Health

Upon motion duly made and seconded, the Secondary Committee Report was waived by unanimous voice vote.

12. [F26.367](#) ADDITIONAL APPROPRIATION (Grants Budget); Law **APPROVED**
\$5,357.00 Enforcement Block Grant; Overtime. **ON**
03/26/04 – Submitted by Mayor Dannel P. Malloy **CONSENT**
04/26/04 – Committee approved 8-0-0 **AGENDA**

13. [F26.369](#)
\$24,265.00

ADDITIONAL APPROPRIATION (Grants Budget);
AIDS Health Care and Social Services; Professional
Consultants; funds to be contracted to Stamford
CARES for emergency assistance.
04/07/04 – Submitted by Mayor Dannel P. Malloy
04/26/04 – Committee approved 10-0-0

**APPROVED
ON
CONSENT
AGENDA**

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 4 through 13, was approved by unanimous voice vote.

Chair Skigen reported that tomorrow evening would be our budget meeting. Mr. Boccuzzi stated that the Democratic caucus would begin at 7:00 p.m.; Mr. Loglisci stated that the Republican caucus would begin at 7:00 p.m.

LEGISLATIVE & RULES COMMITTEE:

Maria Nakian, Chair

[\(Attendance\)](#)

Jim Shapiro, Vice Chair

Meeting: Monday, April 15, 2004

7:00 p.m. – Cafeteria

8:00 p.m. – Democratic Caucus Room

- and -

Meeting: Monday, April 19, 2004

7:00 p.m. – Republican Caucus Room

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Chair Nakian reported that the Legislative & Rules Committee met on Monday, April 19, 2004. Present were Committee Member Reps. Nakian, Mitchell, Benyus, Esposito, Greenberg, Zelinsky and Nowakowski. Excused were Reps. Spandow, Shapiro and Pia. Also present were Reps. Adams, Martin and Summerville; William Callion, Director of Public Safety; Michael Freimuth, Director of Economic Development; Rachel Goldberg, URC; Lou Casolo, Engineering, and several people from Stamford Health System; and Fred Manfredonia of Human Resources.

1. [LR26.047](#)

PROPOSED ORDINANCE; for public hearing and final adoption; amending Chapter 68, Aircraft, Article I, Helicopters, Sections 68-2, Use of Public Property Prohibited, 68-3 Exceptions, 68-6 Restricted Activity and 68-7 Violations and Penalties.

01/07/04 – Submitted by Reps. Boccuzzi, Blackwell, Nakian, Nowakowski, Loglisci, Zelinsky, President Martin and Director Bill Callion

01/12/04 – Held in Committee

02/17/04 – No action taken

03/01/04 – Held in Committee

03/22/04 – Approved for publication (as amended) 6-0

04/07/04 – Approved for publication 33-3-0

04/19/04 – Committee approved 6-0-0 (as amended)

**APPROVED
BY
MACHINE
VOTE (29-
8-0)**

Secondary Committee: Public Safety & Health

Chair Nakian moved Item No. LR26.047; said motion was seconded. Chair Nakian stated that this item is for final adoption. A change was made to the ordinance and approved by the Committee (6-0-0). The change was made at the request of Stamford Health System, and it was to change the definition of medical emergency to a life "or limb-threatening medical emergency." Chair Nakian moved the amendment; said motion was seconded.

Chair Nakian stated that the Committee agreed to make the change, but at the time they told Stamford Health System that it was concerned about having the ordinance go through as quickly as possible because Stamford has been asked to provide helicopter landing sites available for homeland security. For this reason, Chair Nakian stated that she prefers that the ordinance be enacted as proposed so that the City can begin the process of preparing these sites. The change in definition is only a change in how the site can be used. If the Board agrees and does not approve the amendment, then it will be the intention of Legislative & Rules to change the definition at its next meeting, but to allow the ordinance to go through as published and allow the City to start the process. Chair Nakian moved positively for the adoption of the amendment, but her recommendation is that the Board does not approve it at this time.

President Martin stated that the Committee voted for an amendment to the ordinance, and Ms. Nakian is making the motion as the Committee recommended. However, Ms. Nakian asked that the amendment be defeated so that the original ordinance can be adopted.

President Martin stated there was a motion on the floor to approve an amendment to the ordinance that was approved by the Legislative & Rules Committee.

Clerk of the Board Summerville stated that she has no problem doing it the way Chair Nakian is suggested, however, she would like to see the amendment passed tonight so that the ordinance is in its complete form. This will preclude us from having to return next month and deal with this ordinance again.

Chair Nakian stated that if we reject the amendment and adopt the ordinance, we have the ordinance as the committee accepted and published it. The only difference would be that we are expanding the definition of medical emergency to include a second type of emergency. Chair Nakian stated that she is not debating that this is a substantive change, but it really doesn't affect the city part of the ordinance, and it does not affect Stamford Hospital's ability to begin the process of going before the Zoning Board. It will possibly affect the number of flights, if they get permission.

Clerk of the Board Summerville stated that she will be signing an ordinance that will go before the Zoning Board, which is not what the Committee recommended. Chair Nakian stated that is partially correct, in that Stamford Health System first has to submit a change to the zoning regulations. She added that this would allow them to start the process.

Chair Nakian stated that this is not the first time we passed an ordinance that we felt was time-sensitive and where we knew it needed a change that would require republication.

Clerk of the Board Summerville stated that she would ideally like to see the ordinance and the amendment be passed as soon as it can be done. She doesn't want to see the Board pass an ordinance and then have to wait another sixty days to get the ordinance in the form that the Board wants it. Clerk Summerville stated that she wants the ordinance and the amendment to be approved speedily and rapidly.

Chair Nakian stated that in this day and age we never know what will happen, and we don't want the City to not have this ordinance in place – at least for the City side of the ordinance. She stated she doesn't want to leave the City in a position where it doesn't have a heliport over a change in a definition in an ordinance. Chair Nakian stated that the City has an obligation to protect the people around it, and she doesn't want to see the City drag its feet.

Rep. Lyons stated that he, too, supports the endgame of this ordinance, but he has a problem with the procedure. This Board has painstakingly followed procedures with regard to substantive changes to ordinances. However, tonight, we are in the situation of ordinance-creation by convenience. It is easier to reject the amendment, than to present the complete ordinance next month at steering, hold a public hearing, adopt for final adoption and then have a second generation of this ordinance. This is a troubling procedure, and he could have proposed this with several very intricate ordinances in his Committee. Rep. Lyons stated that this is setting up a bad procedure, and he doesn't believe a thirty-day delay is going to impact their creating, locating, paving, lighting and sighting two helicopter landing zones in the City of Stamford. If there was a 911-like event, you can probably land all of the helicopters you want without any ordinance. Rep. Lyons stated that Stamford Health System has a whole separate issue, they have to get zoning board approval, FAA approval, and this is a twelve to eighteen month process.

Rep. O'Neill stated that while we have gathered here on many occasions creating new ordinances and revising new ordinances, there is no ordinance more important than this one to protect the health, life and safety of our citizens and those in surrounding communities. Rep. O'Neill stated we should approve the ordinance without delay and send a clear signal for the city to go ahead and start its planning. Changes can be dealt with in later months.

Rep. Day stated that in principle, he agrees with Rep. Lyons, but in this case, he urges the Board to support Rep. Nakian's suggestion here. This is a special case. The application to zoning does not really require a final ordinance; their job is land use, not to interpret the ordinance that we pass. Plus, there is general knowledge that an amendment will be coming. First, there will be a change in the text, then they will get the particular siting approved. It is important that they get this process underway, and there is no ruse going on here, so he believes that Chair Nakian's suggestion here has a lot of merit.

Rep. Greenberg stated that he agrees with Reps. Nakian and Day. The original ordinance is in fine shape with the exception of the two words. The original ordinance will allow the City to move ahead with something that is long overdue and necessary, and he doesn't buy into the idea that we put this off and worry about the "or limb" part because he is more worried about the "or life" part.

Rep. Hunter stated that as a practical matter, is there a law enforcement officer in his right mind that is going to issue a citation to a helicopter pilot or insist on taking a patient out of a helicopter who has lost a limb who is seriously injured on the basis that the ordinance does not say "limb."

The motion on the amendment to the ordinance, change the definition of medical emergency to "life- or limb-threatening" failed by a machine vote of 11-27-0 (See [RCS Vote Record No. 490](#)).

The main motion was approved by a machine vote of 29-8-0 (See [RCS Vote Record No. 491](#)). President Martin stated this will be the new law of Stamford.

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| <p>2. LR26.032 PROPOSED ORDINANCE; for republication and final adoption; amending Section 220.13 of the Code of Ordinances increasing the exemption and income allowance for veterans.
07/09/03 – Submitted by Reps. Boccuzzi, DeLuca and Zelinsky
08/04/03, 08/25/03 – Held in Committee
09/22/03 – Report Made
10/20/03, 11/17/03, 12/01/03 – Held in Committee
12/15/03 – Committee Approved 8-0-0
01/05/04 – Approved for publication
01/20/04 – Public Hearing Held and Held in Committee 5-1-0
02/02/04, 02/17/04, 03/01/04 – Held in Committee
03/22/04 – Approved for republication (as amended) 7-0
04/07/04 – Approved for republication
04/19/04 – Committee approved 7-0-0</p> | <p>APPROVED
ON
CONSENT
AGENDA</p> |
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| 3. LR26.048 | <p>PROPOSED ORDINANCE; for public hearing and final adoption; concerning gifts from contractors to city officials.</p> <p>01/07/04 – Submitted by Jim Rubino
 01/20/04 – Committee approved 6-0-0
 02/02/04 – Returned to Committee
 02/17/04 – Committee approved 8-0-0
 03/01/04 – Returned to committee
 03/22/04 – Approved for publication (as amended) 7-0-0
 04/07/04 – Approved for publication
 04/19/04 – Committee approved 6-0-1</p> | <p>APPROVED
ON
CONSENT
AGENDA</p> |
| 4. LR26.051 | <p>PROPOSED ORDINANCE; for public hearing and final adoption; providing for a tax abatement for property located at 112 Prospect Street, 2nd Floor, Unit A, owned by the American National Red Cross.</p> <p>01/14/04 – Submitted by Madeline Piccolo
 02/17/04 – No action taken
 03/01/04 – Held in Committee
 03/22/04 – Approved for publication 7-0-0
 04/07/04 – Approved for publication
 04/19/04 – Committee approved 7-0-0</p> | <p>APPROVED
ON
CONSENT
AGENDA</p> |
| 5. LR26.060 | <p>PROPOSED ORDINANCE; for publication; amending the Code of Ethics and other sections of the Code of Ordinances relating to gifts.</p> <p>03/03/04 – Submitted by the Democratic Caucus
 03/22/04 – Held in Committee
 04/07/04 – Held in Committee
 04/19/04 – Held in Committee 6-0-0</p> | <p>HELD IN
COMMITTEE</p> |
| Chair Nakian stated this item was held. | | |
| 6. LR26.062 | <p>PROPOSED ORDINANCE; for publication; establishing the position of Legislative Aide as an unclassified position.</p> <p>04/07/04 – Submitted by President Martin
 04/19/04 – Committee approved 6-0-0</p> | <p>APPROVED
ON
CONSENT
AGENDA</p> |
| 7. LR26.049 | <p>PUBLIC HEARING and RESOLUTION regarding the Stamford Urban Transitway Project and acquisition by negotiation or eminent domain of rights of way.</p> <p>12/30/03 – Submitted by Mayor Dannel P. Malloy
 01/08/04 – No action taken by Board of Finance</p> | <p>APPROVED
BY
MACHINE
VOTE (31-6-1)</p> |

01/20/04, 02/02/04 – Held in Committee
02/17/04 – Committee voted to hold public hearing 6-0-1
03/01/04 – Public Hearing Approved
03/16/04 – Public Hearing Scheduled & Cancelled
03/22/04 – No action taken
04/07/04 – No action taken
04/15/04 – Public Hearing Held
04/19/04 – Committee approved 7-0-0

Secondary Committee: Land Use

Upon motion duly made and seconded, the Secondary Committee Report was waived by unanimous voice vote.

Chair Nakian stated that this ordinance is the approval of the Stamford Urban Transitway project, specifically authorizing the Mayor to go through the charter-mandated process of having the office of operations draw up the final plans for the project, and the Office of Administration of setting the costs of the project and assessing the damages and the benefits to the affected property owners. Once that is done, the project comes back to this Board for final approval. What is before us tonight is the next step, the step that allows the City to carry this further. If this resolution is not approved, Chair Nakian stated that nothing can be done further on the project.

Chair Nakian stated that a public hearing was held on April 15, 2004. There was a Committee meeting called for that evening, but only two representatives from Legislative & Rules (Mr. Greenberg and Chair Nakian) were present, so obviously there was no quorum. There were approximately 75 people at the public hearing, and only five spoke on the project. Those that spoke either had questions or were discussing their particular situation, but no speaker was against the project. All the questions that the Committee had have been answered, a long presentation on the process of condemning the property was held including the appraisal process and the process of negotiating with the owners rather than condemnation. At this point, the Committee feels that the City should take the next step. Chair Nakian moved Item No. LR26.049; said motion was seconded.

Rep. Loglisci stated that this is one of those projects that started with a meaningful project, the Dock Street Connector, which he felt was a good project. Then, because the federal government provided additional funds, it became a larger project with a dizzying scope. It is a project that seems to have no end; it is a self-feeding project. Rep. Loglisci stated that when we get to Elm Street, there will be another phase down Myrtle Avenue that ends in Darien on one side, with everything widened to Greenwich on the other end. Rep. Loglisci stated that because we receive money, we just go on with the project. This will end up with a four-lane highway running east-west, and he doesn't see the advantage to the

City of a project this size. Rep. Loglisci added that the public hearing was interesting because the room was full of people, many anticipating a question and answer session, they were intimidated by the formality of the public hearing, they were told to provide their names and addresses. He added that a lot of people after the meeting told him that they didn't talk because of the process. He felt it was misleading to think that there are people out there who don't approve of this project. He added he is not going to vote for it in its present, inflated form.

Rep. White stated that he agreed with Rep. Loglisci. He believes it will be a massive highway cutting through the East Side of Stamford, it will fill up with traffic, it is not a solution to the traffic problems. He added that the project is like a cancer, in terms of how it is growing. It is not going to help the City and especially not the East Side.

Rep. Lyons stated he attended the public hearing, and he sees how certain representatives might have perceived that people were agreeable with the project, but didn't speak in public, but that wasn't the case. There are obviously people with concerns in his district and in neighboring districts. However, having read about the Dock Street Connector, twenty years ago when it was proposed and watching it come into fruition, some people might view it as a grandiose traffic plan, but from where he sits, twenty years from now when his daughters are older and that road is in and \$34 million of federal money has been appropriated toward the project, and it is double lanes both ways with navigable sidewalks and people don't have to cut under I-95 to get to the train station and they don't have to use the 19th century roadways that lead from the East Side to the South End to the train station, Stamford will finally have east-west arteries that are 21st century roadways for a 21st century city. Rep. Lyons stated while he can see why people have concerns about the scope of the project, he hopes they are not so foolhardy to turn down federal transportation dollars that if we don't take acceptance of them, they will go to some other community that will gladly take acceptance of them. Rep. Lyons stated he intends on voting for the project.

Rep. Boccuzzi asked if there was anything different about this public hearing from any other public hearing. Chair Nakian responded that it was a typical public hearing, added that in Committee the fact that there were so few speakers was discussed with Mr. Cassolo. No one on the Committee said that they felt that people were intimidated. Mr. Cassolo told the Committee that there have been a number of neighborhood meetings, there is a website with all the information, and she felt that people have had a number of opportunities to discuss and hear about the project. One of the speakers that night, an attorney, was obviously looking for clients. Chair Nakian stated that no one felt there was anything wrong with the public hearing and that people just wanted an opportunity to discuss their individual situation with the City.

The motion was approved by a machine vote of 31-6-1 (See [RCS Vote Record No. 492](#)).

8. [LR26.057](#) REVIEW; of Chapter 117 of the Code of Ordinances, Enterprise Zone. **REPORT MADE**
 03/01/04 – Submitted by Reps. Greenberg and Browne
 03/22/04, 04/07/04 – Held in Committee
 04/19/04 – Report Made

Chair Nakian stated that a report by Mr. Freimuth discussing his remarks before the Committee has been provided to each representative.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 2, 3, 4 and 6, was approved by unanimous voice vote.

PERSONNEL COMMITTEE: **Sanchia Spandow, Co-Chair**
Mary Lisa Fedeli, Co-Chair

LAND USE COMMITTEE: **Patrick White, Co-Chair**
Harry Day, Co-Chair
~~Meeting: Monday, April 26, 2004~~
~~7:30 p.m. – Republican Caucus Room~~

Co-Chair Day stated there was no meeting and there is no report.

1. LU26.049 PROPOSED ORDINANCE; for publication; amending Chapter 146 of the Code of Ordinances to provide a fine for property owners with illegal dwelling units within their dwellings. **NO ACTION TAKEN**
 01/06/04 – Submitted by Rep. DeLuca
 01/27/04 – Meeting Cancelled
 02/17/04 – No action reported
 03/01/04 – Report Made
 03/29/04 – Held in Committee 9-0-0
 04/07/04 – Held in Committee
 04/26/04 – Meeting Cancelled
2. LU26.047 REVIEW; of the feasibility of instituting an architectural review board or commission as part of the land use permitting process. **NO ACTION TAKEN**
 11/14/03 – Submitted by Reps. Browne & O'Neill
 12/22/03 – Held in Committee
 01/05/04 – Held in Committee
 01/27/04 – Meeting Cancelled

02/17/04 – No action reported
03/01/04 – Report Made
03/29/04 – No action reported
04/07/04 – Held in Committee
04/26/04 – Meeting Cancelled

OPERATIONS COMMITTEE: **John R. Zelinsky, Co-Chair**
[\(Votes\)](#) **Anthony Imbrogno, Co-Chair**
[\(Report\)](#) Meeting: Wednesday, April 21, 2004
7:00 p.m. – Republican Caucus Room

Co-Chair Zelinsky reported that the Operations Committee met on Wednesday, April 21, 2004. Present were Committee Member Reps. Zelinsky, Imbrogno, Adams, Day, Fahan, McDermott and Pavia; excused were Reps. Coppola, Hunter, O'Neill and White. Also present was Engineering Bureau Chief Antonio Iadarola.

1. [O26.055](#) APPROVAL; of a contract with Vollmer Associates for engineering services for the rehabilitation of Cold Spring Road Bridge. **APPROVED BY UNANIMOUS VOICE VOTE**
03/29/04 – Submitted by Mayor Dannel P. Malloy
04/06/04 – Approved by Board of Finance
04/21/04 – Committee approved 7-0-0

Co-Chair Zelinsky read his report, a copy of which is attached hereto and made a part hereof. Co-Chair Zelinsky moved Item No. O26.055; said motion was seconded and approved by unanimous voice vote.

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

PARKS AND RECREATION COMMITTEE: **Linda Cannady, Co-Chair**
Steve McDermott, Co-Chair

EDUCATION COMMITTEE: **Brian O'Neill, Co-Chair**
Thomas Hunter, Co-Chair

**STATE & COMMERCE COMMITTEE: Jim Shapiro, Chair
John Morrow, Vice Chair**

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

**Elaine Mitchell, Chair
Philip Giordano, Vice Chair**

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

Meeting: Tuesday, April 20, 2004
6:00 p.m. – Democratic Caucus Room

Chair Mitchell stated that the Housing/Community Development/Social Services Committee met on Tuesday, April 20, 2004. Attached hereto and made a part hereof is the attendance record.

Upon motion duly made and seconded, the Committee voted to suspend the rules to rename Item No. 1; said motion was approved by a vote of 6-0-0.

1. HCD26.20 Plan Projects Resolution	RESOLUTION; establishing annual action plan (budget) for Year 30 HUD entitlement funding for the Community Development Block Grant (\$1,423,104) and HOME (\$686,906) Programs 01/08/04 – Submitted by Tim Beeble 02/02/04 – Report Made 03/01/04 – Report Made 03/16/04 – Held in Committee 04/06/04 – Approved by Board of Finance 04/20/04 – Committee approved 7-0-0 (as amended)	APPROVED BY UNANIMOUS VOICE VOTE
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Chair Mitchell moved Item No. HCD26.20; said motion was seconded and approved by unanimous voice vote.

2. HCD26.14	REVIEW; of the policies for administration of the HOME Program. 05/12/03 – Submitted by Reps. Summerville & Mitchell 08/11/03 – Held in Committee 09/16/03, 10/21/03 – Report Made 11/18/03, 12/01/03, 03/16/04, 04/07/04 – Held in Committee 04/20/04 – No action reported	NO ACTION TAKEN
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3. HCD26.17	REVIEW; of lead safe home program. 06/03/03 – Submitted by Tim Beeble 09/16/03, 10/21/03 – Report Made 11/18/03, 12/01/03, 03/16/04, 04/07/04 – Held in Committee 04/20/04 – No action reported	NO ACTION TAKEN
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Suspension of the Rules:

Upon motion duly made and seconded and approved by unanimous voice vote, the rules were suspended to take up the following item:

Chair Mitchell stated that Item No. 4 is the result of the Committee's review of both Item Nos. 2 and 3.

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| 4. HCD26.23 RESOLUTION; regarding the Home and Lead Abatement Programs.
04/20/04 – Submitted by HCD/SS Committee
04/20/04 – Approved by Committee 6-0-0 | APPROVED
BY
UNANIMOUS
VOICE VOTE |
|---|---|

Chair Mitchell moved Item No. 4; said motion was seconded and approved by unanimous voice vote.

Chair Mitchell stated that she thanked her Committee for their work on the Year 30 CDBG. Chair Mitchell also thanked Clerk of the Board Summerville for her assistance and support in her work on the grants this year. She also thanked Rep. Adams for his patience with the Committee's work on items that he brought to it.

TRANSPORTATION COMMITTEE: (Attendance) (Votes) (Report)	Robert "Gabe" DeLuca, Chair John Fahan, Vice Chair 7:00 p.m. – Republican Caucus Room
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Chair DeLuca reported that the Transportation Committee met on Thursday, April 22, 2004. Present were Committee Member Reps. DeLuca, Fahan, Mirkin, Giordano, Kernan, Blackwell and Zelinsky. Also present were members of the Operations Department, Sandy Goldstein and John Ruotolo of the DSSD.

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| 1. T26.043 REVIEW; of downtown parking master plan.
01/29/04 – Submitted by Reps. Fahan & DeLuca
03/01/04, 03/18/04 – No action taken
03/18/04, 04/07/04 – Report Made
04/22/04 – Held in Committee 7-0-0 | HELD IN
COMMITTEE |
|---|------------------------------|

Chair DeLuca stated because the plan has not been submitted yet, the Item will be held.

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| 2. T26.047 RESOLUTION; for publication ; setting fees for the Bell and Bedford parking garages as well as St. John's and Franklin Street parking lots. | APPROVED
ON
CONSENT |
|---|------------------------------------|

02/03/04 – Submitted by Glen MacWilliams
03/01/04 – No action taken
03/18/04, 04/07/04 – Held in Committee
04/22/04 – Committee approved 7-0-0 (as amended)

AGENDA

Chair DeLuca stated that the intent of this resolution is to change the parking garage fees to after 6:00 p.m. from \$3.50 to \$2.00 and to change the monthly parking from \$55 to \$65 per month. This item was approved 7-0-0 for approval.

3. [T26.048](#) RESOLUTION; **for publication**; setting on-street meter fees and enforcement hours. **APPROVED BY MACHINE VOTE (34-3-0)**
02/03/04 – Submitted by Glen MacWilliams
03/01/04 – No action taken
03/18/04, 04/07/04 – Held in Committee
04/22/04 – Committee approved 6-1-0

Chair DeLuca stated that the fees will be changed from \$.75 per hour to \$1.00. This was recommended by the DSSD to encourage people to park in the garages rather on the street to encourage parking turnover. The Committee approved this item 6-1-0. Chair DeLuca moved Item No. 1; said motion was seconded.

President Martin stated that these items are for publication only; a public hearing will be held and then the items will be voted on for final approval.

Rep. Zelinsky stated that he was the individual who voted against this item. He doesn't feel it is proper to burden our taxpayers by increasing the parking on the Bedford Street parking lot.

Co-Chair Fahan stated that it is predicted that these two items will bring additional funds of up to \$350,000 after final adoption. Co-Chair Fahan stated that the Board could even consider increasing the cuts to the city side of the budget by \$350,000 tomorrow night at the budget hearing.

Rep. Mirkin stated that he is a member of the Committee who voted for this. This does not burden taxpayers as they are truly user fees. People have a choice as to whether or not to go downtown and park, and the DSSD supports this change. Rep. Mirkin encouraged fellow members on the Board to support this item.

Rep. O'Neill stated that we need to encourage people to come downtown, and this is just another reason why people would not – if there is not enough time on the meter to walk around downtown or see a movie. Rep. O'Neill stated that he is opposed to this increase.

Rep. Zelinsky stated that the Bedford Street parking lot is used by many parents to take their children to the library, and if they are delayed, while the fine is the

same, he doesn't feel it is appropriate. He also stated he questions the amount of revenue, i.e., \$350,000. He urged his colleagues not to support this item.

Chair DeLuca stated that this is something the City needs, it is not going to discourage people from coming downtown, but is something to help bring business downtown by freeing up parking. Along with the \$.25 increase is a ten-minute grace period, so this will reduce the number of parking violations issued. He added that this increase was considered in the Fiscal Committee's budget deliberations, and this will benefit the taxpayer by holding down taxes.

Co-Chair Fahan stated that he has a memorandum that had been provided to everyone that confirms the \$350,000 increase in revenue.

The item was approved by a machine vote of 34-3-0 (See [RCS Vote Record No. 493](#)).

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 2, was approved by unanimous voice vote.

SPECIAL COMMITTEES

(See [amendment](#) to minutes – attached)

~~**CHARTER COMMITTEE:** **Maria Nakian, Co-Chair**
[\(Attendance\)](#) **Robert "Gabe" DeLuca, Co-Chair**
[\(Report\)](#) Meeting: Tuesday, April 13, 2004
7:00 p.m. – Democratic Caucus Room~~

~~[\(Attendance\)](#) Meeting: Wednesday, April 21, 2004
[\(Votes\)](#) 7:00 p.m. – Democratic Caucus Room~~

~~Co-Chair Nakian reported that the Charter Committee met on Tuesday, April 13, 2004, when the Committee met with members of the Commission. Present were Committee Members Nakian, Day, DeLuca, Fedeli and Lyons; Reps. Summerville and Skigen were excused. Also present were President David Martin, Reps. Coppola and Zelinsky. Present from the Commission were: Messrs. Lyons, Capalbo, Freccia, Leydon and Grinnell.~~

~~Co-Chair Nakian stated that the Committee met again on Wednesday, April 21, 2004 to hold the state statute mandated public hearing on the draft report. Present were Committee Members Nakian, Day, DeLuca, Fedeli, Lyons, Summerville and Spadow. Rep. Skigen was excused. Also present were President Martin, Reps. Loglisci, Cannady, Coppola, Mirkin and Zelinsky. There were approximately 50 people in attendance at the public hearing, and approximately 11 spoke on the draft report.~~

1. RESOLUTION; of recommendations to the 16th Charter Review Commission based upon their draft report. **APPROVED BY MACHINE VOTE (32-4-0)**
03/08/04—Submitted by Steering Committee
03/18/04—Report Made
04/07/04—Report Made
04/13/04—Report Made
04/21/04—Report Made

~~Chair Nakian stated that everyone received the resolution concerning the recommended changes with a list of the changes attached. The Chair stated that the draft report does not have to be reviewed page by page, but a motion to accept the committee's recommendation would be made. Chair Nakian stated that once this is approved, it goes back to the Commission, the Commission has 30 days to decide whether or not to accept our recommendations. They can either accept or reject the recommendations; they cannot make any changes other than responses to our recommendations. When the report is returned to the Committee, the final report, our Board has 15 days to consider the final report and at that point, the Board will vote to either accept it, reject it or to reject provisions of it. Once this is done, the Commission goes out of existence, the Board of Representatives publishes it, sets the election date and writes the question or questions.~~

~~Chair Nakian moved the resolution; said motion was seconded.~~

~~President Martin stated that the Committee discovered a couple of items that the Commission had approved but that were left out of the draft report. The Committee's view is that those items were not included in the draft report, and therefore these items were not addressed by the Committee. President Martin added that he has communicated with Mr. Cassone as to the Committee's position. He has not heard back from Mr. Cassone that there is any problem with the Board's position.~~

~~Rep. Zelinsky stated that he was unable to attend the public hearing. He cannot support the recommendations of the Charter Committee, because of one of the items, Section C2-10-17, a proposed amendment concerning compensation. He had provided his fellow board members with a packet pertaining to this matter. He added that he is not doing this for himself, this would not take effect until the new Board is elected in November 2005. Many who have been on the Board a long time, and have known many good representatives who have not completed their terms or chose not to seek re-election because it becomes too expensive continuing to be a representative. The original memo that was sent out by the 14 members back in January of 2003, was a suggestion to let the voters decide this issue. The question is not what each representative may think about this, but should the public be allowed the opportunity in our democracy to vote on this particular item. The Charter Commission did recommend that this be put on the ballot. Rep. Zelinsky cannot understand why some representatives feel so~~

~~strongly about not putting this on the ballot. He added that he can't see what harm will come from letting the public vote on this, and if they feel so strongly that the public doesn't want this, then let the public vote no.~~

~~Rep. Fahan stated that he was unable to make most of the Charter Commission meetings, but he is going to vote no because he doesn't want the Commission to think that he is in agreement with every change that is being recommended. Specifically, Section C1-80-1, he feels that it is a bold new step to let the Mayor sit on the Board of Education, and he would like to see that happen. It may result in seeing more fiscal restraint. He doesn't want to send the wrong message to the Commission that this Board is unanimous in its recommendations. He also disagrees with the primary changes and believes that they shouldn't run more candidates than can win.~~

~~Rep. Lyons stated that he had some votes that were contrary to some Committee votes, but he intends to support this tonight. Rep. Lyons also stated that he told Mr. Zelinsky, as a member of the prevailing side, to move to amend the committee report to reinstate the language submitted to the Board regarding the stipend issue; said motion was seconded.~~

~~Rep. DeLuca stated he is against this. The Committee voted no twice on this matter. He added that at the public hearing, not one person came to speak about this item. However, numerous people came out to say they didn't want the Mayor to sit on the Board of Education. Rep. DeLuca stated that this would add another \$20,000 initially to the City's budget. Rep. DeLuca encouraged everyone to vote against this.~~

~~Rep. Shapiro stated that he feels that the reasons this is a bad idea would keep everyone here all night. The most important reason is that it is a bad idea is that adding this to Charter Revision would be an abdication of our common sense. We should all reject this, and if it comes up, we should reject it again.~~

~~Rep. Zelinsky stated that he didn't hear anyone say that anyone came to the public hearing and spoke against this issue. The week of the public hearing was a school vacation week. The two council people who wrote letters to Chairman Lyons were busy with their budget seasons and the citizen who wrote said she couldn't make it. Also, people don't tend to come out to address issues that don't affect them directly. Rep. Zelinsky stated he is disappointed to hear a co-colleague speak so negatively about this, and the Board should not look at this from a personal standpoint. He stated he knew that Rep. Shapiro spent over \$5,000 to run in his first election.~~

~~Rep. Boccuzzi interjected that Mr. Zelinsky has a right to speak but he should not get personal.~~

~~Rep. Zelinsky stated he is not getting personal but is stating a fact, that being that some people are in certain financial situations where they really don't need a stipend. This is to encourage people to run for the Board of Representatives or other offices. This would help them to defray expenses. He is not asking for us but for future board members. Rep. Zelinsky stated that if representatives are so sure that the public is going to vote this down, then they will just vote no on it.~~

~~Rep. Loglisci stated that if a lot of other towns and cities pay their elected legislative body, then a lot of other towns and cities have bad judgment.~~

~~Rep. Greenberg moved the question; said motion was seconded and approved by a machine vote of 35-2-0 (See [RCS Vote Record No. 494](#)).~~

~~The main motion (that is, to amend the Committee's report by removing the recommendation to strike the stipend) failed by a machine vote of 6-30-2 (See [RCS Vote Record No. 495](#)).~~

~~The main motion, the Committee's report, was approved by a machine vote of 32-4-0 (See [RCS Vote Record No. 496](#)).~~

EDUCATION

BUDGET COMMITTEE: Randall Skigen, Chair

RESOLUTIONS

- | | | |
|----|---|---|
| 1. | SENSE-OF-THE-BOARD RESOLUTION ; honoring Academy of Information Technology student Thomas Cookson for winning State Comptroller Nancy Wyman's Annual Black History Essay Contest. 04/07/04 – Submitted by 26 th Board of Representatives | APPROVED
BY
UNANIMOUS
VOICE VOTE |
| 2. | SENSE-OF-THE-BOARD RESOLUTION ; honoring Academy of Information Technology student Glenn Brice for winning State Comptroller Nancy Wyman's Annual Black History Essay Contest. 04/07/04 – Submitted by 26 th Board of Representatives | APPROVED
BY
UNANIMOUS
VOICE VOTE |
| 3. | SENSE-OF-THE-BOARD RESOLUTION ; congratulating David Dogall on being named 2003 Police Officer of the Year. 04/12/04 – Submitted by 26 th Board of | APPROVED
BY
UNANIMOUS
VOICE VOTE |

Representatives

4. [SENSE OF THE BOARD RESOLUTION](#); thanking GE Consumer Finances for its work on Veterans' Park.
04/29/04 – Submitted by Rep. Zelinsky

**APPROVED
BY
UNANIMOUS
VOICE VOTE**

MINUTES

1. [April 7, 2004 Regular Board Meeting](#)

**APPROVED
BY
UNANIMOUS
VOICE VOTE**

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 11:20 p.m.

The minutes are hereby amended by adding the following document which replaces the above report given by the Charter Committee.

[Amendment](#) to 5/3/4 Minutes