

*The Regular Meeting of the 26<sup>th</sup> Board of Representatives of the City of Stamford met on Monday, February 7, 2005 in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4<sup>th</sup> Floor, Stamford, Connecticut.*

## **MINUTES**

The meeting was called to order at 9:48 p.m.

**INVOCATION:** By Rep. Terry Adams

**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 38 members present and two members excused (Reps. Pia and McCullen).

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

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

Paul D. Shapero by the 26<sup>th</sup> Board of Representatives; Mr. And Mrs. Donnelly by Rep. Sweeney; Robert Magee by Rep. McDermott; Mildred C. Haff, Anthony Mazzola, Antoinette Morelli, Jennie D. Gianitti, Renee B. Jordan, Robert Ottoson and Frances Loretta-Troy Dohley by Rep. Giordano; Edward Grabowski, Richard Byxbee, Sr., William E. Mallozzi, Rose Rotante Kaminski, Joseph Anthony Totilo, Irene P. Tournas, Joseph J. Zezima, Jr., Samuel W. Cascam, Sergeant Martin Treadway, Michael D. Romaniello, Sr., James W. Delano and Richard L. Boehn by Reps. Giordano and Zelinsky; Pasquale Thomas Taccone, Bessie Vackos, Anna Scipione, Helen D. Neauszak, Ralph Faugno, David William Boyd MacDougall, Joseph Anthony Totilo, P. Vincent Griffin, Jr., Edward Kral, Edna F. D'Andrea, Margaret Bryant Olkoski, Daniel J. Cagginello, Julia C. Cofone, Catherine J. Ferrarra, Ronald J. Bova, Grace M. Yaeger, Luigi Zezima, Jeant Horton, Maria Mallozzi, Janet JM. Gostomski, Louis A. Mancini, Kathryn E. Reilly, Fred Distefano, Mario V. Megale, Peter Fiori, Mary Genegu, John B. Mish, Sr., Robert James Mancini and Sally Newland by Rep. Zelinsky.

**COMMUNICATIONS:**

1. President Martin introduced Cheryl Rogovin, the provisional Legislative Aide to the Board.
2. President Martin announced that the Steering Committee will meet on Wednesday, February 16, 2005 instead of Monday, February 14, 2005.

**STEERING COMMITTEE:**

[\(Report\)](#)

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

**STANDING COMMITTEES**

**APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair  
Paul Esposito, Vice Chair**

No report.

**FISCAL COMMITTEE: Randall Skigen, Chair  
Linda Cannady, Vice Chair**  
[\(Attendance\)](#)  
[\(Votes\)](#)  
[\(Report\)](#)  
 Meeting: Monday, January 31, 2005  
 7:00 p.m. – Democratic Caucus Room

The Fiscal Committee met on Monday, January 31, 2005. Present were Committee Member Reps. Skigen, Cannady, Day, DeLuca, DePina, Fedeli, Giordano, Hunter, Mirkin and Lyons. Also present were Director of Administration Ben Barnes; Sandy Dennies, Grants Director; Chief of Police Brent Larrabee; Deputy Chief Rich Priolo; Assistant Chief Peter Brown and Tim Curtin, Director of Operations.

- |                                   |  |   |
|-----------------------------------|--|---|
| 1. <a href="#"><u>F26.488</u></a> | CONTRACT APPROVAL; of an agreement between the City and MGT of America for an audit of the Board of Education’s Special Education Program.<br>12/27/04 – Submitted by Mayor Dannel P. Malloy<br>01/31/05 – Held in Committee | <b>HELD IN<br/>COMMITTEE</b>              |
| 2. <a href="#"><u>F26.486</u></a> | GRANT RESOLUTION; authorizing the Mayor to execute an agreement with the department of Environmental Protection for improvements to Cove Island.   | <b>APPROVED<br/>ON CONSENT<br/>AGENDA</b> |

12/27/04 – Submitted by Mayor Dannel P. Malloy  
01/31/05 –Committee approved 9-0-0

*Secondary Committee: Parks & Recreation*

*Waived*

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

3. [F26.485](#) GRANT RESOLUTION; authorizing the Mayor to execute an agreement with the Department of Environmental Protection for improvements to Cummings Park seawalls and pathway; amount of grant: \$490,400.00. **APPROVED ON CONSENT AGENDA**  
12/27/04 – Submitted by Mayor Dannel P. Malloy  
01/31/05 –Committee approved 9-0-0

*Secondary Committee: Parks & Recreation*

*Waived*

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

4. [F26.477](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON CONSENT AGENDA**  
\$15,000.00 Bioterrorism Lab Development; Construction-Other; to procure supplies and equipment to support the performance of Level A screening procedures.  
01/05/05 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – Approved by Board of Finance  
01/31/05 –Committee approved 9-0-0

5. [F26.478](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON CONSENT AGENDA**  
\$118,441.00 Bio-Terrorism Emergency Response; represents 3<sup>rd</sup> year funding to enhance bio-terrorism emergency response capacities; to fund public health response plan appending the smallpox response plan.  
01/05/05 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – Approved by Board of Finance  
01/31/05 –Committee approved 9-0-0

*Secondary Committee: Public Safety & Health*

*Concur 7-0-0*

6. [F26.483](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED ON CONSENT AGENDA**  
\$50,000.00 Education through Adventure; funding from community groups for Scalzi Park program.  
12/27/04 – Submitted by Mayor Dannel P. Malloy

01/13/05 – Approved by Board of Finance  
01/31/05 – Committee approved 9-0-0

*Secondary Committee: Education*

7. [F26.481](#) ADDITIONAL APPROPRIATION (Grants Budget); **APPROVED**  
\$24,088.00 & Law Enforcement Block Grant; Overtime; **ON CONSENT**  
[F26.482](#) F26.481- to provide for police overtime & F26.482 **AGENDA**  
\$2,409.00 - 10% city match. (Franzetti  
12/27/04 – Submitted by Mayor Dannel P. Malloy abstains)  
01/13/05 – Approved by Board of Finance  
01/31/05 – Committee approved both items  
9-0-0

*Secondary Committee: Public Safety & Health*

*Concur 7-0-0*

8. [F26.484](#) ADDITIONAL APPROPRIATION (Capital Budget); **APPROVED**  
\$198,719.00 Firefighter Equipment; to purchase communication **ON CONSENT**  
equipment. **AGENDA**  
12/27/04 – Submitted by Mayor Dannel P. Malloy  
01/04/05 – Approved by Planning Board  
01/13/05 – Approved by Board of Finance  
01/31/05 – Committee approved 10-0-0

*Secondary Committee: Public Safety & Health*

*Concur 7-0-0*

9. [F26.471](#) ADDITIONAL APPROPRIATION (Capital Budget); **HELD IN**  
\$100,000.00 Engineering; Cove Island Ice Rink; to purchase **COMMITTEE**  
equipment for Terry Connors ice rink.  
11/29/04 – Submitted by Mayor Dannel P. Malloy  
12/07/04 – Approved by Planning Board  
12/09/04 – Approved by Board of Finance  
12/20/04 – Committee approved 8-0-0  
12/27/04 – Withdrawn by Administration  
01/03/05 – Held in Committee  
01/31/05 – Held in Committee

*Secondary Committee: Parks & Recreation*

*No action*

10. [F26.480](#) ADDITIONAL APPROPRIATION (Capital Budget); **HELD IN**  
\$25,000.00 Smith House; Boiler Replacement; to fund new **COMMITTEE**  
piping and pumps on boilers.  
01/05/04 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – Withdrawn by Board of Finance (*as PB  
had not acted upon*)  
01/18/05 – Approved by Planning Board

Secondary Committee: *Public Safety & Health*

*No action*

11. [F26.479](#) \$161,150.00 ADDITIONAL APPROPRIATION (Operating Budget); Office of Legal Affairs; Pensions; Classified Pension Fund; funding required in accordance with the terms of the UAW Agreement.  
01/05/05 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – Approved by Board of Finance  
01/31/05 – Committee approved 10-0-0
- APPROVED  
ON CONSENT  
AGENDA**

Secondary Committee: *Personnel*

*Concur 9-0-0*

Chair Skigen reported that there is a provision in the UAW agreement that requires the City to start contributing to the fund one year before the union starts making contributions, and the City wanted to get the clock ticking on this process.

12. [F26.489](#) RESOLUTION; with respect to the authorization, issuance and sale of Not Exceeding \$50,000,000 of City of Stamford General Obligation Refunding Bonds.  
01/06/05 – Submitted by Mayor Dannel P. Malloy  
02/10/05 – To be considered by Board of Finance  
01/31/05 – Committee approved 10-0-0
- APPROVED  
ON CONSENT  
AGENDA**

13. [F26.455](#) \$1,600,000.00 ADDITIONAL APPROPRIATION (Capital Budget); Office of the Mayor; Housing Development Fund; represents funds received in lieu of set-aside affordable housing units and must be appropriated for affordable housing purposes.  
10/05/04 – Submitted by Mayor Dannel P. Malloy  
10/12/04 – Approved by Planning Board  
11/08/04 – Defeated by Board of Finance 3-2-1  
11/29/04 – Held in Committee  
12/09/04 – Defeated by Board of Finance 3-2-0  
12/06/04 – Held in Committee  
12/13/04 – Held in Steering Committee  
12/31/05 – No action taken
- HELD IN  
COMMITTEE**

A motion to suspend the rules to take up two items not appearing on the Agenda was made, seconded and approved by unanimous voice vote.

14. [F26.490](#) \$45,000.00 ADDITIONAL APPROPRIATION (Grants Budget); Special Events; Contracted Services; to appropriate a \$45,000 donation for the preparation and installation of one of the James Daugherty murals – *School Activities*.
- APPROVED BY  
UNANIMOUS  
VOICE VOTE**

01/13/05 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – Approved by Board of Finance  
01/31/05 –Committee approved 8-0-0

Chair Skigen moved Item No. F26.490; said motion was seconded and approved by unanimous voice vote.

15. [F26.491](#) RESOLUTION; accepting a gift from the Dave and Reba Williams Foundation for the restoration and preparation for installation of one of the James Daugherty murals- *School Activities*. **APPROVED BY UNANIMOUS VOICE VOTE**  
01/13/05 – Submitted by Mayor Dannel P. Malloy  
01/31/05 –Committee approved 8-0-0

Chair Skigen moved Item No. F26.491; said motion was seconded and approved by unanimous voice vote. Chair Skigen added that these murals will be hung at an appropriation location at UCONN until such time as the Old Town Hall is ready to receive them.

A motion to suspend the rules to take up two items not appearing on the Agenda was made, seconded and approved by unanimous voice vote.

16. [F26.492](#) ADDITIONAL APPROPRIATION (Operating Budget); Smith House Administration; Central Services Cost Allocation; to fund the non-salary operating costs from 2/16/05 through 5/1/05. **APPROVED BY UNANIMOUS VOICE VOTE**  
~~\$1,197,258.00~~  
\$650,000.00  
01/13/05 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – \$1,300,000 approved by Board of Finance for both Items #16 and #17  
01/31/05 –Committee approved \$650,000 10-0-0

Chair Skigen stated that the original request was to fund costs from February 16 through May 1; the Board of Finance reduced the amount requested. Chair Skigen moved Item No. F26.492; said motion was seconded and approved by unanimous voice vote.

17. [F26.493](#) ADDITIONAL APPROPRIATION (Operating Budget); Smith House Administration; Salaries; to fund salary costs from 2/16/05 to 5/1/05. **APPROVED BY UNANIMOUS VOICE VOTE**  
~~\$1,232,215.00~~  
\$650,000.00  
01/13/05 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – \$1,300,000 approved by Board of Finance for both Items #16 and #17  
01/31/05 –Committee approved \$650,000 10-0-0

*Secondary Committee on Nos. 16 and 17 above: Public Safety & Health - Concur*

Chair Skigen moved Item No. F26.493; said motion was seconded and approved by unanimous voice vote.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 2, 3, 4, 5, 6, 7a and 7b, 8, 11 and 12, was approved by voice vote (Rep. Franzetti abstaining on Item No. 7).

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

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Meeting: Monday, January 24, 2005

7:00 p.m. – Republican Caucus Room

Chair Nakian reported that the Legislative & Rules Committee met on Monday, January 24, 2005. Present were Committee Member Reps. Nakian, Esposito, Greenberg, Diamond, Franzetti, Layton, Mitchell and Zelinsky. Also present were Board President David Martin; Reps. Boccuzzi, Fedeli, DeLuca, Day, Lyons and Summerville; Michael Cacace and several representatives from Aquarion; Ben Barnes, Director of Administration; Bill Forker, Tax Assessment; Tim Curtin, Director of Operations; Tom Cassone, Director of Legal Affairs; Tom Lombardo, Jack Halpert and several other members of the North Stamford Association and several members of the public.

1. [LR26.081](#) RESOLUTION; and **public hearing**; approving a lease agreement between the City of Stamford and Domus Foundation, Inc.; property located at 17 Forest Street; term of lease: 7/1/2004 through 6/30/2007; amount of rent: \$1,500 per month.  
12/02/04 – Submitted by Mayor Dannel P. Malloy  
12/13/04 – Placed on Pending Agenda  
01/24/05 – Held in Committee **HELD IN COMMITTEE**

Chair Nakian reported that this item was held at the request of the Law Department.

2. [LR26.082](#) RESOLUTION; and **public hearing**; approving a lease agreement between the City of Stamford and the Women's Business Development Center; property located at Government Center; term of lease: 10/1/2004 through 9/30/2009; amount of rent: zero.  
12/02/04 – Submitted by Mayor Dannel P. Malloy  
12/13/04 – Placed on Pending Agenda  
01/13/05 – Item Withdrawn  
01/24/05 – Held in Committee **HELD IN COMMITTEE**

Chair Nakian reported that this item was held at the request of the Law Department.

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| 3. <a href="#">LR26.087</a> | PROPOSED ORDINANCE; <b>for publication</b> ;<br>amending Section 220-8B(1) of the Code of Ordinances to increase the income limits to allow additional veterans to be eligible for property tax reductions.<br>01/10/05 – Submitted by Chair Nakian<br>01/24/05 – Committee Approved 8-0-0  | <b>APPROVED ON<br/>CONSENT<br/>AGENDA</b>                  |
| 4. LR26.088                 | PROPOSED ORDINANCE; <b>for publication</b> ;<br>amending Section 220 of the Code of Ordinances to allow co-op owners to participate in the senior citizens tax relief program.<br>01/10/05 – Submitted by Chair Nakian<br>01/24/05 – Held in Committee and requested ordinance drafting   | <b>HELD IN<br/>COMMITTEE</b>                               |
| 5. LR26.089                 | PROPOSED ORDINANCE; <b>for publication</b> ;<br>amending section 220-9 of the Code of Ordinances regarding the senior citizen tax deferral program.<br>01/10/05 – Submitted by Chair Nakian<br>01/24/05 – Held in Committee   | <b>HELD IN<br/>COMMITTEE</b>                               |
| 6. <a href="#">LR26.080</a> | RESOLUTION; approving a tax abatement agreement between the City of Stamford and Stamford Affordable Homes, Inc. for property located at 28 Perry Street, 100% abatement provided as long as property is used for rental housing for low-income persons, among other conditions.<br>12/02/04 – Submitted by Mayor Dannel P. Malloy<br>12/20/04 – Committee approved 7-0-0<br>01/03/05 – Held in Committee<br>01/24/05 – Committee approved 8-0-0 (as amended) | <b>APPROVED ON<br/>CONSENT<br/>AGENDA (as<br/>amended)</b> |

Chair Nakian reported that the Committee deleted Section 8 in the contract that is concerned with gifts.

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|-------------|--|---|
| 7. LR26.085 | <a href="#">RESOLUTION</a> naming the Plaza at the Old Town Hall in honor of Louis A. Clapes.<br>01/05/05 – Submitted by Mayor Dannel P. Malloy<br>01/24/05 – Committee approved 8-0-0 | <b>APPROVED ON<br/>CONSENT<br/>AGENDA</b> |
|-------------|--|---|

8. [LR26.075 Summary Ordinance](#) PROPOSED ORDINANCE; **for final adoption (public hearing held)**; amending Ordinance No. 628 concerning the creation of the Downtown Special Services District; to be published in summary form. **APPROVED BY MACHINE VOTE 36-0-1**
- 10/28/04 – Submitted by Sandra Goldstein  
 11/22/04 – Held in Committee  
 12/06/04 – Held in Committee  
 12/20/04 – Committee approved 7-0-0  
 01/03/05 – Approved for publication  
 01/24/05 – Committee approved 8-0-0

Chair Nakian moved Item No. LR26.075; said motion was seconded. The item was approved by a machine vote of 36-0-1 (See [RCS Vote Record No. 573](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Cannady, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, Lyons II, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, White and Zelinsky in favor; Rep. Summerville abstaining).

9. [LR26.050 Summary ordinance](#) PROPOSED ORDINANCE; ~~for final adoption~~ **(public hearing held); FOR REPUBLICATION**; amending Chapter 200 of the Code of Ordinances to merge the Sewer Commission into the WPCA, define or modify the geographic authority, fiscal process, sewer approval, board representation, board approval of rate setting and other procedures of the WPCA; to be published in summary form. **COMMITTEE APPROVED FOR REPUBLICATION BY SUMMARY ORDINANCE (as amended) BY A MACHINE VOTE OF 35-0-2**
- 01/08/04 – Submitted by President Martin  
 01/20/04, 02/02/04, 03/01/04 – Held in Committee  
 07/13/04 – Placed on Pending Agenda  
 09/20/04, 10/04/04 – Held in Committee  
 11/22/04 – Committee approved 7-0-0  
 12/06/04 – Approved for publication  
 12/20/04 – Committee approved 7-0-0  
 01/03/05 – Publication vote rescinded and approved for publication  
 01/24/05 – Committee approved 6-1-1 for republication (as amended-see report)

Chair Nakian moved Item No. LR26.050; said motion was seconded. Chair Nakian stated there were several amendments:

**First Amendment to Ordinance LR26.050**

Chair Nakian moved to **delete** the following three sentences from Section 200-15, as approved by the Committee by a vote of 5-3-0: “Any such user fees, user

charges or connection charges that are assessed, levied, or established by the WPCA pursuant to this ordinance shall be approved by a resolution of the Board of Representatives. Said resolution shall be approved by a majority vote of the Board of Representatives. This approval shall be applicable pursuant to the Connecticut General Statutes.” Said motion was seconded.

Rep. Lyons stated that in a letter from Mr. Hogan of the DEP to Director Curtin, the DEP has the separate authority to approve procedures that set user fees that adequately fund the WPCA and its operations. Mr. Hogan goes on to conclude that any deviation to the DEP-approved procedure to approve user charges may result in the loss of the Clean Water Fund grant or agreement. Rep. Lyons stated he sent a lengthy email to both Mr. Hogan and Mr. Johnson of the DEP, but he has yet to receive a response to that email.

Rep. Lyons stated that Section 200-36 of the State Statutes governing WPCA’s requires WPCAs to do all things in their power to agree, adhere or maintain their working relationships with any municipality or board so one can argue that they are not obligated to adhere to any requirements of this ordinance. Rep. Lyons added that this amendment seeks to approve user fees by resolution to ensure that the Board of Representatives and our local WPCA users retain as much local control and acquire sufficient knowledge about the user fees that are set and established by the WPCA. Rep. Lyons stated no one is arguing that the WPCA is not allowed to set the fees or adequately fund the plant or its operations.

Rep. Lyons stated that while the Board has control of the fees by approving the WPCA’s budget, he submits that this is not the case because we approve the budget annually and the WPCA is not limited to setting its fees annually.

Rep. Lyons concluded by stating that his intent is for this Board to retain as much local political approval and power over this entity that is possible. Rep. Lyons stated that despite the letter and the cryptic language, this Board should seek to amend the ordinance to provide for the approval of the fees that are established and set by the WPCA.

Rep. DeLuca stated that he echoes Rep. Lyons comments, and that the letter does not say the Board cannot approve user fees. Rep. DeLuca stated we approve every other fee and he doesn’t see why this should be an exception. Rep. DeLuca stated that this Board represents the City and should have the right to approve the fees.

Rep. Boccuzzi stated that Mr. Hogan’s letter clearly states that any deviation from the approved fee setting procedure will be considered a violation of the Clean Water Fund agreement and may result in a loss of funding. The reason for the WPCA was to remove its funding from politics to ensure that adequate funds are available for the operation of the WPCA. It appears that this proposal is a

back-door way of overriding the WPCA's fee-setting authority. Having served on the WPCA, Rep. Boccuzzi stated that the WPCA spends a lot of time reviewing its budget and fees. The WPCA issues bonds, and the purchasers of these bonds need to be assured that the WPCA has the income stream to pay the interest on the bonds. Rep. Boccuzzi stated that this Board should not get involved in the fee-setting process, but can continue to approve the overall WPCA budget.

Rep. Diamond stated that he voted against this amendment and urges his fellow members to vote against it this month. One of the major concerns last month was whether in fact we had the power under Connecticut General Statutes to pass the amendment, and now we see that Connecticut General Statute 7-255 says that WPCAs establish charges and connection fees regarding the sewer system. It does not say that legislative bodies set those fees. In fact, the same law says that Stamford could have established its own Board of Representatives as the WPCA when it passed this statute, but it did not. Had we done that, then we could set the fees and charges. Rep. Diamond stated that having served on the Sewer & Water Commission, it never had to come to the Board of Representatives to get connection charges established. When this legislation was enacted, it was part of a process to keep sewer and water issues separate from legislative bodies and to set a uniform system across the State for protecting our waterways. For those reasons, Rep. Diamond urges his fellow representatives to vote against this.

Rep. Mirkin stated that regarding the DEP letter, it is true that any deviation from the approved charge, program or control of the rates of the WPCA will be considered a violation of the Clean Water Fund and may, not will, result in a loss of funding. Rep. Mirkin stated that by defeating this amendment, we are trying to put another check and balance on behalf of everybody who lives in the City. Rep. Mirkin states that the Board, without partisan issue, is fiscally responsible, and we are just trying to have another check. If an increase is truly needed, he doubts that this Board would ever deny the WPCA any request for increase because we understand that the mandate is to provide them with sufficient funding to make sure they are not in violation of any water pollution control issues. Rep. Mirkin urged his colleagues to defeat this amendment.

Chair Nakian stated that she heard several things tonight that are not true. One is that the Board of Representatives does not approve all fees, specifically those over which the State has control, such as the recording of land record fees. The WPCA is basically a creation of the State. It was created by the State, the State required it, the State has a great deal of control over it. So to say that we have to approve their fees because we approve all city fees is not correct. The other thing she heard is that the WPCA can send out 365 different bills per year if it wants to. It cannot. It bills once a year divided into two parts. The summer use is exactly the same as the winter use – it is based on the amount of water used

during the winter. When you get your bill, you know exactly how much it is going to be for the year, and they can't change that. It is not an arbitrary billing system.

Chair Nakian stated that the Board of Representatives has control over the fees via its control over the budget. If the Board approves a reduced budget, it goes back to the WPCA and they have to submit a new budget. If we don't like the new budget, we don't have to approve that and we continue negotiating until we have a budget that we approve. By state law, the fees that they charge have to cover that budget.

Chair Nakian stated that the WPCA itself is very upset that we are considering changing this. They withdrew their backing of the ordinance after this change was made. Chair Nakian added that we stand to lose a lot more in safeguards for the City than we are getting by rubber-stamping the fees. We have no system at the moment of approving the extension of sewers. It is only because of this ordinance that we are gaining any control in this area. If the State turns this ordinance down, we could have northeast sewers anywhere, and we would not have a thing to say about it. So, it really, in her opinion, is the smartest thing to approve the ordinance without this language. Chair Nakian stated that as Chair of Legislative & Rules, along with the President, they have pledged to take this up as a special issue in committee and investigate this very carefully. She doesn't feel it is good for the City to approve this in a form that can be turned back by the State.

Rep. Day stated that there are concerns here over ramifications that don't really apply. While Mr. Hogan's letter is interesting, it was sent as a response to a question. Rep. Day stated that the views being expressed assumes that this Board, in approving these fees, would somehow act arbitrarily and recklessly so as to endanger the financing program. Rep. Day stated that we could never view an ordinance with the idea that we have to protect against this body from acting recklessly. Rep. Day stated he supports the concept of having the right to approve the fees that are established by the WPCA, with no attempt whatsoever to interfere with that function and that responsibility of the WPCA.

Rep. Layton stated he opposes this amendment because establishing sewer rates would be done by an appointed body. Unpaid sewer charges become a lien on the property, and the property could be sold by foreclosure. So the basic issue is, should we have an unelected board of people, regardless of how good their intentions should be, decide what we should pay for sewer charges, with no overview of an elected official. Secondly, regarding the argument that by us having approval over fees we could risk the loss of funds, the same applies to the approval over the budget. It appears to have the same effect. Rep. Layton stated he opposes this amendment.

Rep. Skigen stated that he agrees with Rep. Mirkin that this is a fiscally responsible Board, however, he voted against this Board having approval of fees

last month and stated at the time – that if we received a written opinion from the State or corporation counsel – and after receiving numerous assurances about promises made on the phone, that if we got something in writing that indicated that we could do this, he would be prepared to vote for it. The only thing in writing is Mr. Hogan’s letter, and whether you think the letter contains empty threats, the fact of the matter is that the State has granted and loaned us in excess of \$95 million. It would be fiscally irresponsible for us to take on this authority in view of the possible detrimental effects it would have should the State follow through on this threat. We still don’t have anything in writing from DEP or corporation counsel indicating we have the right to do this; in fact, we have the opposite. If, in the future, we receive something in writing that indicates we have the right to do it, he would look at the issue again. Rep. Skigen urges we follow the recommendation of the L&R Committee and remove this provision from the ordinance as presented.

Rep. Lyons stated that he finds it offensive that a civil servant would send a letter to a political body that is entertaining a revision to an ordinance for over six months, and just because one little sentence of a 21-page document is not going to kowtow to the Director of the WPCA, they send a 2 paragraph cryptic letter withdrawing the support for the ordinance. If that is the commitment they have for this political body, then maybe the WPCA should be dissolved and this ordinance repealed. Rep. Lyons stated he never has seen such a singular idea passed by a Director that says that this political body shall not act in a certain way or we are going to withdraw our support. If they want, they can start paying the ground lease right now, and there are a lot of private companies that would love to run that plant. Rep. Lyons stated that in the last sentence of the proposed amendment that this Board adopted with close to 27-30 votes last month, he specifically included this sentence: “this approval shall be applicable pursuant to the Connecticut General Statutes.” Henceforth, when we get further clarification from Mr. Hogan or the Director of the DEP and they say it is implicitly not allowed, that provision is not applicable. So, just because the WPCA is upset, we are not going to allow ourselves to do this. We are not going to allow ourselves, in sixty days, find out from the DEP (which has taken five years to tell us whether we can open Kosciusko Park) whether this change is approved. Rep. Lyons urged his colleagues to vote against the amendment.

Rep. Pavia stated that he is against the amendment to the ordinance. This body should not be guided by Mr. Hogan’s letter as it is stated in general terms. The letter presumes the worst and states what could happen if the City fails its obligation and doesn’t support the WPCA, and we all know that if the City does not support the WPCA it will have a negative impact on Long Island Sound, and nobody wants that. In fact, the City’s record is: the State of Connecticut pointed out that the City of Stamford had an infiltration problem in the 70s and 80s, and this City spent an inordinate amount of money to correct that and the program is still ongoing today. Most municipalities don’t have that kind of commitment. Then again when we had a suspended solids problem in Long Island Sound, the

City of Stamford committed huge amounts of money to correct this problem. When we had a nitrogen problem a little while ago, we committed to it entirely. This City has an unblemished record as to its commitment and support of the WPCA. We have never nor will we ever do anything that will have a negative effect on the treatment plant. As a result, he believes that this Board has an obligation to the citizens of Stamford, all of who are affected by this plant, to maintain some sort of oversight. This should not be a problem for the WPCA.

Rep. Day stated that the operation of this plant is a huge public policy concern to the State of Connecticut and to Stamford. Rep. Day asked if anybody really believes that the State is going to do anything to undermine the WPCA or that this Board would do anything to undermine this, regardless of what happens here tonight.

Rep. Boccuzzi stated that everybody keeps referring to Mr. Hogan's letter, and they are not saying what the letter actually says. Section 7-255 empowers the WPCA and no other municipal board to establish the user charge rates. This letter actually states what the City can and can't do and what the State expects us to do. The City of Stamford made an agreement with the State that the WPCA will be the sole group to establish the rates. Rep. Boccuzzi added that while the State may give us the money, but it may not be a low-interest loan.

Rep. Esposito moved the question; said motion was approved by a machine vote of 33-4-0 (See [RCS Vote Record No. 574](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, Pavia, Rauh, Skigen, Sweeney and White in favor; Reps. Lyons II, O'Neill, Summerville and Zelinsky opposed).

The amendment was approved by a machine vote of 20-16-0 (See [RCS Vote No. 565](#)) (Reps. Adams, Blackwell, Boccuzzi, Clear, DePina, Diamond, Esposito, Figueroa, Giordano, Hunter, Martin, Mitchell, Nakian, Nowakowski, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Benyus, Coppola, Day, DeLuca, Fedeli, Franzetti, Greenberg, Layton, Lyons II, McDermott, Mirkin, Molgano, Morrow, Munger, O'Neill and Pavia opposed).

### **Second Amendment to LR26.050**

Chair Nakian moved to Amend Section 200-33.D by adding the approval of the Planning Board as follows: "D. In addition to any other approvals that may be required, connections to the public sewer system from buildings, facilities or properties inside the avoidance area shall require two-thirds approval of the Board of the WPCA, **the approval of the Planning Board** and a three-quarters approval of the Board of Representatives ...". Chair Nakian also moved to include the Planning Board under the definition of "Sewer Avoidance Area" to read: "... After the date of this ordinance, the Board of Representatives may

reduce the sewer avoidance area, **after such reduction is approved by the Planning Board**, and after holding a public hearing ... voting.”

Chair Nakian stated that this was added because the extension of sewers has many land use implications, and she was encouraged by Corporation Counsel to include the Planning Board in the process.

Rep. Lyons stated that he supports this amendment, and he cautions the Board that at the committee meeting we asked for a legal determination whether this was a) legally the jurisdiction of the Board of Representatives; and b) whether this change was considered an amendment to the Master Plan. Rep. Lyons stated that the Charter specifically spells out how amendments to the Master Plan can be appealed to the Board of Representatives, and he did not want anyone on the Board of Representatives to vote for this ordinance if it is determined later that it is an amendment to the Master Plan, and then be precluded from voting on appeal. Rep. Lyons stated that Sections C60-30-5, C60-30-6 and C60-30-7 are precarious in whether this constitutes an amendment to the Master Plan or not. Rep. Lyons stated that he believes the ordinance should be sent to the Planning Board from the Board of Representatives as an amendment to the Master Plan, and then it could not be challenged by anyone. Rep. Lyons stated that Chair Nakian read a letter from Burt Rosenberg, who did not specifically rule whether this was a Master Plan amendment, he just said that the Board of Representatives has the power to create and determine where sewers are used.

Chair Nakian stated the Committee asked for an opinion from Mr. Cassone on whether or not the Board of Representatives had the authority to establish a sewer avoidance area or whether it was usurping the authority of the Planning Board, and she received the opinion Friday night. Without reading the entire opinion, the conclusion is: “based upon the following principles, I submit that it is the Board of Representatives, rather than the Planning Board, that has authority to exercise legislative power with respect to the location of sewers. The provision of the ordinance establishing a sewer avoidance area is not inconsistent with the Planning Board’s right under the Charter to recommend to the Board of Representatives the location and extent of sewers, and is wholly consistent with the Board of Representatives’ legislative power to determine where sewers are to be constructed or not to be constructed.” Chair Nakian stated that this goes not only for sewers but streets, bridges, parkways, airports, parks, playgrounds, public grounds, schools, public utilities, terminals, light, water, power, transit, etc.” Every time the Board of Representatives does something with a street – discontinues or accepts a street – it is not a change to the Master Plan, and we clearly have the authority to lay out sewers. It is better, according to Corporation Counsel, to include the Planning Board in the process, which she has proposed amending the ordinance to do. But, the ultimate power to lay out sewers is with the legislative body.

Rep. Lyons stated that no one can argue that the ultimate power lies with the legislative body. The argument lies with the issue of whether this is a master plan amendment. And, if it is, our forefathers specifically spelled out in the Charter how to deal with amendments to the master plan. No one would logically conclude that creating a land use determination by permitting prohibited activity such as sewers in 43 square miles of a municipality does not constitute a change to the master plan for land use, as proscribed in State statute and our charter. Furthermore, it is ironic that the City of Stamford is creating a sewer avoidance area in our own geographic jurisdiction, but in the Town of Darien, which has gravitational flow into our treatment plant, and who pays 12% of the annual operation costs, they only have 2/3 of their land and households sewered. They have an active Darien Sewer Commission, and in fact this year and next year there are capital funds in Darien's capital budget to sewer new homes. And, although we would have to approve the increase in flow, we are more willing to accept effluent and flow from a neighboring municipality than we will accept from our own municipality. So, we improve the plant, and then let Darien act arbitrarily and autonomously and keep sewerage their properties, while in Stamford we create ordinances that may not even be done correctly.

Rep. DeLuca stated that this Board has the power to set the sewer costs at 60-40, we have the power to determine where sewers go, but yet we don't have the power to approve user fees.

Chair Nakian's motion was seconded and approved by a vote of 32-2-2 (See [RCS Vote Record 576](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Giordano, Hunter, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Greenberg and Layton opposed; Reps. Kernan and Lyons II abstaining).

### **Third Amendment to Ordinance LR26.060**

Chair Nakian moved to amend Section 200-17 to remove the Corporation Counsel as a non-voting member of the WPCA. She also changed two minor references to the ten directors. The Committee approved this amendment by a vote of 5-1-2.

Said motion was seconded and approved by a machine vote of 37-0-0 (See [RCS Vote Record No. 577](#)). (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, Lyons II, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor).

#### **Fourth Amendment to Ordinance LR26.050**

Chair Nakian moved to amend Section 200-33-D-3 to eliminate the approval for Aquarion for continued operation. Said motion was seconded.

Chair Nakian stated that Aquarion has already received permission from the City to tie into the sewer line, and the amount of waste they would be adding has already been calculated into the capacity of the sewage treatment plant. The Committee was unaware of this prior arrangement, but felt the Agreement should be honored. This amendment only covers the Aquarion plant, and does not include additional land that Aquarion owns. If the amount of wastewater exceeds what was calculated in the agreement, then Aquarion has to come back to the City for the approval process for the increased use of the sewer line.

The amendment was approved by a machine vote of 37-0-0 (See [RCS Vote Record No. 578](#)). (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Kernan, Layton, Lyons II, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor).

#### **Fourth Amendment to Ordinance LR26.050**

Rep. Lyons moved to amend Section 200-33-D to reduce the three-quarters threshold to two-thirds for the Board of Representatives to approve hook-ups. Rep. Lyons stated that the this  $\frac{3}{4}$  threshold is not cited in any other ordinance (just a recent charter change), and also if the  $\frac{2}{3}$  approval for the Board of the WPCA (a non-elected board) is adequate, it should be good enough for the Board of Representatives. Said motion was seconded.

Chair Nakian stated that the Committee discussed this at length. The reason for the higher vote is that this is a case of making exceptions, not a case of changing the entire sewer area, but making spot exceptions to tie into sewers. It is similar to spot-zoning. There could be very dangerous precedents set, and therefore, it was felt that the higher vote better controls this type of arbitrariness in tying into the sewer system. It really is not the homeowner that we are talking about in this case. At the moment the only line into the sewer avoidance area is the Northeast line, and that would be extended for a short distance. The homes on the small parcels of land adjoining the sewer line are already in the WPCA jurisdiction area. Chair Nakian stated that we are really talking about developers with large tracts of land or who want cluster zones and need a sewer system to do that. It is really an area that for the most part we should not be allowing sewers. Using the higher  $\frac{3}{4}$  vote is really the safeguard we have that the ability to tie into the sewer line will not be used in a way that is detrimental to the City.

Chair Nakian stated that there is a very high cost associated with allowing these exceptions. Those costs will be borne by the entire City of Stamford; everyone else has to pay 60% of the costs of these exceptions. For those reasons, the

Committee considered Mr. Lyons' amendment and voted against making this change. Chair Nakian urges her fellow representatives to vote against this amendment.

Rep. Lyons stated that the funding formula and connection charges can always be changed because the WPCA can charge whatever it sees fit for a connection charge. Secondly, the argument about getting a three-quarters vote threshold flies completely in the face of making sewers a non-political item. Rep. Lyons stated he can think of nothing worse, five or ten years from now, having a catastrophic septic failure on any road within the sewer avoidance area and 20-30 homeowners want to tie in to a sewer line that is in reach (at their own financial behest), yet they have to worry about whether they get the 31<sup>st</sup> vote. It is not fair. You can change their budget with a two-thirds threshold, but you can't change a sewer hookup. Rep. Lyons stated he doesn't think this is a very democratic process.

The amendment failed by a vote of 16-21-0 (See [RCS Vote Record No. 579](#)) (Reps. Coppola, DeLuca, Fedeli, Figueroa, Greenberg, Layton, Lyons II, McDermott, Molgano, Morrow, Munger, O'Neill, Pavia, Summerville, Sweeney and Zelinsky in favor; Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Day, DePina, Diamond, Esposito, Franzetti, Giordano, Hunter, Kernan, Martin, Mirkin, Mitchell, Nakian, Nowakowski, Rauh, Skigen and White opposed)

Chair Nakian moved the main motion and the summary ordinance; said motion was approved by a machine vote of 35-0-2 (See [RCS Vote Record No. 580](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Hunter, Kernan, Layton, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, Sweeney, White and Zelinsky in favor; Reps. Greenberg and Lyons II abstaining).

10. [LR26.072](#) PROPOSED ORDINANCE; **for final adoption (public hearing held)**; amending Chapter 238 of the Code of Ordinances designating the WPCA as the Water Commission. **APPROVED BY MACHINE VOTE 22-14-0**
- 10/12/04 – Submitted by Rep. Nakian
  - 11/22/04 – Committee approved 7-0-0
  - 12/06/04 – Approved for publication 25-9-0
  - 12/20/04 – Committee approved 7-0-0
  - 01/03/05 – Approved for publication
  - 01/25/05 - Committee approved 7-0-1

Chair Nakian moved Item No. LR26.072; said motion was seconded.

Rep. O'Neill stated that he believes the current sections of the Charter addressing the Water Commission is very well-stated and clear as far as the

public process. He believes the public process, including the fiscal review process, has great merit, and he takes the belief that if it is not broken, we don't need to fix it.

Rep. Diamond stated that in light of the recent vote to merge the Sewer Commission into the WPCA, the only thing left for this Commission to do would be water issues. It was hard to get people to serve on this Board. Clearly, the most interesting role of this commission was the construction and approval of sewers and just having this little remaining area of authority is not a good idea.

Rep. Lyons stated we are taking another locally-controlled body with commissioners appointed by this body, and they get absorbed into a state authority that doesn't have to follow our Charter or follow any rules promulgated by this Board, and this erodes local control. Rep. Lyons stated that he has heard a lot about getting people to serve on the Sewer & Water Commission, and when he tried to contact the members, most of their terms expired in 2000. Rep. Lyons stated that this may be like the Commission on Aging – where we did away with the Commission and then had to reinstate it.

Rep. O'Neill stated that in response to Rep. Diamond's comments, that although the charge to this Commission may be small, it is vital to the health and welfare of this community. He added that he doesn't feel we should turn any authority over to the WPCA regarding water mains. We are taking away the public process and diminishing the role of the Director of Health in this process.

The motion was approved by a machine vote of 22-14-0 (See [RCS Vote Record No. 581](#)) (Reps. Adams, Blackwell, Boccuzzi, Clear, Day, DePina, Diamond, Esposito, Franzetti, Giordano, Hunter, Kernan, Layton, Martin, Mitchell, Nakian, Nowakowski, Rauh, Skigen, Sweeney, White and Zelinsky in favor; Reps. Benyus, Coppola, DeLuca, Fedeli, Greenberg, Lyons II, McDermott, Mirkin, Molgano, Morrow, Munger, O'Neill, Pavia and Summerville opposed).

Chair Nakian moved the Consent Agenda, consisting of Item Nos. 3, 6 and 7; said motion was seconded and approved by unanimous voice vote.

**PERSONNEL COMMITTEE:**      **Mary Lisa Fedeli, Chair**  
[\(Attendance\)](#)                      Meeting: Wednesday, February 2, 2005  
[\(Votes\)](#)                                7:00 p.m. – Democratic Caucus Room  
[\(Report\)](#)

Chair Fedeli reported that the Personnel Committee met on February 2, 2005. Present were Committee Member Reps. Boccuzzi, Cannady, Morrow, Fedeli, Figueroa, Pavia, Rauh, Skigen, Sweeney and Layton.

1. P26.069      REJECTION; of a tentative labor agreement with      **HELD IN**

- |  |   |  |
|--|---|--|
| No document received                                     | the United Auto Workers Union.<br>01/06/05 – Submitted by Human Resources Dept.<br>02/02/05 – No action taken   | <b>COMMITTEE</b>                           |
| 2. P26.067 document mailed<br><a href="#">Supplement</a> | CONTRACT APPROVAL; of an agreement between the City and Medco Health Solutions, Inc. for an integrated prescription drug program.<br>12/27/04 – Submitted by Mayor Dannel P. Malloy<br>01/13/05 – Approved by Board of Finance<br>02/02/05 – Committee approved 9-0-0 | <b>APPROVED BY VOICE VOTE (as amended)</b> |

Chair Fedeli moved Item No. P26.067; said motion was seconded.

Chair Fedeli moved to delete Schedule B and insert the language from Ordinance No. 1031 to read as follows:

“During the term of this contract, including any extensions, Medco Health Solutions, Inc. shall refrain from making gifts of money, goods, real or personal property or services to any appointed or elected official or employee of the City of Stamford or the Stamford Board of Education or any appointed or elected official or employee of their Boards, Commissions, Departments, Agencies or Authorities. All references to the Contractor shall include its officers, directors, employees, and owners of more than 5% equity in the contractor. Violation of this provision shall constitute a material breach of this Agreement, for which this Agreement may be summarily terminated.”

Said motion was seconded and approved by a voice vote (Reps. Franzetti and Munger abstaining).

The main motion was approved by a voice vote (Reps. Franzetti and Munger abstaining).

**LAND USE/URBAN REDEVELOPMENT**

**COMMITTEE:**

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

**Patrick White, Co-Chair**

**Harry Day, Co-Chair**

Meeting: Monday, January 24, 2005

7:00 p.m. – Democratic Caucus Room

Co-Chair Day reported that the Land Use Committee met on January 24, 2005. Present were Committee Member Reps. Day, Boccuzzi, Clear, Diamond, Nakian, Franzetti, Mitchell and Summerville. Co-Chair White was excused. Also attending was Ed Gentile from Engineering.

- |   |  |                            |
|---|--|----------------------------|
| 1. <a href="#">LU26.056 Engineering</a> | RESOLUTION; accepting Golden Farms Road as a city accepted road. | <b>APPROVED ON CONSENT</b> |
|---|--|----------------------------|

Memo

12/30/04 – Submitted by Engineering Department  
12/30/04 – Approved by Engineering Department  
01/24/05 – Committee approved 8-0-0

**AGENDA**

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

**OPERATIONS COMMITTEE:**     **John R. Zelinsky, Co-Chair**  
  **Scott Mirkin, Co-Chair**

No report.

**PUBLIC SAFETY &  
HEALTH COMMITTEE:**

**Richard Lyons II, Chair**  
**Gail Clear, Vice Chair**

Meeting: Thursday, February 3, 2005  
7:00 p.m. – Democratic Caucus Room  
- and -

(Report)

(Attend)

(Votes)

Meeting: Monday, February 7, 2005  
6:45 p.m. – Republican Caucus Room

Chair Lyons reported that the Public Safety & Health Committee met on February 3, 2005 Present were the following committee members: Co-Chairpersons Lyons II and DeLuca, Committee Member Reps. Adams, Clear, DePina, Mirkin, Pia and Zelinsky, also present were President of the Board Martin; Reps. Diamond, Fedeli, Franzetti, Giordano, Hunter, McCullen, Molgano, Nakian and O'Neill. Rep. Kernan was excused. Also present were Assistant Police Chief Frank Lagan, Director of PS&H Bill Callion, Al Barbarotta, Assistant Superintendent John Chardavoyne, President of Board of Education Susan Nabel, Corporation Counsel Thomas Cassone, Frank Fedeli, SPD Captain Gregory Tomlin, SPD and SPD Captain Thomas Lombardo.

***Item 1 As Co-Committee with Education Committee:***

- |             |  |               |
|-------------|--|---------------|
| 1. PS26.060 | REVIEW; school emergency plans.                                | <b>REPORT</b> |
|             | 10/09/04 – Submitted by President Martin, Reps. Skigen and Day | <b>MADE</b>   |
|             | 12/02/04, 12/06/04 – Held in Committee                         |               |
|             | 12/30/04 – Report Made and Held in Committee                   |               |
|             | 01/03/05 – Report Made and Held in Committee                   |               |
|             | 02/03/05 – Report Made   |               |

Chair Lyons stated a lengthy report has been provided to all board members.

***Items 2 & 3 As Co-Committee with Transportation:***

2. T26.063      REVIEW; policies and ordinances regarding police department towing of vehicles.      **See Transportation Committee Report**  
 01/05/05 – Submitted by Reps. DeLuca and Lyons  
 02/03/05 – Report Made

Chair Lyons stated a lengthy review was conducted by the Committee, and a report has been provided to all representatives.

3. T26.064      PROPOSED ORDINANCE; **for publication;**      **See Transportation Committee Report**  
 amending Chapter 231 of the Code to conform to General Statutes Sec. 14-150 relating to *Abandoned or Unregistered motor vehicles and motor vehicles which are a menace to traffic. Notice. Removal. Storage. Hearing. Lien and Sale.*  
 01/05/05 – Submitted by Reps. DeLuca and Lyons  
 02/03/05 – Held in Committee

Rep. DeLuca stated that during the period of the police department's review, no towing of vehicles will occur for the next thirty days. Rep. DeLuca asked that a letter go to Chief Larrabee requesting that these vehicles be towed, if necessary. Chair Lyons stated he will send a letter to Chief Larrabee and copy Director Callion.

4. [PS26.051](#)      PROPOSED ORDINANCE; **for publication;**      **APPROVED ON CONSENT AGENDA**  
 regulating pocket bikes in the City of Stamford  
 08/02/04 – Submitted as Review Item and Held  
 10/04/04 – Report Made  
 12/02/04 – Held in Committee  
 12/06/04 – Held in Committee  
 12/30/04 – Committee approved 7-0-0 as amended)  
 01/03/05 – Report Made  
 02/03/05 – Committee approved 8-0-0

Chair Lyons moved to suspend the rules to take up an item not appearing on the Agenda; said motion was seconded and approved by unanimous voice vote.

5. [PS26.065](#)      APPROVAL; of a 7<sup>th</sup> amendment to the agreement between the City of Stamford and Haven Healthcare Management, LLC for management of Smith House; contract to expire May 30, 2005.      **APPROVED BY UNANIMOUS VOICE VOTE (as amended)**  
 01/13/05 – Submitted by Mayor Dannel P. Malloy

01/13/05 – Approved by Board of Finance  
02/07/05 – Committee approved 7-0-0

Chair Lyons moved Item No. PS26.065; said motion was seconded.

Rep. Nakian moved to delete Paragraph 3 and replace it with the following language from Ordinance No. 1031:

“During the term of this contract, including any extensions, Haven Healthcare Management, LLC shall refrain from making gifts of money, goods, real or personal property or services to any appointed or elected official or employee of the City of Stamford or the Stamford Board of Education or any appointed or elected official or employee of their Boards, Commissions, Departments, Agencies or Authorities. All references to the Contractor shall include its officers, directors, employees, and owners of more than 5% equity in the contractor. Violation of this provision shall constitute a material breach of this Agreement, for which this Agreement may be summarily terminated.”

Said amendment was approved by unanimous voice vote.

The main motion was approved by unanimous voice vote.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item No. 4, was approved by unanimous voice vote.

## **PARKS AND**

### **RECREATION COMMITTEE:**

**Linda Cannady, Co-Chair**

**Steve McDermott, Co-Chair**

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Meeting: Tuesday, January 18, 2005  
7:00 p.m. – Republican Caucus Room  
- and -

[\(Attendance\)](#)

[\(Report\)](#)

Meeting: Monday, February 7, 2005  
6:30 p.m. – Democratic Caucus Room

Co-Chair McDermott reported that the Parks & Recreation Committee met on Tuesday, January 18, 2005. Present were Committee Member Reps. Lyons, McDermott, Cannady, Clear, Morrow, Fedeli, Giordano, Pavia, Pia and White. Also present were Reps. Greenberg and Adams.

1. [PR26.073](#) RESOLUTION (**public hearing held**); approving rate increases for E. G. Brennan Golf Course. **APPROVED BY MACHINE VOTE (30-3-0)**  
11/23/04 – Submitted by Mayor Dannel P. Malloy  
12/22/04 – Committee approved public hearing  
6-0-0  
01/03/05 – Approved for public hearing  
01/18/05 – Held in Committee

Co-Chair McDermott moved Item No. PR26.073; said motion was seconded.

Rep. Zelinsky moved to eliminate weekend rates for seniors on Fridays (after 11:30 a.m.). Rep. Zelinsky stated he was unable to attend either of the Parks & Recreation Committee meetings due to previous commitments. At the public hearing, he understands that four senior golfers spoke against increasing the senior rate to \$18 in the summer on Fridays from the present \$5 per round, after 11:30 a.m. This means that Fridays after 11:30 a.m. starts the weekend. He does not believe it is right to charge seniors who live on a fixed income a 250% increase, who happen to play after 11:30 a.m. on Friday. Friday, as far as he is concerned is still a weekday and not a weekend. If this passes, the seniors will not be playing after 11:30 a.m. on Fridays, and the result will probably be a decrease in income instead of an increase. In another scenario, a senior golfer could end up paying as much as an 80% increase in greens fees. If these higher rates are approved, there is no going back. One of the seniors asked to take money from the reserve fund first instead of raising rates for the senior golfers. Rep. Zelinsky asked his colleagues to help him help our senior golfers and not raise the rates. Rep. Zelinsky's motion was seconded.

Rep. Lyons stated that as a committee member who sat through both public hearings, the Golf Commission gave very careful consideration to this rate structure, the administration gave careful consideration to this rate structure. We have already amended the time table for the seniors once from 10:30 a.m. to 11:30 a.m. A lot of the seniors said they play earlier rather than later, and any revenue shift we get from giving longer playing time to the seniors, goes back either to the resident full-fare player or the non-resident full-fare player. To try to bring this amendment forward on the floor after both public hearings have been held and after careful fiscal analysis and financial consideration is not proper, and he does not support the amendment.

Rep. Skigen stated he will vote against the amendment and confirmed that the weekend rates would apply to non-seniors on Fridays but only seniors on Saturdays and Sundays.

Rep. Day stated that Rep. DeLuca assured the Committee that this will not interfere with senior play.

Rep. DeLuca stated that he will vote against the amendment, but at the request of Mr. John Pierre, he would read Mr. Pierre's comments into the record: "he feels that by eliminating the weekend rates for all golfers on Friday would be an approximately loss of \$8,000, which is minor when compared to a \$1.8 million budget for the golf course. Plus, this would be offset by the increase in the other rates."

Rep. DeLuca stated he is against depleting the reserve before ever raising rates because they need the reserve for capital improvements. Rep. DeLuca corrected an earlier speaker: the rate is \$6 not \$5.

Rep. White stated that for the few seniors that are going to play after 11:30 a.m., it is not worth raising the rate.

Said amendment failed by a machine vote of 6-29-0 (See [RCS Vote Record No. 582](#)) (Reps. Adams, DePina, Franzetti, Mitchell, White and Zelinsky in favor; Reps. Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Giordano, Greenberg, Hunter, Layton, Martin, McDermott, Mirkin, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville and Sweeney opposed).

The main motion was moved and seconded.

Rep. White stated that he knows the argument was made to include Fridays along with Saturdays and Sundays for weekend rates, and this was mentioned at the first public hearing as well as at the presentation by the Golf Commission. He has called several public and private courses, and he cannot find any other course where they charge weekend rates on Fridays. They all use Saturdays, Sundays and holidays. None of them listed a Friday. Rep. White stated the Commission presented to us that this was a common trend. Rep. White added that he will vote no.

The main motion was approved by a machine vote of 30-3-0 (See [RCS Vote Record No. 583](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Franzetti, Giordano, Greenberg, Hunter, Layton, Martin, McDermott, Mirkin, Molgano, Morrow, Nakian, Nowakowski, Pavia, Rauh, Skigen, Summerville and Zelinsky in favor; Reps. DePina, Mitchell and White opposed).

2. [PR26.075](#)  
[Mayor's](#)  
[Memo](#)

RESOLUTION and approval of public hearing;  
establishing marina fees for the years 2005, 2006  
and 2007.

12/09/04 – Submitted by Ben Barnes

12/22/04 – Held in Committee 7-1-0

01/03/05 – Held in Committee

01/18/05 – Committee amended (eliminating 3<sup>rd</sup>  
year fees 10-0-0); public hearing and fees  
approved 7-3-0

02/07/05 – Committee defeated motion to waive  
public hearing 4-5-0

**PUBLIC HEARING  
APPROVED BY  
UNANIMOUS  
VOICE VOTE**

Co-Chair McDermott stated that the Committee amended some fees and eliminated the third year fees. The Committee then voted to hold a public

hearing. Co-Chair McDermott moved the item; said motion was seconded and approved by unanimous voice vote.

3. PR26.077 REVIEW; policies and procedures for approving, designating and locating signage in city parks and at city beaches. **REPORT MADE**  
12/09/04 – Submitted by Rep. Cannady  
12/22/04 – Held in Committee 6-0-0  
01/03/05 – Held in Committee  
01/18/05 – Report Made
  
4. [PR26.072](#) PROPOSED ORDINANCE; **for publication**; amending Ordinance No. 65-4 regarding signage with regard to Little League signs on ballfield fences. **REPORT MADE**  
10/26/04 – Submitted by Tim Curtin  
11/12/04 – Placed on Pending Agenda  
12/22/04 – Held in Committee 6-0-0  
01/03/05 – Held in Committee  
01/18/05 – Report Made and Held in Committee

Co-Chair McDermott stated that a report on Item Nos. 3 and 4 was provided to each representative.

A motion to suspend the rules to take up an item not appearing on the Agenda was made and seconded. Said motion was approved by a machine vote of 34-1-0 (See [RCS Vote Record No. 584](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Franzetti, Giordano, Greenberg, Hunter, Layton, Lyons II, Martin, McDermott, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, Sweeney and Zelinsky in favor; Rep. White opposed; Reps. Figueroa and Kernan not voting).

5. PR26.079 RESOLUTION; permitting ballfield fence advertising banners, as per Ordinance No. 65-4. **APPROVED BY MACHINE VOTE 33-1-1**  
01/18/05 – Submitted by Parks & Recreation Committee and Rep. Greenberg  
01/18/05 – Held in Committee (8-1-1)  
02/07/05 – Committee approved

Clerk of the Board Summerville reported that Reps. Figueroa and Kernan left the meeting.

Co-Chair McDermott moved Item No. PR26.079; said motion was seconded

Rep. White stated he is opposed to all advertising, and this is a slippery slope with ultimately all the fields being overwhelmed with sign and advertising pollution.

Rep. Greenberg stated that these leagues are not financed by the City; they use this advertising to supplement their operations and if they didn't have it there would be a 25-40% increase for each player. Rep. Greenberg stated the advertising is appropriate, is in good taste, they follow guidelines that prohibit alcohol, tobacco or firearm advertising. Rep. Greenberg added that there is a ballfield in his district, and he is very supportive of what they do. They have also done improvements to the field, and he supports this item.

Rep. Lyons stated that the visual pollution rhetoric is over the top. This is about youth leagues that try to supplement their fees by soliciting some advertisements. Unfortunately, the revenue to support these leagues have dried up over the years, and they have now turned to advertising. There is nothing nefarious about it.

Rep. Coppola stated that as far as the slippery slope argument, he can remember 50 years ago a field on Simsbury and Newfield Avenue with various advertising signs. This is a big help for these youth leagues, and he doesn't know where the City would be with regard to recreation if it wasn't for the parents that give so much free time to make the fields what they are. He feels we would make a huge mistake in turning our backs on our kids.

Rep. Zelinsky stated it has been a tradition to have banners on the little league fields, and it does help out the teams financially. Rep. Zelinsky stated he hopes the resolution passes.

The motion was approved by a machine vote of 33-1-1 (See [RCS Vote Record No. 585](#)) (Reps. Adams, Benyus, Blackwell, Boccuzzi, Clear, Coppola, Day, DeLuca, DePina, Diamond, Esposito, Fedeli, Franzetti, Giordano, Greenberg, Hunter, Layton, Lyons II, Martin, Mirkin, Mitchell, Molgano, Morrow, Munger, Nakian, Nowakowski, O'Neill, Pavia, Rauh, Skigen, Summerville, Sweeney and Zelinsky in favor; Rep. White opposed; Rep. McDermott not voting).

Co-Chair McDermott stated that this evening the Committee took up a motion to suspend the rules to approve the marina fees as presented and to waive the public hearing. The motion was seconded and failed by a vote of 4-5-0.

**EDUCATION COMMITTEE:**  
[\(Attendance\)](#)  
[\(Votes\)](#)

**Brian O'Neill, Co-Chair**  
**Thomas Hunter, Co-Chair**  
Meeting: Thursday, February 3, 2005  
7:00 p.m. – Democratic Caucus Room

Co-Chair O'Neill reported that the Education Committee met on February 3, 2005. Present were Committee Member Reps. Coppola, McCullen, Molgano, Day, O'Neill, Pia and Rauh; also present were Reps. Diamond and Mirkin.

**No. 1 As co-committee with Public Safety & Health:**

1. PS26.061      REVIEW; school emergency plans.      **REPORT  
MADE**  
10/09/04 – Submitted by President Martin and  
Reps. Skigen and Day  
12/02/04 – No action reported  
12/06/04 – Held in Committee  
12/13/04 – No motion  
02/03/05 – No Motion
  
2. E26.020      DISCUSSION; formulating recommendations to      **NO REPORT**  
the Search Committee for the new  
Superintendent of Schools  
11/10/04 – Submitted by Rep. Hunter  
12/02/04 – No action reported  
12/06/04 – Held in Committee  
12/13/04 – No Motion  
02/03/05 – No Motion
  
3. [E26.021](#)      CONTRACT APPROVAL; of an agreement      **APPROVED BY  
VOICE VOTE (as  
amended)**  
between the City and Friar Associates for  
Architectural and Engineering Services for  
Westhill High School's addition of a 9<sup>th</sup> grade  
campus.  
01/05/05 – Submitted by Mayor Dannel P. Malloy  
01/13/05 – Approved by Board of Finance  
02/03/05 – Committee approved 6-1-0

Chair O'Neill moved Item No. E26.021; said motion was seconded.

Rep. Nakian moved to amend the Contract by deleting Section 21 and substituting the language from Ordinance No. 1031 to read:

“During the term of this contract, including any extensions, Friar Associates shall refrain from making gifts of money, goods, real or personal property or services to any appointed or elected official or employee of the City of Stamford or the Stamford Board of Education or any appointed or elected official or employee of their Boards, Commissions, Departments, Agencies or Authorities. All references to the Contractor shall include its officers, directors, employees, and owners of more than 5% equity in the contractor. Violation of this provision shall constitute a material breach of this Agreement, for which this Agreement may be summarily terminated.”

Said motion was approved by voice vote (Rep. White abstaining).

The main motion was approved by a voice vote (Rep. White abstaining).

4. [E26.022](#) CONTRACT APPROVAL; of an agreement between the City of Stamford and RAD Sports for artificial surface fields at Stamford and Rippowam High Schools; amount of contract: \$2,160,800.  
01/05/05 – Submitted by Mayor Dannel P. Malloy  
01/1305 – Approved by Board of Finance  
02/03/05 – Committee approved 6-1-0
- APPROVED BY UNANIMOUS VOICE VOTE (as amended)**

Chair O'Neill moved Item No. E26.022; said motion was seconded.

Rep. Nakian moved to amend the Contract by deleting Section 19 and substituting the language from Ordinance No. 1031 to read:

“During the term of this contract, including any extensions, RAD Sports shall refrain from making gifts of money, goods, real or personal property or services to any appointed or elected official or employee of the City of Stamford or the Stamford Board of Education or any appointed or elected official or employee of their Boards, Commissions, Departments, Agencies or Authorities. All references to the Contractor shall include its officers, directors, employees, and owners of more than 5% equity in the contractor. Violation of this provision shall constitute a material breach of this Agreement, for which this Agreement may be summarily terminated.”

Said motion was approved by voice vote (Rep. White abstaining).

The main motion was approved by a voice vote (Rep. White abstaining).

#### **HOUSING/COMMUNITY DEVELOPMENT/**

#### **SOCIAL SERVICES COMMITTEE:**

**Elaine Mitchell, Chair**

[\(Attendance\)](#)

**Philip Giordano, Vice Chair**

[\(Votes\)](#)

Meeting: Tuesday, January 25, 2005

[\(Report\)](#)

5:30 p.m. – Legislative Chambers

Chair Mitchell reported that the Housing/Community Development/Social Services Committee met on January 25, 2005. Present were Committee Member Reps. Mitchell, Adams, Cannady, McCullen, McDermott, Figueroa, Giordano and Rauh.

1. HCD26.34 PUBLIC HEARING; for Year 31 CDBG and HOME **REPORT**

Program.  
01/05/05 – Submitted by Tim Beeble  
01/25/05 – Report Made

**MADE**

2. [HCD26.25](#) PROPOSED ORDINANCE; **for publication**;  
amending the Linkage Ordinance.  
08/05/04 – Submitted by Tim Beeble  
09/07/04, 10/04/04 – Held in Committee  
11/08/04 – Returned to Committee  
11/29/04 – Committee approved 6-0-0 (as  
amended)  
12/06/04 – Approved for publication  
12/21/04 – Committee approved for publication 6-  
0-0 (as amended)  
01/03/05 – Approved on Consent Agenda  
01/25/05 – Committee approved 5-0-0

**APPROVED  
BY  
UNANIMOUS  
VOICE VOTE**

Chair Mitchell moved Item No. HCD26.025 for publication; said motion was seconded and approved by unanimous voice vote.

**STATE & COMMERCE COMMITTEE:** **Paul Esposito, Chair**  
[\(Attendance\)](#) **John Morrow, Vice Chair**  
[\(Report\)](#) Meeting: Wednesday, February 3, 2005  
7:30 p.m. – Democratic Caucus room

Chair Esposito reported that the State & Commerce Committee met on February 3, 2005. Present were Committee Member Reps. Esposito, DeLuca, Morrow, Nakian, Greenberg, Day, Diamond and Rauh. Also present were President Martin; Susan Nabel; Rep. Hunter; Charles Conway; Mike Freimuth; Burt Rosenberg; Al Barbarotta and John Chardavoyne.

1. [SC26.010](#) RESOLUTION; **for public hearing**; approving **REPORT**  
[Contract](#) the acquisition of 2 Blachley Road from Proctor & **MADE**  
Gamble for the sum of \$15.6 million.  
01/05/05 – Submitted by Mayor Dannel P. Malloy  
02/07/05 – Approved by Planning Board  
02/10/05 – Approved by Board of Finance  
01/26/05 – Report Made and approved for  
publication

Chair Esposito stated there were two controversial issues: 1) is the property clean or will there be problems with chemical spills or debris, which is being investigated; and 2) if we purchase the property, then do we want to build an inter-district magnet school on this site. So, to get some public input, a public hearing is scheduled for Thursday, March 3, 2005 as the next step. A report was distributed to all representatives.

**TRANSPORTATION COMMITTEE:**  
[\(Report\)](#)

**Robert “Gabe” DeLuca, Chair**  
**Terry Adams, Vice Chair**  
Meeting: Thursday, February 3, 2005  
6:30 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on February 3, 2005. Present were Committee Member Reps. DeLuca, Adams, Mirkin, Giordano, Blackwell, Franzetti and Zelinsky. Rep. Kernan was excused.

- |   |  |                            |
|---|--|----------------------------|
| 1. <a href="#">T26.060</a>                | RESOLUTION and approval of PUBLIC HEARING; amending the parking rates at the Bell and Bedford Street garages.<br>01/05/05 – Submitted by Rep. DeLuca<br>02/03/05 – Item Withdrawn                    | <b>NO ACTION<br/>TAKEN</b> |
| 2. <a href="#">T26.061<br/>Resolution</a> | RESOLUTION and APPROVAL OF PUBLIC HEARING; amending the monthly parking rates at the Glenbrook and Springdale railroad stations.<br>01/05/05 – Submitted by Rep. DeLuca<br>02/03/05 – Item Withdrawn | <b>NO ACTION<br/>TAKEN</b> |

Chair DeLuca reported that Item Nos. 1 and 2 were withdrawn.

**Nos. 3 & 4 As Co-Committee with Public Safety & Health:**

- |                            |  |                              |
|----------------------------|--|------------------------------|
| 3. T26.063                 | REVIEW; policies and ordinances regarding police department towing of vehicles.<br>01/05/05 – Submitted by Reps. DeLuca and Lyons<br>02/03/05 – Report Made  | <b>REPORT<br/>MADE</b>       |
| 4. <a href="#">T26.064</a> | PROPOSED ORDINANCE; <b>for publication</b> ; amending Chapter 231 of the Code to conform to General Statutes Sec. 14-150 relating to <i>Abandoned or Unregistered motor vehicles and motor vehicles which are a menace to traffic. Notice. Removal. Storage. Hearing. Lien and Sale.</i><br>01/05/05 – Submitted by Reps. DeLuca and Lyons<br>02/03/05 – Held in Committee 7-0-0 | <b>HELD IN<br/>COMMITTEE</b> |

Chair DeLuca reported that Item No. T26.064 is being held in order to give the Law Department time to review the amendments.

## **SPECIAL COMMITTEE**

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

### **RESOLUTIONS**

- |    |  |   |
|----|--|---|
| 1. | <a href="#"><u>SENSE OF THE BOARD RESOLUTION;</u></a><br>congratulating Anna Vinck on her 100 <sup>th</sup> Birthday.<br>02/04/05 –Submitted by Reps. Figueroa and<br>Giordano | <b>APPROVED BY<br/>UNANIMOUS<br/>VOICE VOTE</b> |
|----|--|---|

### **MINUTES:**

- |    |   |   |
|----|---|---|
| 1. | <a href="#"><u>December 6, 2004 Regular Board Meeting</u></a> | <b>APPROVED BY<br/>UNANIMOUS<br/>VOICE VOTE</b> |
| 2. | <a href="#"><u>January 3, 2005 Regular Board Meeting</u></a>  | <b>APPROVED BY<br/>UNANIMOUS<br/>VOICE VOTE</b> |

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **ADJOURNMENT:**

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