

*The Regular Meeting of the 26th Board of Representatives of the City of Stamford will be held Tuesday, September 3, 2002 at 8:00 p.m. in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, Stamford, Connecticut.*

# MINUTES

The meeting was called to order at 9:04 p.m.

**INVOCATION:** Given by Rep. Scott Mirkin.

“Dear God, as we approach the first anniversary of September 11 we ask for your providence for those that lost loved ones on that tragic day and who may now still be struggling for answers.

Help them find comfort in knowing they are not alone, that their loss is a loss for every freedom loving person in this country and throughout the world. We give thanks for having dedicated brave men & women of the Police, Fire, and EMS departments who responded on that day, as they do everyday, without concern for their personal safety.

And tonight as we discuss and debate the issues and challenges of our City, let us always be respectful of our colleagues opinions and remember that although their opinions may be different than ours, they are based on what they believe is best for residents of our city.

May God Bless the City of Stamford and may God Bless America.

Amen”

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

**ROLL CALL:** Led by Clerk of the Board Annie M. Summerville. There were 32 members present and 8 absent at the time of roll call. See Attached Attendance Record. Reps. Zelinsky and Esposito arrived after roll call.

**MOMENTS OF SILENCE:** For the late:

Thelma Mitchell by the 26<sup>th</sup> Board of Representatives; Helen C. Matthews, Helen O.DeRubis and Elena Penalver by Rep. Giordano; George Anthony Calyanis, by Rep. Mirkin; Dorothy

McIvor Jackson, by Reps. Summerville and Zelinsky and the Republican Caucus; Irene M. D'Andrea by Reps. Giordano and Zelinsky; Anne Panulas, Linda Panoulas and Kenneth L. Lord by Rep. Zelinsky; John Keenan, by the Republican Caucus; Catherine E. McPhee, William A. DeVincent and Margaret L. Cipolla by Rep. Loglisci; and Linda Beson by the Republican Caucus and John Zelinsky.

**PAGES:**

**STANDING COMMITTEES**

**STEERING COMMITTEE:** Meeting: Monday, August 12, 2002  
[\(Report\)](#) 7:00 p.m. – Democratic Caucus Room

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

Rep. DeLuca moved to take an item out of order; said motion was seconded and approved by unanimous voice vote.

- |                            |  |   |
|----------------------------|--|---|
| 1. <a href="#">P26.024</a> | APPROVAL; of increases for CERF Fund retirees.<br>07/12/02 – Submitted by Dannel P. Malloy<br>08/08/02 – Approved by Board of Finance<br>08/28/02 – Committee approved 9-0-1 | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
|----------------------------|--|---|

Co-Chair Spandow reported that the Personnel Committee took this item up at its monthly meeting. Mr. Stover gave an overview of the item; any CERF retiree who has retired under the 1998 retirement incentive plan or within the past five years are not eligible for this increase. Co-Chair Spandow moved the item; said motion was seconded.

Item No. P26.024, was approved by unanimous voice vote.

**APPOINTMENTS COMMITTEE:** **Paul A. Esposito, Chair**  
[\(Attendance\)](#) **Annie M. Summerville, Vice Chair**  
[\(Votes\)](#) Meeting: Tuesday, August 27, 2002  
7:00 p.m. – Democratic Caucus Room

Vice Chair Summerville gave the Appointments Committee Report in Chair Esposito's absence. Vice Chair Summerville reported that the Appointments Committee met on Tuesday, August 27, 2002. Present were Committee Member Reps. Summerville, Esposito, DePina, Morrow, Blackwell, Boccuzzi, Clear, Fahan, Kernan and Mirkin.

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|----------------------------|---|--------------------------------|
| 1. <a href="#">A26.058</a> | <u>Sewer/Water Commission</u><br>James D. Diamond, Esq. (D) <i>Repl. Paseltiner</i> | <b>APPROVED<br/>ON CONSENT</b> |
|----------------------------|---|--------------------------------|

220 Fifth Street (Term Exp. 12/01/01) **AGENDA**  
Stamford, CT 06905  
Term Expires: 12/01/04  
07/01/02 – Submitted by Mayor Dannel P. Malloy  
08/27/02 – Committee approved 9-0-0

**FISCAL COMMITTEE: Randall Skigen, Chair**  
(Attendance) **Bobby E. Owens, Vice Chair**  
(Votes) Meeting: Monday, August 26, 2002  
7:00 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, August 26, 2002. All members of the Committee were present. Also present were Rep. Mirkin; Director of Administration Hamilton; Oswald Lewis and Jim Hricay of OPM; Director of Human Resources Bill Stover; Assistant Director of Human Resources, Fred Manfredonia; Beth McNeil of HealthNet and Karen Camarotta of the Grants Office.

1. [F26.076](#) ADDITIONAL APPROPRIATION (Capital **HELD IN**  
\$54,735.00 Budget); Public Services - Highways; Parking **COMMITTEE**  
Meters; to purchase and install new meters with life cycle of 20 years.  
03/28/02 – Submitted by Mayor Dannel P. Malloy  
04/11/02 – Approved by Board of Finance  
05/06/02 – Approved 7-0-2 (\$193,275)  
05/28/02 – Committee approved 9-0-1  
06/03/02 – Returned to Committee  
06/24/02 – Committee voted to Hold 10-0-0  
07/01/02 – Held in Committee  
07/29/02 – Held in Committee 7-0-0  
08/26/02 – Held in Committee 9-0-0

*Secondary Committee: Transportation*

2. [F26.106](#) FUNDING RESOLUTION (formerly Exhibit A); **HELD IN**  
amending Resolution No. 2735 to increase the **COMMITTEE**  
appropriation by \$54,735.00.  
04/22/02 – Submitted by Mayor Dannel P. Malloy  
05/28/02 – Committee approved 9-0-1  
06/03/02 – Returned to Committee  
06/24/02 – Committee voted to Hold 10-0-0  
07/01/02 – Held in Committee  
07/29/02 – Held in Committee 7-0-0  
08/26/02 – Held in Committee 9-0-0

3. F26.123      REVIEW; of recently completed overtime audit.      **REPORT  
MADE**  
07/25/02 – Submitted by Reps. Boccuzzi, DeLuca,  
Fedeli, Loglisci, Martin, Mirkin, Sherer, Skigen and  
Summerville  
08/26/02 – Report Made

Chair Skigen stated a discussion was held on Item No. 3. Mr. Hamilton gave an overview and questions were posed regarding the scope of the audit as well as on actions taken to address the problems found in the audit. Mr. Hamilton noted he was still waiting for a response from the Police Department, and the Committee will consider revisiting the audit upon receipt of that response. Chair Skigen stated that Mr. Loglisci noted it was a well done, professional audit.

4. F26.126      APPROVAL; of contract between the City of Stamford      **APPROVED  
ON CONSENT  
AGENDA**  
(*too large for* and HealthNet for administration of employee health  
*website*) insurance; amount of contract: \$1,071,200.  
08/05/02 - Submitted by Mayor Dannel P. Malloy  
08/08/02 – Approved by Board of Finance  
08/26/02 – Committee approved 10-0-1

Chair Skigen stated that the Committee asked for a clarification of Section 11.10, and everyone should have that attached to the Fiscal minutes. The Committee approved the contract 10-0-1.

5. [F26.124](#)      RESOLUTION; authorizing the Mayor to enter into      **APPROVED  
ON CONSENT  
AGENDA**  
agreement with the State of Connecticut for a grant to  
plant replacement trees lost due to disease, storms and  
the environment; amount of grant: \$3,000.  
08/05/02 – Submitted by Mayor Dannel P. Malloy  
08/26/02 – Committee approved 8-0-0
6. [F26.125](#)      RESOLUTION; authorizing the Mayor to submit      **APPROVED  
ON CONSENT  
AGENDA**  
application and to enter into agreement with the State of  
Connecticut Department of Economic Development for  
a Forest Street Intersection Improvements Project;  
amount of grant: \$170,000.  
08/05/02 – Submitted by Mayor Dannel P. Malloy  
08/26/02 – Committee approved 8-0-0

*Secondary Committee: Transportation*

*Approved 5-0*

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

Clerk of the Board Summerville reported that Reps. Esposito and Zelinsky joined the meeting at this time.

**LEGISLATIVE & RULES COMMITTEE: Maria C. Nakian, Chair**

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

**Jim Shapiro, Vice Chair**

Meeting: Monday, August 19, 2002

7:00 p.m. – Democratic Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on Monday, August 19, 2002. Present were Committee Member Reps. Nakian, Esposito, Fahan, Spandow, Zelinsky, Benyus, DeLeo and Greenberg present; Rep. Shapiro excused. Also present was Thomas Cassone, Acting Corporation Counsel.

1. [LR26.017](#) PROPOSED ORDINANCE; for final adoption & public hearing; to provide for a tax abatement owned by the Bridgeport Community Health Centers for property located at 805 Atlantic Street.  
06/21/02 – Submitted by Stamford Community Health Center.  
08/19/02 – Committee approved 8-0-0 **APPROVED ON CONSENT AGENDA**
  
2. [LR26.018](#) RESOLUTION; approving a lease of property at 80 Magee Avenue with Connecticut Quality Transmission; term of lease: 5 years; amount of lease: \$250/month.  
07/16/02 – Submitted by Mayor Dannel P. Malloy  
07/23/02 – Approved by Planning Board  
08/08/02 – Approved by Board of Finance  
08/19/02 – Held in Committee 8-0-0 **APPROVED BY UNANIMOUS VOICE VOTE**

Chair Nakian reported that the Committee had question regarding subletting of some of the space and whether this was covered under the new lease. This led to the question of who in the City was monitoring leases, and particularly, monitoring them for insurance. Mr. Cassone got back to the Committee with the information. The Committee had voted to hold another meeting tonight, but time constraints precluded that from happening.

Chair Boccuzzi moved to take Item No. LR26.018 out of Committee; said motion was seconded and approved by unanimous voice vote.

Chair Nakian stated that the current lease has expired, and it is in the City's interest to act on the new lease as soon as possible because there is a rent increase and a clause that prevents subleasing without written approval by the City. If the sublessee is paying more

than the lessee is paying to the City, the extra money will be split evenly between the City and the lessee.

Chair Nakian stated that a memorandum regarding lease monitoring and insurance compliance is on everyone's desk this evening.

Chair Nakian moved the resolution approving the lease; said motion was seconded.

Rep. Day asked how the City would ever find out about increased payments by sublessors. Chair Nakian stated that any subleasing has to initially be approved by the City. They also have to submit a copy of the subleasing agreement to the City.

The item was approved by unanimous voice vote.

3. LR26.019      REVIEW; of providing additional property tax relief      **HELD IN**  
for veterans as a result of recent state legislation      **COMMITTEE**  
07/16/02 – Submitted by Reps. DeLuca and Zelinsky  
08/19/02 – Held in Committee 8-0-0

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

**PERSONNEL COMMITTEE: Sanchia Spadow, Co-Chair**  
(Attendance)      **Mary Lisa Fedeli, Co-Chair**  
(Votes)      Meeting: Wednesday, August 28, 2002  
7:00 p.m. – Democratic Caucus Room

Co-Chair Spadow reported that the Personnel Committee met on Wednesday, August 28, 2002. Present were Committee Member Reps. Spadow, Fedeli, Skigen, Boccuzzi, Browne, Cannady, Figueroa, Loglisci, McCullen and DeLeo. Also present was William Stover, Director of Human Resources; Lewis Cassolo, Assistant City Engineer; Gail Okum of the Board of Education; John Chardavoyne, Assistant Superintendent and 11 members of the CERF retirees.

(Note: Item No. 1 was taken out of order.)

2. P26.025      REVIEW; of status of contract negotiations.      **REPORT**  
07/31/02 – Submitted by Rep. Fedeli      **MADE**  
08/28/02 – Report Made

Co-Chair Spadow stated that this item was taken up in executive session, and the Board will not be presented with contracts in the near future.

3. [P26.026](#)      ~~APPROVAL~~REJECTION; of tentative agreement between the Board of Education and the Stamford Educational Assistants Association.      **DEFEATED BY MACHINE VOTE (0-30-3)**  
07/31/02 – Submitted by William Stover  
07/29/02 – Positive Advisory issued by Board of Finance  
08/28/02 – Committee defeated REJECTION 0-10-0

President Martin stated that Item No. 3 would be a vote to reject the contract; Co-Chair Spandow moved the item; said motion was seconded and rejected by a machine vote of 0-30-3 (Reps. Clear, Giordano and White abstaining). (See [Vote Record RCS#306.](#))  
Note: after the vote was taken, Mr. DeLeo indicated he had wanted to abstain on this vote.

4. [P26.027](#)      ~~APPROVAL~~REJECTION; of tentative agreement between the Board of Education and the Stamford Board of Education Employees Association (Custodians/Maintenance).      **DEFEATED BY MACHINE VOTE (0-31-3)**  
07/31/02 – Submitted by William Stover  
07/29/02 – Positive Advisory issued by Board of Finance  
08/28/02 – Committee defeated REJECTION 0-8-1

President Martin stated that Item No. 4 would be a vote to reject the contract; Co-Chair Spandow moved the item; said motion was seconded and rejected by a machine vote of 0-31-3 (Reps. Clear, Giordano and White abstaining). (See [Vote Record RCS#307.](#))  
Note: after the vote was taken, Mr. DeLeo indicated he had wanted to abstain on this vote.

5. P26.028      APPROVAL; of a contract for employment with Laura M. LaBosky for the position of Project Coordinator – Stamford Urban Transitway.      **APPROVED ON CONSENT AGENDA**  
08/11/02 – Submitted by Bill Stover  
08/28/02 – Committee approved 10-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 5, was approved by unanimous voice vote.

**LAND USE/URBAN REDEVELOPMENT COMMITTEE:**

**Patrick J. White, Co-Chair  
Harry Day, Co-Chair**

(At this point forward, Rep. Lyons voted from Rep. Owens seat.)

**OPERATIONS COMMITTEE:** **Bobby E. Owens, Chair**  
[\(Attendance\)](#) **Anthony Imbrogno, Vice Chair**  
[\(Report\)](#) Meeting: Wednesday, August 21, 2002  
7:00 p.m. – Democratic Caucus Room

Vice Chair Imbrogno stated that the Operations Committee met on Wednesday, August 21, 2002. Present were Committee Member Reps. Owens, Imbrogno, O’Neill, Biancardi, McDermott, Sherer and Zelinsky.

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|------------|--|------------------------|
| 1. O26.020 | REVIEW; of State work on Bridge Street and Washington Boulevard to include: overgrown weeds on sidewalk, damaged sidewalk, debris and dumpsters behind Pier 1 and other stores, condition of gas station on corner of Summer and 7 <sup>th</sup> Streets.<br>07/27/02 – Submitted by Reps. DeLuca and Loglisci<br>08/21/02 – Report Made | <b>REPORT<br/>MADE</b> |
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Vice Chair Imbrogno stated that a report has been provided to each member.

**PUBLIC SAFETY & HEALTH COMMITTEE:** **Richard Lyons II, Chair**  
[\(Report\)](#) Meeting: Thursday, August 29, 2002  
7:30 p.m. – Republican Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on Thursday, August 29, 2002. Present were Committee Member Reps. Lyons, Kernan, Blackwell, Mirkin, DeLuca, Coppola, Clear and Zelinsky. Excused were Reps. Biancardi, DeLeo and DePina.

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| 1. <a href="#">PS26.003</a> | PROPOSED ORDINANCE; <u>for final adoption</u> ;<br>proposed fee increases for false alarm fines and establishing new fees for alarm registration and late payment penalties.<br>01/10/02 – Submitted by Mayor Dannel P. Malloy<br>04/01/02 – Approved for publication<br>05/06/02 – Held in Committee<br>05/30/02 – Held in Committee<br>06/03/02 – Held in Committee<br>06/27/02 – Committee approved 6-0 (as amended)<br>07/01/02 – Approved as amended<br>08/05/02 – Held in Committee<br>08/29/02 – Report Made | <b>APPROVED<br/>FOR REPUB-<br/>LICATION BY<br/>UNANIMOUS<br/>VOICE VOTE</b><br>(Reps. Figuero,<br>O’Neill and Giordano<br>abstain) |
|-----------------------------|---|--|

Chair Lyons reported that a public hearing was held on Item No. 1, and one member of the public appeared to speak. The Committee amended the proposed ordinance by a vote of 8-0-0.

These amendments are: Paragraph 2 – “Additionally, if the activation of the alarm is determined to be an unintentional or false alarm the alarm user will be fined \$90.00 for triggering a False Alarm.” A new Paragraph 2(A): “An “unintentional or false alarm” is any activation of an alarm device or a call from an alarm company system to which a Fire and Rescue Department or the Police Department responds and which is not occasioned nor caused by a criminal act, a fire or a medical emergency. The determination as to causation of an alarm shall be made by the public safety official on the scene.”

Paragraph 3 is now headed by: “(B) Exceptions: Alarm activations caused by power failures and water surges shall not be deemed “unintentional or false alarms.”” Chair Lyons moved the amendments; said motion was seconded and approved by voice vote (Reps. Figueroa, O’Neill and Giordano abstaining).

Chair Lyons moved a second amendment: adding a new paragraph 4: “If the fine for an unintentional or false alarm is not paid within sixty days of the date of notification by the Alarms Administrator, a late penalty of 25 percent of the fine amount shall be assessed for non-payment of said fine.” Said motion was seconded and approved by unanimous voice vote (Reps. Giordano, O’Neill, Figueroa and Skigen abstaining).

Chair Lyons moved a third amendment: the elimination of the fourth “whereas.” Said motion was seconded.

Rep. Skigen stated that he is uncertain whether a 25 percent penalty is allowable under Connecticut law. He added that we can publish it with the 25 percent, but the matter should be reviewed prior to final adoption. The amendment was approved by unanimous voice vote (Rep. Giordano abstaining).

Chair Lyons moved the ordinance, as amended, for republication. Said motion was seconded.

Rep. Zelinsky asked how the City would notify homeowners and businesses that they would have to register.

Chair Lyons stated that in one of the meetings, a variety of measures had been proposed to notify the public. Inserts in the tax bills, notification at the time a beach sticker is applied for or dog license renewals were required were all discussed. Chair Lyons stated that the roll-out would be 90 to 120 days. and approved by unanimous voice vote (Reps. Figueroa, O’Neill and Giordano abstaining).

## **PARKS & RECREATION**

### **COMMITTEE:**

[\(Attendance\)](#)

[\(Votes\)](#)

**Donald B. Sherer, Co-Chair**

**Linda Cannady, Co-Chair**

Meeting: Tuesday, August 27, 2002

7:30 p.m. – Republican Caucus Room

Co-Chair Sherer reported that the Parks & Recreation Committee met on Tuesday, August 27, 2002. Present were Committee Member Reps. Sherer, Cannady, McCullen, Fedeli, McDermott, Lyons, Imbrogno, Clear and Giordano. Also present were members of the Parks & Recreation Commission; and Frank Fedeli, Mickey Docimo and Dan Colleluori of the Operations Department.

1. [PR26.030](#) RESOLUTION; for publication; approving parks opening and closing hours. **HELD IN COMMITTEE**  
07/19/02 – Submitted by Mayor Dannel P. Malloy  
03/26/02 - Approved by Parks & Rec Commission  
08/27/02 – Held in Committee 5-4-0
  
2. [PR26.031](#) RESOLUTION; for publication; approving policies regarding Ballfield Sound Amplification Systems. **HELD IN COMMITTEE**  
07/19/02 – Submitted by Mayor Dannel P. Malloy  
03/26/02 - Approved by Parks & Rec Commission  
08/27/01 – Held in Committee 9-0-0

Rep. Zelinsky asked if a public hearing could be held on Item No. PR26.031. Co-Chair. Sherer stated that the public hearing was held at the Parks & Recreation Commission level. They actually set the policy, and we approve or reject it. Co-Chair Sherer stated that until recently we never held public hearings; in the last couple of years we have held public hearings on fees. Co-Chair Sherer stated he felt it was not necessary.

Co-Chair Sherer stated that the resolutions do not need to be published prior to adoption by the Board.

Rep. Lyons stated that this is not an ordinance, but a policy of the Parks & Recreation Commission. He added that this item falls under the purview of the Commission, unless we adopt or enact it as an ordinance. Rep. Lyons stated that someone from the Commission should meet with Legal Affairs or the Board of Representatives to determine what items are policy changes, that the Board doesn't need to act upon vs. items that are adopted that require board approval.

Clerk of the Board Summerville stated that it is incumbent on the Committee Chair to scrutinize items presented to the Committee at Steering. She added that the resolutions are published after they are approved by the full Board, as required by ordinance, and that is why it is referred to in the description.



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

**HOUSING/COMMUNITY DEVELOPMENT/  
SOCIAL SERVICES COMMITTEE: Elaine Mitchell, Chair**

Clerk of the Board Summerville reported that Ms. Mitchell will give a report on her items next month.

1. HCD26.06      REVIEW; of affordable housing availability in                      **NO**  
Stamford and home buying opportunities for low                      **REPORT**  
income households.  
05/08/02 – Submitted by Tim Beeble  
05/21/02 – Held in Committee  
06/03/02 – Held in Committee  
06/18/02 – Held in Committee 4-0-0  
07/01/02 – No Report
  
2. HCD26.08      PROJECT; establishing a public information,                      **NO**  
educational and discussion seminar/workshop on the                      **REPORT**  
Hope VI Program.  
05/28/02 – Submitted by Rep. Mitchell  
06/18/02 – Report Made  
07/01/02 – No Report

**TRANSPORTATION COMMITTEE: Robert “Gabe” DeLuca, Chair**  
[\(Attendance\)](#)                      **John R. Zelinsky, Jr., Vice Chair**  
[\(Votes\)](#)                              Meeting: Thursday, August 22, 2002  
[\(Report\)](#)                              7:00 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on Thursday, August 22, 2002. Present were Committee Member Reps. DeLuca, Mirkin, Kernan, Blackwell and Giordano.

1. T26.013              REVIEW; of Section 231-6 of the Code of Ordinance,                      **HELD IN**  
entitled Prohibited Stopping, Standing or Parking.                      **COMMITTEE**  
07/25/02 – Submitted by Rep. Zelinsky  
08/22/02 – Held in Committee

Chair DeLuca reported that the item was held.

## **SPECIAL COMMITTEES**

**CHARTER COMMITTEE:** Maria Nakian, Co-Chair  
Robert "Gabe" DeLuca, Co-Chair

Co-Chair DeLuca reported that the Charter Committee did not meet.

**SCHOOL BUDGET COMMITTEE:** Randy Skigen, Chair

Chair Skigen reported that the School Budget Committee will meet on Monday, September 16, 2002.

## **RESOLUTIONS**

- |    |  |   |
|----|--|---|
| 1. | <u><a href="#">SENSE OF THE BOARD RESOLUTION</a></u><br>commemorating October 2002 as Polish Heritage<br>Month.<br>09/03/02 – Submitted by Rep. Zelinsky | <b>APPROVED BY<br/>UNANIMOUS<br/>VOICE VOTE</b> |
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## **MINUTES**

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|----|---|---|
| 1. | <u><a href="#">August 5, 2002 Regular Board Meeting</a></u> | <b>APPROVED BY<br/>UNANIMOUS<br/>VOICE VOTE</b> |
|----|---|---|

## **COMMUNICATIONS**

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ADJOURNMENT**

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 10:22 p.m.