

*The Regular Meeting of the 26<sup>th</sup> Board of Representatives of the City of Stamford will be held **Monday, June 7, 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 10:14 p.m.

**President Martin wished Reps. Nowakowski, Fedeli, Coppola, Fahan, Mirkin and DeLuca a happy birthday in the coming month.**

**INVOCATION:** Led by Rep. Pia.

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

**ROLL CALL:** Led by Clerk of the Board Annie Summerville. There were 35 members present and 5 members excused (Reps. DePina, Hunter, McCullen, Nowakowski and Spadow).

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

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

President Ronald Reagan, Shirley Griffith and Paul Kachaluba and Efrain J. Velez by the 26<sup>th</sup> Board of Representatives; Jonathan Major by Reps. Summerville, Lyons, Loglisci and Zelinsky; **Mary Liscio by Reps. Mirkin, Giordano, Loglisci and Zelinsky; Dr. Ralph T. Tella, Raymond B. Considine and Jerome Herold by Reps. Giordano and Zelinsky; Joseph A. DeRosa, Sr. and Peter P. Anzoli by Rep. Giordano; Harish C. Rawal, Claire Halladay and Gertrude Irving by Rep. Zelinsky; Catherine R. DeVito and Ann B. Ryle by**

Rep. Loglisci; Rose C. Faugno, Arthur J. Trower, Jr. and John J.P. Nocerino by Reps. Loglisci and Zelinsky.

Clerk of the Board Summerville stated that she was happy to have known of our late President Ronald Reagan. She added that he will be remembered by all, and especially this full Board sends out its sympathies to all who are grieving during this time of national mourning.

### STANDING COMMITTEES

**STEERING COMMITTEE:** Meeting: Monday, May 10, 2004  
7:00 p.m. – Democratic Caucus Room

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

**APPOINTMENTS COMMITTEE: Paul A. Esposito, Chair**  
*(Attendance)* **Annie M. Summerville, Vice Chair**  
*(Votes)* Meeting: Tuesday, May 25, 2004  
*(Report)* 7:00 p.m. – Democratic Caucus Room

Chair Esposito reported that the Appointments Committee met on Tuesday, May 25, 2004. Present were Committee Member Reps. Blackwell, Boccuzzi, Clear, Coppola, DePina, Mirkin, Morrow, Nowakowski, Esposito, Pavia and Summerville.

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|----------------------------|---|-----------------------------------|---|
| 1. <a href="#">A26.136</a> | <u>Traffic Hearing Officer</u><br>Salvatore LaDestro (D)<br>116 Mulberry Street<br>Stamford, CT 06907<br>Term Expires: 12/01/04<br>04/13/04 – Submitted by Mayor Dannel P. Malloy<br><b>05/25/04 – Committee Approved 6-0-1</b> | Repl. Fahan<br>Term Exp. 12/01/02 | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b>   |
| 2. <a href="#">A26.137</a> | <u>Zoning Board – Alternate</u><br>David Stein(D)<br>83 Boulder Brook Drive<br>Stamford, CT 06903<br>Term Expires: 12/01/06<br>04/13/04 – Submitted by Mayor Dannel P. Malloy<br><b>05/25/04 – Committee Approved 6-0-1</b>     | Repl. Bartley<br>Term Exp. 12/1/6 | <b>APPROVED<br/>BY MACHINE<br/>VOTE (30-4-0)</b><br>(Reps. Adams,<br>Greenberg,<br>Kernan and White<br>opposed) |

Rep. Kernan stated that he objected to the appointment of Mr. Stein to the Zoning Board as an alternate because he is a practicing attorney. Rep. Kernan stated this would start an undesirable precedent.

Chair Esposito stated that Mr. Stein does not practice and has never practiced in the City of Stamford. Further, Mr. Stein knows real estate and works for a private corporation and contributes this knowledge to the Zoning Board.

Rep. Browne stated a conflict of interest is generally when an attorney is representing two different sides, and he will support Mr. Stein's appointment.

Chair Esposito moved the appointment of Mr. Stein (A26.137); said motion was seconded and approved by a machine vote of 30-4-0 (Reps. Adams, Greenberg, Kernan and White opposed) ([See RCS Vote Record No. 512](#)).

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|----------------------------|---|---------------|---|
| 3. <a href="#">A26.138</a> | <u>Enterprise Zone</u><br>Murray Goldblum<br>652 Glenbrook Road<br>Stamford, CT 06906<br>04/14/04 – Submitted by Mayor Dannel P. Malloy<br><b>05/25/04 – Committee Approved 10-0-0</b>                    | Reappointment | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 4. <a href="#">A26.139</a> | <u>Enterprise Zone</u><br>Jack Condlin<br>Chamber of Commerce<br>733 Summer Street<br>Stamford, CT 06901<br>04/14/04 – Submitted by Mayor Dannel P. Malloy<br><b>05/25/04 – Committee Approved 10-0-0</b> |               | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 5. <a href="#">A26.140</a> | <u>Enterprise Zone</u><br>Michael McAndrews<br>100 Greyrock Place<br>Stamford, CT 06901<br>04/14/04 – Submitted by Mayor Dannel P. Malloy<br><b>05/25/04 – Committee Approved 10-0-0</b>                  |               | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 6. <a href="#">A26.141</a> | <u>Enterprise Zone</u><br>Sheila Barney<br>South End NRZ<br>74 Ludlow Street<br>Stamford, CT 06902<br>04/14/04 – Submitted by Mayor Dannel P. Malloy<br><b>05/25/04 – Committee Approved 10-0-0</b>       |               | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |

7. [A26.142](#)      Enterprise Zone  
Greg Karas  
112 Orchard Street  
Stamford, CT 06902  
04/14/04 – Submitted by Mayor Dannel P. Malloy  
**05/25/04 – Committee Approved 10-0-0**

**APPROVED  
ON CONSENT  
AGENDA**

8. [A26.143](#)      Enterprise Zone  
Linda Cannady                      Reappointment  
33 East Walnut  
Stamford, CT 06902  
04/14/04 – Submitted by Mayor Dannel P. Malloy  
**05/25/04 – Committee Approved 10-0-0**

**APPROVED  
ON CONSENT  
AGENDA**

9. [A26.144](#)      Enterprise Zone  
Rick Fedeli  
22 Carlisle Place  
Stamford, CT 06902  
04/14/04 – Submitted by Mayor Dannel P. Malloy  
**05/25/04 – Held in Committee 10-0-0**

**HELD IN  
COMMITTEE**

Chair Esposito reported that Mr. Fedeli was unable to attend the meeting and therefore will be interviewed next month.

10. [A26.146](#)      Personnel Commission  
Kathleen M. Lombardo (R)      Reappointment  
65 Hickory Road                      Term Exp. 12/1/2  
Stamford, CT 06903  
Term Expires: 12/01/05  
05/05/04 – Submitted by Mayor Dannel P. Malloy  
**05/25/04 – Committee Approved 6-0-4**

**APPROVED  
ON CONSENT  
AGENDA**

11. [A26.147](#)      Smith House Board of Directors  
Lewis G. Pace (R)                      Reappointment  
299 Westover Road                      Term Exp. 12/31/3  
Stamford, CT 06902  
Term Expires: 12/31/06  
05/05/04 – Submitted by Mayor Dannel P. Malloy  
**05/25/04 – Committee Approved 10-0-0**

**APPROVED  
ON CONSENT  
AGENDA**

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|-----------------------------|---|----------------------------------|---|
| 12. <a href="#">A26.148</a> | <u>Stamford Golf Authority</u><br>Richard T. Swatland (R)<br>178 Club Road<br>Stamford, CT 06905<br>Term Expires: 01/01/07<br>05/05/04 – Submitted by Mayor Dannel P. Malloy<br><b>05/25/04 – Committee Approved 10-0-0</b> | Reappointment<br>Term Exp. 1/1/4 | <b>APPROVED<br/> ON CONSENT<br/> AGENDA</b> |
| 13. A26.145                 | REVIEW; of Environmental Protection Board’s<br>duties vis-à-vis EPB staff.<br>05/04/03 – Submitted by Chair Esposito<br><b>05/25/04 – Report Made</b>   |                                  | <b>REPORT<br/> MADE</b>                     |

Chair Esposito reported that the EPB clearly believes it has the right to promulgate its own budget. This conflicted with some Committee members beliefs, and the Committee will invite corporation counsel, EPB members and the Director of Operations to attend its meeting next month to continue this discussion.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 and 3 through 12, was approved by unanimous voice vote.

<b>FISCAL COMMITTEE:</b> <a href="#">(Attendance)</a> <a href="#">(Report)</a>	<b>Randy Skigen, Chair</b> <b>Linda Cannady, Vice Chair</b> Meeting: Monday, May 24, 2004 6:00 p.m. – Democratic Caucus Room - and - Meeting: Monday, June 7, 2004 6:30 p.m. – Conference Room #1
<a href="#">(Votes)</a>	

Chair Skigen reported that the Fiscal Committee met on Monday, May 24, 2004. Present were Committee Member Reps. Cannady, DeLuca, DePina, Fedeli, Figueroa, Giordano, Loglisci, Mirkin and Skigen; also present were Rep. Greenberg; Don Whitting, Risk Manager; Rachel Goldberg and Steve Osman of the URC; Nick Corta of Stamford Health System; Karen Cammarota of the Grants Office; Barbara Muller of United Jewish Federation; Matt Greenberg of Jewish Family Services; Kit Murdoch of the Yerwood Center; Anne Rich of Visiting Nurse & Hospice Care; Johnnie Malloy of St. Luke’s LifeWorks; Jeanne Franklin of the Stamford Senior Center; Jim Vinnie of Family Centers; Ed Spauster of LMG; Sonya D. Van Norden of the Boys & Girls Club of Stamford; pat Kelly of Housing Development Fund; Lynn Jackson Quinn of Horizon Student Enrichment; Sherry Perlstein of Child Guidance; Michael Thias of Shelter for the Homeless; Chief DeCarlo of the Police Department; Glenn MacWilliams of

Operations; Ben Barnes, Director of Administration; Joyce Sun of OPM; Donna Loglisci, Town and City Clerk and Sandra Dennies of the Grants Office.

Chair Skigen announced that at all times during the meeting there was a quorum present.

Chair Skigen reported that the Fiscal Committee also met on Monday, June 7, 2004. Present at that meeting were Committee Member Reps. Skigen, Cannady, DeLuca, Fedeli, Figueroa, Giordano, Loglisci, Lyons and Mirkin.

1. [F26.366](#) RESOLUTION & **Public Hearing**; approving the Neighborhood Assistance Grant. **APPROVED ON CONSENT AGENDA**  
03/31/04 – Submitted by Sandra Dennies  
**05/24/04 – Committee approved 5-0-1**

2. [F26.374](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON CONSENT AGENDA**  
\$39,055.00 COPS in Schools; to fund final year of 3-year grant; existing city funds will be used to supplement grant.  
04/24/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – Approved by Board of Finance  
**05/24/04 – Committee approved 5-0-0**

*Secondary Committee: Public Safety & Health*

*Waive*

3. [F26.373](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON CONSENT AGENDA**  
\$2,500.00 Subsidized Programs; Recreation Supplies; to accept donation from Heyman Properties in sponsorship of an event last December.  
04/24/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – Approved by Board of Finance  
**05/24/04 – Committee approved 5-0-0**

4. [F26.371](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON CONSENT AGENDA**  
\$7,130.00 Local Prevention Council; Direct Service; to provide quarterly luncheons for youth service agencies and for facilitators for Education Through Adventure program.  
04/21/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – Approved by Board of Finance  
**05/24/04 – Committee approved 5-0-0**

5. [F26.375](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON CONSENT AGENDA**  
\$3,700.00 Town Clerk; Historic Preservation/Software Maintenance; to pay for 25 additional user licenses to allow internet access to Town Clerk's

Land Record Information.  
04/24/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – Approved by Board of Finance  
**05/24/04 – Committee approved 6-0-0**

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|--|---|---|
| 6. <a href="#">F26.376</a><br>\$5,000.00                               | ADDITIONAL APPROPRIATION (Operating Budget); Town Clerk; Contracted Services; to fund record management services and supplies for land record books.<br>04/24/04 – Submitted by Mayor Dannel P. Malloy<br>05/13/04 – Approved by Board of Finance<br><b>05/24/04 – Committee approved 6-0-0</b> | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 7. <a href="#">F26.377</a><br>\$7,000.00                               | ADDITIONAL APPROPRIATION (Operating Budget); Town Clerk; Postage; to fund extra expenses related to land record documents.<br>04/24/04 – Submitted by Mayor Dannel P. Malloy<br>05/13/04 – Approved by Board of Finance<br><b>05/24/04 – Committee approved 6-0-0</b>                           | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 8. <a href="#">F26.378</a>   | APPROVAL; of an agreement with Marsh USA for insurance brokerage services.<br>04/30/04 – Submitted by Mayor Dannel P. Malloy<br>05/13/04 – Approved by Board of Finance<br><b>05/24/04 – Committee approved 6-0-0</b>   | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 9. <a href="#">F26.380</a><br>\$20,000.00                              | ADDITIONAL APPROPRIATION (Operating Budget); OSHA Safety Requirement; to fund Hepatitis B vaccines for 200 Operations employees.<br>05/05/04 – Submitted by Mayor Dannel P. Malloy<br>05/13/04 – Approved by Board of Finance<br><b>05/24/04 – Committee approved 6-0-0</b>                     | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |
| 10. <a href="#">F26.379</a><br>\$30,000.00<br><a href="#">Schedule</a> | ADDITIONAL APPROPRIATION (Operating Budget); Fleet Management; Gasoline; to fund increased costs of fuel.<br>05/05/04 – Submitted by Mayor Dannel P. Malloy<br>05/13/04 – Item <b>rejected</b> by Board of Finance<br><b>05/24/04 – No action taken</b>   | <b>NO ACTION<br/>TAKEN</b>                |

*Secondary Committee: Operations*

*Waive*

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

11. [F26.382](#) ADDITIONAL APPROPRIATION (Operating Budget); Fleet Management; Vehicle Maintenance; to maintain Operations and Health Department fleets operational through year end. 05/05/04 – Submitted by Mayor Dannel P. Malloy 05/13/04 – Approved by Board of Finance **05/24/04 – Committee approved 6-0-0**

**APPROVED  
ON CONSENT  
AGENDA**

*Secondary Committee: Operations*

*Waive*

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

12. [F26.372](#) ADDITIONAL APPROPRIATION (Operating Budget); E.G. Brennan; Grounds Maintenance; for major improvements to course; funds from surplus account. 04/24/04 – Submitted by Mayor Dannel P. Malloy 05/13/04 - Board of Finance approved \$15,200 **05/24/04 – Committee approved 5-0-1**

**APPROVED  
ON CONSENT  
AGENDA**

*Secondary Committee: Parks & Recreation*

*Concur 6-0-1*

13. [F26.381](#) ADDITIONAL APPROPRIATION (Operating Budget); Solid Waste; Haulaway/Miscellaneous; to fund DEP, fire marshal and court orders regarding brush material at Cove Island. 05/05/04 – Submitted by Mayor Dannel P. Malloy 05/13/04 – Approved by Board of Finance **05/24/04 – Committee approved 7-0-0**

**APPROVED  
ON CONSENT  
AGENDA**

*Secondary Committee: Operations*

*Waive*

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

14. [F26.385](#) ADDITIONAL APPROPRIATION (Operating Budget); Solid Waste; Overtime; to replenish under-funded account. 05/05/04 – Submitted by Mayor Dannel P. Malloy 05/13/04 – Approved by Board of Finance **05/24/04 – Committee approved 7-0-0**

**APPROVED  
ON CONSENT  
AGENDA**

*Secondary Committee: Operations*

*Waive*

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

15. [F26.383](#) ADDITIONAL APPROPRIATION (Operating Budget); Solid Waste; Haulaway/Garbage; to fund to fund condo reimbursement account for current fiscal year. **APPROVED ON CONSENT AGENDA**  
\$120,000.00  
05/05/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – Approved by Board of Finance  
**05/24/04 – Committee approved 7-0-0**

*Secondary Committee: Operations*

*Waive*

Upon motion duly made and seconded and approved by unanimous voice vote, the Secondary Committee Report was waived for Item Nos. 15, 16 and 17.

16. [F26.386](#) ADDITIONAL APPROPRIATION (Operating Budget); Solid Waste; Haulaway/Garbage; to fund recently-enacted Pennsylvania state tipping tax. **APPROVED ON CONSENT AGENDA**  
\$120,000.00  
05/05/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – No action reported by Board of Finance  
**05/24/04 – Committee approved 7-0-0**

*Secondary Committee: Operations*

*Waive*

17. [F26.384](#) ADDITIONAL APPROPRIATION (Operating Budget); Recycling/Contracted Services; to fund contractual difference between original contract and new contract. **APPROVED ON CONSENT AGENDA**  
\$92,100.00  
05/05/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – Approved by Board of Finance  
**05/24/04 – Committee approved 7-0-0**

*Secondary Committee: Operations*

*Waive*

18. [F26.370](#) ADDITIONAL APPROPRIATION (Capital Budget); Urban Redevelopment Commission; Block 9 Parking Garage. **APPROVED ON CONSENT AGENDA**  
\$17,017,100.  
[Back-Up](#)  
04/21/04 – Submitted by Mayor Dannel P. Malloy  
05/13/04 – Approved by Board of Finance  
**05/24/04 – Committee approved 5-0-2**

*Secondary Committee: Land Use*

*Concur 6-0-0*

19. F26.387 REVIEW; of Board of Assessment Appeals practices, policies and procedures along with a review of State Statute S12-111. **REPORT MADE**  
 05/04/04 – Submitted by Rep. DeLuca  
**05/24/04 – Report Made**

Chair Skigen reported that members of the Board of Assessment Appeals could not attend, however the Committee did hear from a citizen who was unhappy with the process. The Committee felt that the Board of Assessment Appeals should publicize its limits and notify citizens who have appeals it is not going to hear. The State statutes also do not take into account Stamford’s real estate prices, and this should be looked at in terms of having the limits increased.

**Suspension of Rules:**

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

20. [F26.389](#) RESOLUTION; authorizing an application for school construction grants for Northeast School. **APPROVED BY UNANIMOUS VOICE VOTE**  
 05/12/04 – Submitted by Dannel P. Malloy  
**05/24/04 – Committee approved 5-0-0**

Upon motion duly made and seconded, Item No. F26.389 was approved by unanimous voice vote.

President Martin explained that Item No. 21 could not be taken up as the approvals must be made in order. The Boards of Finance and Planning have not yet considered the item.

21. F26.396 ADDITIONAL APPROPRIATION (Capital Budget); Interdistrict Elementary Magnet School; 95% state-funded school for 650 students, 150,000 sq. ft. will cost approximately \$58 million; 25% of population from surrounding communities. **NO ACTION TAKEN**  
 06/01/04 – Submitted by Dr. Anthony Mazzullo  
**06/01/04 – Committee approved 4-3-2**  
 06/10/04 – Approved by Board of Finance

Chair Skigen explained that the Board of Finance and the Planning Board had not yet approved this item. Therefore, no action can be taken at this time as this appropriation must be taken in order.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1, 2-9 and 11-18 was approved by unanimous voice vote (Rep. Lyons abstaining on Item Nos. 5, 6 and 7).

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

**Jim Shapiro, Vice Chair**

Meeting: Wednesday, May 19, 2004

7:00 p.m. – Democratic Caucus Room

Chair Nakian reported that a quorum was not present at her meeting. Chair Nakian moved to take Item No. LR26.062 out of Committee; said motion was seconded and approved by unanimous voice vote.

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|-----------------------------|--|---|
| 1. <a href="#">LR26.062</a> | PROPOSED ORDINANCE; <b>for public hearing and final adoption</b> ; establishing the position of Legislative Aide as an unclassified position.<br>04/07/04 – Submitted by President Martin<br><b>05/18/04 – No quorum</b> | <b>APPROVED BY UNANIMOUS VOICE VOTE</b> |
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Chair Nakian moved Item No. LR26.062; said motion was seconded and approved by unanimous voice vote.

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|-----------------------------|--|------------------------|
| 2. <a href="#">LR26.064</a> | RESOLUTION <b>and public hearing</b> ; approving a reinstatement and amendment to the 1999 Three-Party Purchase and Sale Agreement among the City, Wyeth and Collins Magee, LLC.<br>04/24/04 – Submitted by Mayor Dannel P. Malloy<br>05/13/04 – Withdrawn<br><b>05/18/04 – No quorum</b><br>06/01/04 – Approved by Planning Board | <b>NO ACTION TAKEN</b> |
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|-------------|--|------------------------|
| 3. LR26.060 | PROPOSED ORDINANCE; <b>for publication</b> ; amending the Code of Ethics and other sections of the Code of Ordinances relating to gifts.<br>03/03/04 – Submitted by the Democratic Caucus<br>03/22/04 – Held in Committee<br>04/07/04 – Held in Committee<br><b>05/18/04 – No quorum</b> | <b>NO ACTION TAKEN</b> |
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Chair Nakian moved to take Item No. LR26.063 out of Committee; said motion was seconded and approved by a machine vote of 34-1-0 (Rep. White opposed) (See [RCS Vote Record No. 513](#)).

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| 4. <a href="#">LR26.063</a> | PROPOSED ORDINANCE; <b>for publication</b> ; amending the recently-enacted Helicopter Landing Zone Ordinance No. 1029.<br>05/03/04 – Submitted by Leg & Rules Committee<br><b>05/18/04 – No quorum</b> | <b>APPROVED BY MACHINE VOTE 34-1-0</b><br><i>(Rep. White opposed)</i> |
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The main motion was approved by a machine vote of 34-1-0 (Rep. Fahan opposed) (See [RCS Vote Record No. 517](#)).

**LAND USE COMMITTEE:**

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

**Patrick White, Co-Chair**

**Harry Day, Co-Chair**

Meeting: Monday, May 24, 2004

7:30 p.m. – Republican Caucus Room

Co-Chair Day reported that the Land Use Committee met on Monday, May 24, 2004. Present were Committee Member Reps. Day, Greenberg, Loglisci, Mitchell, Nakian and Summerville; Reps. Boccuzzi, Shapiro and Spandow were excused. Also present were Reps. Browne and O'Neill; Robin Stein and Norman Cole of the Land use Bureau; Phyllis Kapiloff of the Zoning Board and John Garnjost of the Planning Board; Steve Osman and Rachel Goldberg of the URC; and Michael Kraynak of the Health Department.

1. LU26.049      **PROPOSED ORDINANCE; for publication;**      **HELD IN**  
amending Chapter 146 of the Code of Ordinances      **COMMITTEE**  
to provide a fine for property owners with illegal  
units within their dwellings.  
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  
**05/24/04 – Held in Committee**
  
- 2 LU26.047      **REVIEW;** of the feasibility of instituting an      **REPORT**  
architectural review board or commission as part      **MADE AND**  
of the land use permitting process.      **HELD IN**  
11/14/03 – Submitted by Reps. Browne & O'Neill      **COMMITTEE**  
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  
**05/24/04 – Held in Committee**
  
3. [LU26.052](#)      **RESOLUTION;** approving a plan amendment for      **APPROVED BY**  
the Southeast Quadrant (Extended) Urban      **MACHINE**  
Renewal Project.      **VOTE (21-10-0)**  
05/05/04 – Submitted by Rachel Goldberg  
**05/24/04 – Committee approved 5-1-0**





Chair DeLuca reported that the Transportation Committee met on Thursday, May 20, 2004. Present were Committee Member Reps. Blackwell, DeLuca, Fahan, Giordano, Kernan, Mirkin and Zelinsky; also present was Rep. Loglisci; Ernie Orgera, of the Traffic Department; Msgr. DiGiovanni of St. John's; John Leydon, Jr., Sybil Richards, Deputy Corporation Counsel; John Ruotolo and Sandra Goldstein of the DSSD.

1. [T26.047](#) RESOLUTION; **for public hearing & final adoption**; setting fees for the Bell and Bedford parking garages and St. John's and Franklin Street parking lot fees. **APPROVED BY MACHINE VOTE 19-14-0**  
02/03/04 – Submitted by Glen MacWilliams  
03/01/04 – No action taken  
03/18/04 – Held in Committee 4-0-0  
04/07/04 – Held in Committee  
**05/20/04 – Committee approved 5-0-0**

Chair DeLuca moved Item No. T26.047; said motion was seconded.

Rep. Shapiro stated that he is absolutely against increasing fees downtown for parking. He added that there are different rates, different prices, for different times, enforcement rules are not consistent, increased fines and increased numbers of tickets given. Rep. Shapiro stated that the confusion is terrible for the customer and businesses in the downtown area. Rep. Shapiro stated that the nickel-and-diming of those visiting downtown must stop and that he will vote against the matter.

Rep. Greenberg moved the question; said motion was seconded and approved by a machine vote of 28-5-0 (Reps. O'Neill, Shapiro, Summerville, White and Zelinsky opposed) (See [RCS Vote Record No. 519](#)).

Clerk of the Board Summerville noted that Reps. Blackwell and Esposito had left the meeting at this time.

Item No. T26.047 was approved by a machine vote of 19-14-0 (Reps. Benyus, Boccuzzi, Browne, Clear, Coppola, Day, DeLuca, Fahan, Fedeli, Giordano, Greenberg, Kernan, Loglisci, Martin, McDermott, Mirkin, Molgano, Morrow and Pia in favor; Reps. Adams, Cannady, Figueroa, Imbrogno, Lyons, Mitchell, Nakian, O'Neill, Pavia, Shapiro, Skigen, Summerville, White and Zelinsky opposed) (See [RCS Vote Record no. 520](#)).

2. [T26.048](#) RESOLUTION; **for public hearing & final adoption**; setting on-street meter fees. **APPROVED BY MACHINE VOTE 19-14-0**  
02/03/04 – Submitted by Glen MacWilliams  
03/01/04 – No action taken  
03/18/04 – Held in Committee 4-0-0

04/07/04 – Held in Committee  
**05/20/04 – Committee approved 5-0-1**

Chair DeLuca moved Item No. T26.048; said motion was seconded.

A motion to move the question was made and seconded; said motion was approved by a machine vote of 31-2-0 (Reps. O'Neill and White opposed) (See [RCS Vote Record no. 521](#)).

The main motion was approved by a machine vote of 19-14-0 (Reps. Benyus, Boccuzzi, Coppola, Day, DeLuca, Fahan, Fedeli, Giordano, Greenberg, Kernan, Loglisci, Lyons, Martin, Mirkin, Molgano, Morrow, Nakian, Pia and Skigen in favor; Reps. Adams, Browne, Cannady, Clear, Figueroa, Imbrogno, McDermott, Mitchell, O'Neill, Pavia, Shapiro, Summerville, White and Zelinsky opposed) (See [RCS Vote Record no. 522](#)).

3. [T26.052](#) RESOLUTION; **for public hearing**; approving a lease agreement between the City of Stamford and St. John's Roman Catholic Church for land located between Tresser Boulevard and Bell Street for use as a public parking lot; amount of rent: \$3,500 monthly; term of contract: 2/1/4 through 2/1/5.  
05/05/04 – Submitted by Mayor Dannel P. Malloy  
**05/20/04 – Committee approved 5-0-0**  
06/01/04 – Approved by Planning Board
- APPROVED BY MACHINE VOTE (28-4-0)**  
(Reps. Adams, Cannady, Figueroa and Summerville opposed)

Chair DeLuca moved item No. 523; said motion was seconded and approved by a machine vote of 28-4-0 (Reps. Benyus, Boccuzzi, Browne, Clear, Coppola, Day, DeLuca, Fahan, Giordano, Greenberg, Imbrogno, Loglisci, Lyons, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Nakian, O'Neill, Pavia, Pia, Shapiro, Skigen, White and Zelinsky in favor; Reps. Adams, Cannady, Figueroa and Summerville opposed) (See [RCS Vote Record No. 523](#)).

## SPECIAL COMMITTEES

**CHARTER COMMITTEE: Maria Nakian, Co-Chair**  
([Attendance](#))  
([Votes](#))  
([Report](#))

**Robert "Gabe" DeLuca, Co-Chair**  
Meeting: Wednesday, May 26, 2004  
7:00 p.m. – Democratic Caucus Room

**Chair Nakian reported that the Charter Committee met on Wednesday, May 26, 2004. Present were Committee Member Reps. DeLuca, Fedeli, Lyons, Nakian, Skigen, Spandow and Summerville.**

1. RESOLUTION; approving the final report of the  
[\[final report\]](#) 16<sup>th</sup> Charter Review Commission.  
03/08/04 – Submitted by Steering Committee  
03/18/04 – Report Made  
04/07/04 – Report Made  
05/03/04 – Recommendations approved  
05/26/04 – Committee approved 5-1-1

Co-Chair Nakian moved the Committee's [report](#); said motion was seconded. Chair Nakian proceeded to go through the report; President Martin advised that motions amending the Committee's Report would be entertained.

Regarding Charter Section C1-40-5(b), the Committee had voted to delete this language from the Commission's Report by a vote of 5-0-0 (i.e., the Committee recommended leaving the existing language in the Charter regarding the number of candidates who can run for the Boards of Education and Finance). After further review, Chair Nakian recommended that this item not be deleted from the Committee's Report. Chair Nakian moved the Committee's recommendation (i.e., to delete it from the Committee's Report); said motion was seconded and failed by unanimous voice vote.

Chair Nakian reviewed Charter Sections C1-80-6 and C1-80-6(a), which related to the number of candidates that can be elected to run during a municipal election on the Boards of Finance and Education. Chair Nakian reported that the Committee voted 5-0-0 to leave the language as is.

A motion to reject the Committee's recommendation was made and seconded. Said motion failed by a machine vote of 3-27-0 (Reps. Fahan, Pia and White in favor; Reps. Adams, Benyus, Boccuzzi, Browne, Clear, Coppola, Day, DeLuca, Fedeli, Figueroa, Giordano, Greenberg, Loglisci, Lyons, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Nakian, O'Neill, Pavia, Shapiro, Skigen, Summerville and Zelinsky opposed) (See [RCS Vote Record No. 524](#)).

Regarding Charter Section C5-30-4, Rep. Lyons moved to reject the Committee's recommendation to eliminate including the Director of Transportation in the Charter; said motion was seconded. Chair Nakian reported that the Committee voted 4-0-2 to remove the provision for a Director of Transportation in the Charter. The motion to reject the Committee's recommendation was approved by a machine vote of 23-4-0 (Reps. Adams, Benyus, Boccuzzi, Browne, Clear, Coppola, Day, DeLuca, Fahan, Fedeli, Giordano, Greenberg, Loglisci, Lyons, martin, McDermott, Mirkin, Molgano, Morrow, Nakian, Pavia, Shapiro and White in favor; Reps. O'Neill, Pia, Skigen and Zelinsky opposed) (See [RCS Vote Record No. 525](#)). The language as proposed by the Charter Commission, providing for a Director of Transportation, will be put to the voters.

Regarding Charter Sections C5-30-5 and C6-120-1, which relates to the Director of Parks & Recreation, a motion was made to reject the Committee's recommendation (i.e. to eliminate the requirement for this position in the Charter). The Committee voted 4-0-2 to reject the Commission's recommendation that this position be included in the Charter. Said motion was seconded.

Rep. Zelinsky stated he was against including this item in the Charter and would vote against the motion. Rep. Zelinsky asked whether matters such as salary levels and benefits were discussed.

Rep. Lyons stated that salary and benefits matters are not germane to the issue, and Rep. Zelinsky responded that it is very germane. Rep. Zelinsky added the charter is not the place to include positions in that it is our constitution, and it is not to provide individual positions such as Directors of Transportation or Parks and Recreation.

The motion was approved by a machine vote of 23-4-0 (Reps. Adams, Benyus, Boccuzzi, Browne, Clear, Coppola, Day, DeLuca, Fahan, Fedeli, Giordano, Greenberg, Loglisci, Lyons, Martin, McDermott, Mirkin, Molgano, Morrow, Nakian, Pavia, Shapiro and White in favor; Reps. O'Neill, Pia, Skigen and Zelinsky opposed) (See [RCS Vote Record No. 526](#)).

Chair Nakian stated that the Committee did not consider the Commission's recommendations regarding the reporting of the Chief Building Officer or the change in submission date of the Board of Education Budget as legal opinions advised that these items were not properly before the Committee.

A motion to accept the Committee's Report, as amended, was made and seconded. Said motion was approved by a machine vote of 28-0-0 (See [RCS Vote Record No. 527](#)).

Chair Nakian moved to suspend the rules to take up an item not on the agenda; said motion was seconded and approved by a machine vote of 27-1-0 (Rep. White opposed) (See [RCS Vote Record No. 528](#)).

Chair Nakian moved to hold the referendum during the regular election day, scheduled for the first Tuesday in November. Said motion was seconded and approved by a machine vote of 27-1-0 (Rep. White opposed) (See [RCS Vote Record No. 529](#)).

**President Martin announced that the Charter Committee would now work on phrasing the questions for the November ballot.**

**EDUCATION BUDGET  
COMMITTEE:**

**Randall Skigen, Chair**

**RESOLUTIONS**

**MINUTES**

**A motion to approve the minutes of May 3, May 4 and May 17 was made and seconded.**

1. [May 3, 2004 Regular Board Meeting](#) **NO ACTION  
TAKEN**

Rep. Zelinsky stated that he would like Page 22 of the minutes, relating to the stipend issue, to reflect Mr. Shapiro's exact statements. Rep. Zelinsky stated his comments are not fully understandable in the absence of a verbatim reporting of Mr. Shapiro's comments.

Clerk of the Board Summerville stated that she would review the tape and if any corrections were warranted, they would be made. Clerk Summerville stated that a representative cannot request the minutes be materially changed on the floor of the Board without the Clerk and staff reviewing the tape.

Rep. Summerville stated she is accountable for the accuracy of the minutes, and that the tapes are available and anyone can review them during normal business hours.

President Martin added that to clarify the issue, minutes are never "corrected" or altered after the Board has approved them.

Rep. Fahan asked who decides what is actually included in the minutes. President Martin stated that the Clerk works with Board Office staff to prepare the minutes.

Rep. Zelinsky stated that he does not want to change anything in the minutes, what he wants is to have an exact transcript of Mr. Shapiro's comments.

President Martin stated that a vote would be taken on the minutes of the May 4, 2004 budget meeting. Said motion was approved by unanimous voice vote.

2. [May 4, 2004 Special Budget Meeting](#) **APPROVED BY  
UNANIMOUS**

## VOICE VOTE

President Martin stated that a vote would be taken on the May 17, 2004 minutes; said motion was approved by unanimous voice vote.

3. [May 17, 2004 Special Board Meeting](#)

**APPROVED BY  
UNANIMOUS  
VOICE VOTE**

Chair Martin stated that attention would now return to the minutes of May 3, 2004, and asked whether Mr. Zelinsky was making a motion to hold or amend the minutes. Rep. Zelinsky replied that he was moving to amend the minutes.

Clerk Summerville stated that Rep. Zelinsky had ample time to come in and review the tapes if he questioned the accuracy of the minutes, and that she was in support of approving the minutes. She said she spoke to Rep. Zelinsky earlier in the evening, he advised that he did not have time to come in and review the tapes and that he objected to some of the verbiage by one of the representatives, and he would like a verbatim transcript of the exchange to be included in the minutes. Clerk Summerville stated no request has been received in writing from Mr. Zelinsky, and stated that Mr. Zelinsky cannot ask for language to be amended on the floor of the Board without listening to the tapes. Clerk Summerville also stated that she reads the minutes line by line every single month. Clerk Summerville stated our minutes are not verbatim, and to her knowledge, the minutes accurately reflect what each representative states.

Clerk Summerville added that she would like to accommodate every representative, but it is just a matter of procedure.

President Martin asked Mr. Zelinsky if he had specific language that he was proposing to add to the minutes. Mr. Zelinsky replied that he would like the following added: "we should put a spear in its heart and kill it so it doesn't ever come back again" to the 4<sup>th</sup> paragraph, last sentence on page 22. Rep. Zelinsky added that this was an important statement that caused him to make the statements that he made. Rep. Shapiro stated that was not the exact language he used and that he would vote against any amendment to change the minutes.

President Martin stated that Mr. Zelinsky can move to amend or move to hold. He added that the Clerk has not been afforded an opportunity to review the minutes to verify the accuracy of the amendment.

Rep. Mirkin asked why the Board shouldn't just move to hold to allow the Clerk time to go back and review the statement made by Rep. Shapiro. Rep. Mirkin moved to hold the minutes of May 3, 2004. Said motion was seconded and failed by a vote of 11-13 (Reps. Martin, White, Zelinsky, Clear, Fahan, O'Neill,

Morrow, Benyus, Mirkin, Pavia and Molgano in favor; Reps. McDermott, Lyons, Nakian, Shapiro, Giordano, Summerville, Day, Boccuzzi, Nowakowski, Pia, Greenberg, Fedeli and Coppola opposed).

Rep. Zelinsky moved to amend the minutes of May 3, 2004 by adding the following language: "we should put a spear in its heart and kill it so it doesn't ever come back again" to the 4<sup>th</sup> paragraph, last sentence on page 22. Said motion was seconded and failed by a vote of 4-18-0 (Reps. Fahan, Mirkin, Zelinsky and Pavia in favor; Reps. Martin, Summerville, McDermott, Day, Clear, White, Lyons, Boccuzzi, Nakian, Shapiro, Giordano, Pia, Greenberg, Molgano, Benyus, Coppola, Fedeli and Morrow opposed).

## **COMMUNICATIONS**

1. President Martin announced that Reps. Figueroa and DeLuca would serve on the Smith House RFP Committee.
2. President Martin announced that he would be serving on the short-term capital budget IT Committee; he asked for volunteers for the Vehicles and Equipment Committees.

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ADJOURNMENT**

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 12:21 a.m.