

The Regular Meeting of the 27th Board of Representatives of the City of Stamford was held on Monday, January 9, 2006 in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.

MINUTES

President David Martin called the meeting to order at 9:23 p.m.

INVOCATION: Given by Rep. Munger

“As we welcome in this New Year we thank God for our family, our health, and the opportunity to serve this city. May we ask Him for the guidance we need to make the proper decisions that not only affect the citizens of this great city but help us mold the future for Stamford. Let us also pray for the safe return of the men and women of our armed forces who have been mobilized overseas, and ask God to bless our family, friends, and the residents of Stamford and give us all a happy healthy prosperous new year.”

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

ROLL CALL: Conducted by Clerk of the Board Annie Summerville. There were 37 members present and 3 members absent/excused (Reps. Blum, Fedeli and Heaphy).

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

MOMENTS OF SILENCE: For the late: Walter Smith and Merrye Wadley by Rep. Summerville; Dorothy Palumbo Romano, Andrew D. Duddie, Margaret Thorsteins, Mildred H. Ferrar, Ann Canning, Katarzyna (Kathy) Todd and James Yager by Rep. Zelinsky; Albert Liscio, Dominick J. Versace, Adam B. Valindras, and Anna G. Cybosky by Rep. Giordano; and Frederick DeFelice Jr. by Reps. Giordano and Zelinsky.

COMMUNICATIONS:

1. President Martin announced that Majority Leader John Boccuzzi will continue to serve as the Board's representative on the WPCA.
2. President Martin announced that this Wednesday evening, the State & Commerce Committee will meet with the state legislators to discuss their plans for the coming session and to hear concerns/ideas from the representatives.
3. The Land Use Committee is holding a public hearing regarding the Corcoran-Jennison project on Wednesday, January 18th.
4. The Steering Committee will meet on Tuesday, January 17th.
5. Clerk of the Board Summerville announced that the Orientation is scheduled for Saturday, January 21, 2006 at the Holiday Inn Select. She urged all members to attend.

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

1. [SENSE OF THE BOARD RESOLUTION](#) **APPROVED BY
UNANIMOUS
VOICE VOTE**
commending Henry Hoffmann and Stan
Rosenzweig for their volunteer work with the Red
Cross in Mississippi Louisiana as a result of
Hurricane Katrina.
11/29/05 – Submitted by Rep. Zelinsky

Upon motion duly made and seconded, the Resolution was approved by a unanimous voice vote. President Martin read the resolution to Mr. Rosenzweig.

Mr. Rosenzweig thanked everyone, and said that the biggest thing right now is that the Stamford Red Cross is locally inadequately supplied due to its expenses in Louisiana. Last year, the Red Cross, at no cost to the City, trained all police officers as first responders. So, he asked that representatives consider the Red Cross as a recipient of donations.

President Martin stated that a thank you should go to the spouses who are without their loved ones while they are out doing volunteer work.

STANDING COMMITTEES

STEERING COMMITTEE: Monday, December 12, 2005
([Minutes](#)) 8:00 p.m. – Democratic Caucus Room

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

Rep. Rauh moved to take up the Personnel Committee Report out of order. Said motion was seconded and approved by unanimous voice vote.

PERSONNEL COMMITTEE: Mary Lisa Fedeli, Chair

[\(Attendance\)](#)

Pauline S. Rauh, Vice Chair

[\(Votes\)](#)

Meeting: Thursday, January 5, 2006

[\(Report\)](#)

6:30 p.m. – Republican Caucus Room

Vice Chair Rauh reported that the Personnel Committee met on Thursday, January 5, 2006. Present were Chair Fedeli, Vice Chair Rauh and Committee Member Reps. Boccuzzi, Cannady, Figueroa, Layton and Lodato; excused/absent were Reps. D’Orso and Skigen. Also present were Rep. Zelinsky; Dennis Murphy, Director of Human Resources; Anthony M. Abbazia, Actuary for the City as well as several members of the public.

1. [P27.009](#) APPROVAL; of increases to CERF retiree benefits; **APPROVED BY VOICE VOTE**
details to follow. **(Rep. Skigen abstaining)**
11/28/05 – Submitted by Mayor Dannel P. Malloy & President Martin
12/08/05 – Approved by CERF Board
12/08/05 – Approved by Board of Finance
01/05/06 – Committee approved 7-0-0

Vice Chair Rauh stated that the agreement provides for a 3% total increase that will be distributed from 1% to 18% (those people who retired before 1977) and decreasing up to 2000. This is effective January 1, 2006, and the obligation of the City will be \$287,234 annually for fifteen years. Vice Chair Rauh moved Item No. P27.009; said motion was seconded and approved by a voice vote (Rep. Skigen abstaining).

APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair

[\(Attendance\)](#)

John J. Boccuzzi, Vice Chair

[\(Votes\)](#)

Meeting: Tuesday, December 27, 2005

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

- and -

[\(Attendance\)](#)

Meeting: Monday, January 9, 2006

[\(Votes\)](#)

6:15 p.m. – Conference Room #1

Chair Summerville reported the Appointments Committee met on Tuesday, December 27, 2005. Present were Committee Chair Annie Summerville; Vice Chair John Boccuzzi

11/17/05 – Submitted by Mayor Dannel P. Malloy
01/09/06 – Committee approved 7-0-0

Chair Summerville stated the Committee had a very good interview with Mr. Barnes, and he left the Committee upbeat on the future budget submission. Chair Summerville moved Item No. A26.002; said motion was seconded and approved by a voice vote (Rep. Mallozzi abstaining).

Rep. Esposito moved to take up an item not appearing on the Agenda; said motion was seconded and approved by unanimous voice vote.

5. A27.005 APPROVAL; of residency waiver for Director of Administration Benjamin Barnes **APPROVED BY UNANIMOUS VOICE VOTE**

Rep. Esposito moved to approve Item No. A27.005; said motion was seconded and approved by unanimous voice vote.

Chair Summerville added that there are many openings on boards and commissions, many do not have quorums at the present time, and the Chair and Vice Chair have been encouraging the respective parties along with the Mayor to ensure that these boards have a full complement of appointees.

FISCAL COMMITTEE: **Randall M. Skigen, Chair**
(Attendance) **Linda Cannady, Vice Chair**

(Votes)

Meeting: Tuesday, December 20, 2005

(Report)

7:00 p.m. – Republican Caucus Room

Chair Skigen reported that the Fiscal Committee met on Tuesday, December 20, 2005. Present were Committee Chair Skigen; Vice Chair Cannady and Committee Member Reps. Day, DeLuca, DePina, Fedeli, Giordano, Hunter and Lyons; Reps. Figueroa and Mirkin were excused. Also present was Rep. Mitchell; Sandy Dennies, Grants Director; Brent Larrabee, Police Chief; Peter Privitera, Director of OPM; Johnnie Lee, MD, Director of Health; Bill Forker, Director of Taxation Services; Robin Stein, Land Use Bureau Chief; David Emerson, Director of EPB and Bill Callion, Director of Public Safety, Health & Welfare.

1a. F27.007 ADDITIONAL APPROPRIATION (Grants); DUI **APPROVED ON**
\$28,100.00 Expanded Program; Overtime; for DUI **CONSENT**
 enforcement from October 2005 through **AGENDA** (Rep.
 September 2006; requires 25% city match Franzetti abstaining)
 (\$7,025) from existing budgeted overtime funds.
 11/21/05 – Submitted by Mayor Dannel P. Malloy

12/08/05 – Approved by Board of Finance
12/20/05 – Committee approved 8-0-0

1b. [F27.008](#) ADDITIONAL APPROPRIATION (Grants); DUI **APPROVED ON**
\$22,800.00 Expanded Program; Overtime; to fund DUI **CONSENT**
enforcement during Thanksgiving, Christmas and **AGENDA** (Rep.
New Year’s holidays; requires 25% city match Franzetti abstaining)
(\$5,700) from existing budgeted overtime funds.
11/21/05 – Submitted by Mayor Dannel P. Malloy
12/08/05 – Approved by Board of Finance
12/20/05 – Committee approved 8-0-0

2. [F27.001](#) ADDITIONAL APPROPRIATION (Grants); Day **APPROVED ON**
\$233,371.00 Care Grant; Day Care Allotment; represents CT **CONSENT**
Dept. of Social Services increase to 2006 **AGENDA**
allocation; program provides day care services.
10/28/05 – Submitted by Mayor Dannel P. Malloy
11/10/05 – Approved by Board of Finance
12/20/05 – Committee approved 9-0-0

3. [F27.015](#) GRANT RESOLUTION; authorizing the Mayor to **APPROVED ON**
enter into an agreement with the CT Dept. of **CONSENT**
Public Health for regional emergency and public **AGENDA**
health preparedness; amount of grant: \$80,000.
11/29/05 – [Submitted](#) by Mayor Dannel P. Malloy
12/20/05 – Committee approved 8-0-0

4. [F27.011](#) ADDITIONAL APPROPRIATION (Operating); **APPROVED ON**
\$28,872.00 AIDS Ed Risk Reduction; to preserve program for **CONSENT**
FY 05-06 and bring employees to Step A in **AGENDA**
respective salary grades.
11/29/05 – Submitted by Mayor Dannel P. Malloy
11/10/05 – Approved by Board of Finance
12/20/05 – Committee approved 8-0-0

5. [F27.017](#) ADDITIONAL APPROPRIATION (Operating); **APPROVED ON**
\$25,232.00 Environmental Protection Board; Salaries; to fund **CONSENT**
a new position: Environmental Analyst. **AGENDA**
11/29/05 – Submitted by Mayor Dannel P. Malloy
12/08/05 – Approved by Board of Finance
12/20/05 – Committee approved 8-0-0

Secondary Committee: Land Use-UR *Concur 6-0-0*

6a. [F27.002](#) ADDITIONAL APPROPRIATION (Operating); **APPROVED ON**

\$12,975.00	Administration; Other Grants; represents 50% share of US Dept. of Justice COPS Secure Schools grant; funds to be used to purchase a computer to access school system database. 10/28/05 – Submitted by Mayor Dannel P. Malloy 11/10/05 – Approved by Board of Finance 12/20/05 – Committee approved 9-0-0	CONSENT AGENDA
6b. F27.003 \$25,950.00	ADDITIONAL APPROPRIATION (Grants); Administration; Other Grants; represents total US Dept. of Justice COPS Secure Schools grant; funds to be used to purchase a computer to access school system database. 10/28/05 – Submitted by Mayor Dannel P. Malloy 11/10/05 – Approved by Board of Finance 12/20/05 – Committee approved 9-0-0	APPROVED ON CONSENT AGENDA
7a. F27.004 \$15,939.00	ADDITIONAL APPROPRIATION (Operating); Police; Animal Control; Salaries; to create <u>full time</u> position of Animal Shelter Maintainer as part of ongoing program to upgrade the Animal Control Program. 10/28/05 – Submitted by Mayor Dannel P. Malloy 12/08/05 – Approved by Board of Finance 12/20/05 – Committee approved 9-0-0	APPROVED ON CONSENT AGENDA
7b. F27.013 \$8,653.00	ADDITIONAL APPROPRIATION (Operating); Police; Animal Control; Salaries; to create <u>part time</u> position of Animal Shelter Maintainer as part of ongoing program to upgrade the Animal Control Program. 11/23/05 – Submitted by Mayor Dannel P. Malloy 11/10/05 – Approved by Board of Finance 12/20/05 – Committee approved 9-0-0	APPROVED ON CONSENT AGENDA
7c. F27.012 \$36,660.00	ADDITIONAL APPROPRIATION (Operating); Police; Animal Control; Dog Maintenance; to improve cleanliness of shelter as part of on-going upgrade of animal control program. 11/23/05 – Submitted by Mayor Dannel P. Malloy 12/08/05 – Approved by Board of Finance 12/20/05 – Committee approved 9-0-0	APPROVED ON CONSENT AGENDA
8. F27.009	REVIEW; matter of motor vehicle tax collection rates. 10/03/05 – Submitted by Rep. DeLuca 12/20/05 – Report Made	REPORT MADE

Chair Skigen stated a report on Item No. 8 is contained in the Fiscal Committee minutes.

9. [F27.016](#) ADDITIONAL APPROPRIATION (Capital Budget); Operations; Engineering; Kosciuszko Park; to fund final landfill closure plan and park rehabilitation in compliance with CT DEP. **NO ACTION TAKEN**
\$1,327,050.00 11/29/05 – Submitted by Mayor Dannel P. Malloy
12/08/05 – Withdrawn by Administration
12/20/05 – No action taken

Chair Skigen reported Item No. 9 was withdrawn by the Administration.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 through 7, was approved by unanimous voice vote (Rep. Franzetti abstaining on Item Nos. 1a and 1b).

Clerk Summerville announced that Rep. Skigen left the meeting at this time.

LEGISLATIVE & RULES

COMMITTEE: **James D. Diamond, Chair**
[\(Attendance\)](#) **Arthur Layton, Vice Chair**
[\(Votes\)](#)

Meeting: Monday, December 19, 2005

[\(Report\)](#)
7:00 p.m. – Democratic Caucus Room

Chair Diamond reported that the Legislative & Rules Committee on December 19, 2005. Present were Chair Diamond, Vice Chair Layton, committee member Reps. Berns, Day, Esposito, Heaphy, Lombardo, C. Martin, Mitchell and Zelinsky. Also present were President Martin, Rep. DeLuca; Ben Barnes, Director of Administration and Bill Forker, Director of Tax Assessment.

1. [LR27.002](#) PROPOSED ORDINANCE; **for publication**; **APPROVED ON CONSENT AGENDA**
raising the income limits for city tax relief programs from \$50,000 to \$65,000 for singles and from \$60,000 to \$80,000 for married couples (Tax Assessor's Analysis).
10/03/05 – Submitted by [Mayor Dannel P. Malloy](#)
10/07/05 – Favorable [Advisory Opinion](#) issued by Board of Finance
12/08/05 – Second [Advisory Opinion](#) issued by Board of Finance
12/19/05 – Committee approved 9-0-0 (*as amended*)

Chair Diamond reported that this ordinance will expand our senior citizens tax relief program by making increases in income eligibility along with net worth eligibility. It also includes our tax relief program for the disabled. A public hearing is scheduled for January 23, 2006.

2. [LR27.003](#) PROPOSED ORDINANCE; **for publication**; **HELD IN COMMITTEE**
providing tax relief for the disabled under Section 220-9A, Article IV of the Code of Ordinances.
11/27/05 – Re-submitted by President Martin & Rep. DeLuca
12/19/05 – Held in Committee 9-0-0

Chair Diamond stated that Item No. 2 was held because it was incorporated into LR27.002.

3. LR27.004 PROPOSED ORDINANCE; **for publication**; **HELD IN COMMITTEE**
providing for a tax credit for seniors who provide volunteer services to the City of Stamford.
11/27/05 – Submitted by Rep. DeLuca
12/19/05 – Held in Committee 9-0-0

4. LR27.005 PROPOSED ORDINANCE; **for publication**; **HELD IN COMMITTEE**
amending the DSSD Ordinance to provide for a tax exemption for property owners of affordable housing units.
11/29/05 – Submitted by President Martin, Clerk Summerville & Rep. Rauh
12/19/05 – Held in Committee 8-0-1

5. [LR27.007](#) RESOLUTION; correcting a Scrivener's error in the recently-enacted Ethics Ordinance. **APPROVED ON CONSENT AGENDA**
11/22/05 – Submitted by President Martin & Rep. Nakian
12/19/05 – Committee Approved 9-0-0

Chair Diamond stated that this resolution corrects a Scrivener's error when we passed the Ethics Ordinance wherein we left out the word "not."

6. LR27.006 REVIEW and possible amendments to the Ethics Ordinance. **HELD IN COMMITTEE**
12/06/05 – Submitted by President Martin, Rep. Lyons and Jim Rubino

12/19/05 – Held in Committee 10-0-0

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 and 5, was approved by unanimous voice vote.

LAND USE COMMITTEE: Harry Day, Chair

(Attendance)

Patrick J. White, Vice Chair

(Votes)

Meeting: Wednesday, December 21, 2005

(Report)

7:00 p.m. – Republican Caucus Room

- and -

(Attendance)

Meeting: Monday, January 9, 2006

(Votes)

6:00 p.m. – Conference Room #2

Chair Day reported that the Land Use-Urban Redevelopment Committee Wednesday, December 21, 2005. Present were Committee Chair Day, and Committee Members Boccuzzi, Diamond, Franzetti, Lombardo, and Summerville. Excused were members D’Orso, Mitchell and White. Also present were Reps. Berns and Blackwell; Gabrielle Jones, Corcoran Jennison; Rachel Goldberg, URC; Robin Stein, Land Use Bureau; Michael Cacace, Esq., Cacace, Tusch & Santagata; Stephen Osman, URC; and Mr. Jerry Shiffer, HSNP (Project Architects).

Chair Day reported that the Land Use-Urban Redevelopment Committee also met on Monday, January 9, 2006. Present were Committee Chair Day, and Committee Members Boccuzzi, Diamond, D’Orso, Lombardo, Mitchell and Summerville. Also present were Bill Hennessy, Rick Redniss and President Martin.

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|-----------------------------|---|---|
| 1. LU27.001 | RESOLUTION; beginning the process of a street acceptance for Sunset Court; maps on file in Board Office.
10/13/05 – Submitted by Edward J. Frattaroli, Inc
12/21/05 – Committee approved 6-0-0 | APPROVED ON
CONSENT
AGENDA |
| 2. LU27.002 | RESOLUTION; beginning the process of a street acceptance for Subdivision No. 3747 – Walnut Ridge Lane; maps on file in Board Office.
11/18/05 – Submitted by Rocco V. Dandrea, Inc.
12/21/05 – Committee approved 6-0-0 | APPROVED ON
CONSENT
AGENDA |

3. [LU27.003](#) **PROPOSED ORDINANCE; for publication**; **APPROVED ON CONSENT AGENDA**
 establishing landlord identification to require non-resident owners of rental property to maintain current residential addresses on file, per PA 05-223.
 11/27/05 – Re-submitted by Rep. DeLuca
 12/21/05 – Committee approved 6-0-0 (as amended)

Chair Day noted that the Committee amended this ordinance by causing the Health Department to be the department of record.

4. [LU27.004 Summary](#) **RESOLUTION; & public hearing**; **APPROVED ON CONSENT AGENDA** (Rep. Lodato abstaining)
 approving a contract with Corcoran-Jennison for Sale of Land for Private Development Reuse Parcels 19 and 19B representing all terms and conditions for the redevelopment of Reuse Parcels 19 and 19B on Block 9 (lower Summer Street); contract supersedes and replaces previous Corcoran-Jennison Contract.
 11/29/05 – Submitted by Mayor Dannel P. Malloy
 12/13/05 – Approved by Planning Board
 01/10/06 – To be considered by Board of Finance
 12/21/05 – Committee approved 6-0-0 (public hearing scheduled for 1/18/6)

Clerk Summerville announced that Reps. Aposporos and DeLuca left the floor for the discussion of LU27.004 and did not participate in the vote.

Chair Day reported that the Committee approved Item No. LU27.004 for a public hearing, which will be held next Wednesday evening at 7:00 p.m. Chair Day encouraged all members who have questions to attend on this obviously very important matter for the City of Stamford.

Upon motion duly made and seconded, the Consent Agenda, consisting of Item Nos. 1 through 4, was approved by voice vote (Rep. Lodato abstaining on Item No. 4; Reps. Aposporos and DeLuca leaving the floor on Item No. 4).

Suspension of Rules:

Chair Day moved to suspend the rules to take up an item not appearing on the Agenda. Said motion was seconded. Chair Day stated that this item is ancillary to the proposed RBS Project.

5. [LU27.006](#) **RESOLUTION**; **APPROVED BY UNANIMOUS VOICE VOTE**
 of a notice of intent to relocate and discontinue a portion of Richmond Hill Avenue.
 01/05/06 – Submitted by Mayor Dannel P. Malloy
 01/09/06 – Committee approved 7-0-0 (as

amended)

Chair Day reported that the Land Use Committee met this evening on Item No. LU27.006. Chair Day stated that this is very time-sensitive item and the first of a number of matters that will come before this Board regarding the Royal Bank of Scotland project. Chair Day added that most Board members are familiar with this project as a result of Mayor Malloy's presentation to Board members. This item is especially urgent because it requires that a great amount of work be done in a short period of time.

Chair Day stated that the following is involved in relocating/discontinuing the road: this project begins by the Board of Representatives adopting a resolution that declares the intent that this action take place together with a directive to the Mayor to prepare a report concerning the proposed action. If this is approved tonight, the Mayor will immediately set forth to prepare a report. At that point, the report has to take into account the input of the Department of Operations and the Director of Administration. The Mayor then submits a report to the Board of Finance and the Board of Representatives, after which the Director of Administration is required to evaluate the report and hold a public hearing. After the public hearing, he prepares a report that evaluates the cost of the project and the effect, if any, upon any potential aggrieved parties. The public hearing at which aggrieved parties or others may attend, which is held by the Director of Administration, requires notice three times in the newspaper, plus direct notice to known aggrieved parties, all of which must precede the public hearing by five days. After this, the Director of Administration is required to prepare a report of his findings.

The next step that we take is to vote upon the Report of the Director of Administration, which we have received. Our objective is to have the vote on the Director of Administration's report at next month's meeting. That is why we are trying to kick off the process tonight.

President Martin stated that the plan is to build a new road before we stop use of the current road. But, for the entire process to move along, the first step is to pass this resolution tonight.

Chair Day stated that there was an amendment made to the resolution at the meeting in the last paragraph to delete the words "by voice vote."

Rep. Boccuzzi asked that the hard copy be sent to every member of the Board, along with the letter of January 4th from the Mayor showing the proposed road and its change. Clerk Summerville advised that all board members have received a copy of this material either in the mail or in tonight's package.

Chair Day moved Item No. LU27.006; said motion was seconded. Chair Day noted that the Committee removed the words "by voice vote" from the resolution. The motion was approved by unanimous voice vote.

OPERATIONS COMMITTEE: **John R. Zelinsky, Jr., Chair**
 Scott Mirkin, Vice Chair

No report.

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

Chair Lyons noted that the Committee did not meet this month.

1. [PS27.001](#) RESOLUTION; correcting a Scrivener's Error in **NO REPORT**
 Section 146-35 of the Code of Ordinances to
 correct Section 35(3)B to reflect the apartment unit
 license fee exemption of \$60 (rather than \$50 as
 the ordinance now states).
 11/01/05 – Resubmitted by Johnnie Lee, MD, MPH

**PARKS & RECREATION
COMMITTEE:** **Linda Cannady, Co-Chair**

[\(Attendance\)](#)

[\(Votes\)](#)

[\(Report\)](#)

Joseph Coppola, Co-Chair

Meeting: Tuesday, December 27, 2005

7:00 p.m. – Republican Caucus Room

Co-Chair Coppola reported that the Parks & Recreation Committee met on December 27, 2005. Present were Co-Chairs Coppola and Cannady and Committee Member Reps. D'Orso, Fedeli, Heaphy and Lyons; absent/excused were Reps. Blum, Mallozzi, McCullen, Pavia and Pia. Also present were Thomas Lombardo, Parks & Recreation Commission; Mickey Docimo, Director of Parks & Recreation; Tim Curtin, Director of Operations; Tony Panaro, City of Stamford Facilities; Raymond Green, veterans' spokesman as well as several members of the VFW 9617.

1. PR27.001 REVIEW; removal of trees surrounding Veterans' **REPORT**
 Memorial. **MADE**
 11/15/05 – Submitted by Rep. DeLuca
 12/27/05 – Report Made

A motion to suspend the rules to take up an item not appearing on the agenda was made, seconded and approved by a machine vote of 30-4-0 (Reps. Adams, Aposporos, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, D'Orso, Figueroa, Franzetti, Giordano, Hunter, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Nowakowski, Pavia, Summerville

and Zelinsky in favor; Reps. Berns, Esposito, Rauh and White opposed) (See [RCS Vote Record No. 666](#)).

1a. [PR27.001](#) RESOLUTION; regarding the removal of trees surrounding Veterans' Memorial.
12//27/05 – Submitted by Rep. DeLuca
12/27/05 – Resolution approved 5-1-0

**APPROVED BY
MACHINE VOTE
29-5-1**

Chair Coppola moved Item No. 1a; said motion was seconded. Chair Coppola stated that 16 trees were planted on the Veterans' Memorial in downtown. The trees have overgrown the Memorial, they have taken away the sunlight and have begun to cause damage to the foundations of the monoliths that were installed in 1983. Everyone at the meeting, with the exception of a few people, were in agreement that these trees should be removed before they create any further damage to the Memorial. There is a plan to design new plantings for the Memorial, but they are not ready yet. Based on the information received from the Operations Department, the Committee agreed 5-1-0 to remove all of the trees.

Chair Coppola stated there was a large contingent of veterans at the meeting, and besides the fact that it is in the best interest of that Memorial, it is the wishes of the veterans that the trees be removed and that the Veterans' Memorial be visible for all to see. When you drive by there now, you basically don't even see the Memorial. Removing the trees, installing some low shrubbery, will make it beautiful and satisfy everyone involved. Chair Coppola urged his representatives to support the resolution.

Rep. White stated that originally there was a park there, triangular with mature trees, and when the Memorial was proposed, those large trees were taken down and there was an outcry over the loss of the trees. When these trees were put in, the idea was to have large, mature trees in that park. Now, they want to take them down again. This is a city park, it is public property. There is a Veterans' Memorial there, but it is not a call by the Veterans as to whether these trees should come down. Underlying this is a philosophy in this town that all downtown parks have to be concreted over, have a huge monolith with potted shrubbery, which is not his idea of a city park. He would prefer a green lawn, large mature trees, and you can still have a memorial that honors the veterans. This same thing was proposed a few years ago for St. John's Park for the WW I Memorial and the Spanish-American War. They wanted to concrete that park over, and we had to fight to keep it green and to allow some of the trees to remain there. The same thing happened with Kiwanis Park; the same thing has been proposed for Columbus Park and Latham Park. Rep. White stated that he is sure there can be a way to save the trees at the same time they preserve the Memorial. He disagrees with taking the trees down.

Rep. White added that originally there was a proposal to remove six trees; now the Committee has arbitrarily increased it to removing 16 trees. This resolution will give carte blanche power to Mr. Curtin to have these trees taken down. We will end up with a stark park, no trees, and eventually there will be no trees, cafes will come and the next thing you know it won't be a city park at all – it will be a commercial operation with

a huge monolith that will be rather ugly in the sense with the landscape being proposed in the center of town.

Rep. Pavia stated that he questions why this matter is even before this Board as a resolution. This matter lies clearly within the executive branch of government. We have quite competent departments and commissions that oversee the parkland, its infrastructure and the maintenance of these items. It is not a matter for this Board. That being said, if the trees have to be removed, as determined by professionals, he suggests that they be removed following the approval and funding of a more appropriate and friendly planting plan – something more comprehensive in terms of a parkland. It is an aesthetic concern, it is a park and people expect parks to be green. There should be a comprehensive approach, with the park remaining green until a new parkland plan is approved.

President Martin stated that the Parks & Recreation Commission voted to take down six trees and to leave ten; the administration would not have the authority to take down 16 trees. We have the ability to override the Commission, which is the rationale for us voting on this.

Rep. DeLuca stated that when people say let's leave it to the professionals, there are two people – the tree warden and his assistant – who are professionals who are definitely in favor of removing these trees. We have Pepe Barbarotta, who is in charge of parks facilities, agreeing that the trees need to come down along with Laszlo Papp, formerly of the URC. A consultant is working on a redesign of the park, and their design shows that there will be trees in the park, but they will be further back from the monument. In Washington, DC, the Vietnam War, the WW II and the Korean War Memorials don't have any trees blocking the monuments. The roots of these trees are coming up and damaging the Memorial. The trees have to come down, and the experts agree. The veterans want them down. They want this Memorial to be visible to the people and they don't want it damaged by the trees.

Rep. Giordano stated that he honestly calls himself a tree hugger, and he remembers how beautiful the Old Town Hall looked before two trees were planted in front of the building. A few years later, the beauty of the whole building was hidden. Then the sap from the trees began to discolor the building; the roots of the trees came up through the plaza, and the old Town Hall soon became an eye sore. The City is now spending millions rehabilitating the building. In order for this to be rehabilitated, the City had to cut down the trees that were causing the damage. We cannot allow the Veterans Memorial, who fought and gave up their lives to keep our country free, to suffer the same fate as the old Town Hall. Rep. Giordano stated he will vote to remove them, and he asks that the City plant two trees for every one that is cut down in another appropriate place.

Rep. Lyons stated that the Committee listened to a lot of testimony that night, including the Veterans who helped design and install the monument, and the bottom line is that the trees are too big for where they are. If we don't act, we will soon have uprooted

bricks and crumbling monuments. Everyone present heard Director Curtin say that there will be interim plantings and eventually that park will undergo a master re-design. The common sense approach is that the trees that are nearing thirty years of age are just too big for that area.

Rep. Boccuzzi stated that he will vote in favor of the resolution. He observed what was happening to the bricks in the park. The roots are pushing the bricks up, the water is going under the bricks, freezing and causing more erosion. The longer we take to solve this problem, the more it will cost. The trees themselves are too big for this area, and this is something we have to solve. The Veterans' Memorial itself is in danger of the footing being eroded, and this would cost a lot of money. He recommends we remove the trees, plant something temporary and watch and make sure that the design for the park is something we are all in favor of. It is his understanding that the money to remove these trees can be found in the budget, and there won't be a special appropriation to do this work. He urged his fellow representatives to support this resolution.

Rep. Mirkin asked whether the co-chairs of Parks & Recreation or the President of the Board could communicate to Director Curtin that the Board would like to see something in the upcoming budget to show what they are going to do in that park, so that it doesn't turn into a concrete landscape.

Rep. Layton moved the question, said motion was seconded and approved by a machine vote of 25-9-1 (Reps. Adams, Aposporos, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, D'Orso, Figueroa, Franzetti, Giordano, Hunter, Layton, Lodato, Lombardo, Lyons, C. Martin, D. Martin, McCullen, Mitchell, Molgano, Nowakowski, and Pia in favor; Reps. Berns, Diamond, Esposito, Mirkin, Pavia, Rauh, Summerville, White and Zelinsky opposed) (See [RCS Vote Record No. 667](#)).

The resolution was approved by a machine vote of 29-5-1 (Reps. Aposporos, Blackwell, Boccuzzi, Cannady, Coppola, Day, DeLuca, DePina, Diamond, D'Orso, Figueroa, Franzetti, Giordano, Hunter, Layton, Lombardo, Lyons, C. Martin, D. Martin, McCullen, Mirkin, Mitchell, Molgano, Nowakowski, Pia, Rauh, Summerville and Zelinsky in favor; Reps. Berns, Esposito, Lodato, Pavia and White opposed; Rep. Adams abstaining) (See [RCS Vote Record No. 668](#)).

Clerk Summerville noted that rep. Munger left the meeting at this time (10:15 p.m.)

2. [PR27.002](#) **RESOLUTION & public hearing**; establishing fees for new Springdale Playground Program and new Stillmeadow School Playground Program at \$175 (reduced rate) \$275 (regular rate); and to increase fees at Barrett Park and Cove Island Park from \$75 (reduced rate) to \$100 and from \$125 (regular rate) to \$150 to reflect increased costs of program. **APPROVED BY VOICE VOTE** (Rep. Pia abstaining)

11/21/05 – Submitted by Mayor Dannel P. Malloy
12/08/05 – Committee approved 8-0-0
12/12/05 – Public Hearing & Resolution approved
12/27/05 – Committee approved 6-0-0

Co-Chair Coppola stated that a public hearing was held on Item No. 2. A motion to approve Item No. 2 was made, seconded and approved by voice vote (Rep. Pia abstaining).

A motion to take up an item out of Committee was made, seconded and approved by unanimous voice vote.

3. [PR27.003](#) APPROVAL; of an agreement with Vollmer Associates, LLP for additional architectural and engineering services for renovations at Scalzi Park; to design electrical master plan, oval path and basketball court; amount of additional work: \$56,900.00. **APPROVED BY UNANIMOUS VOICE VOTE**
- 11/29/05 – Submitted by Mayor Dannel P. Malloy
12/08/05 - Approved by Board of Finance
12/08/05 – Committee approved 8-0-0
12/12/05 – Held in Committee
12/27/05 – No action taken

Co-Chair Coppola stated that this item was held pending approval of the Board of Finance. This approval was granted. Co-Chair Coppola moved to approve Item No. 3 was made, seconded and approved by unanimous voice vote.

EDUCATION COMMITTEE: Thomas C. Hunter, Chair

[\(Attendance\)](#)

Michael L. Molgano, Vice Chair

[\(Report\)](#)

Meeting: Thursday, January 5, 2006

7:00 p.m. – Democratic Caucus Room

Chair Hunter reported that the Education Committee on Thursday, January 5, 2006. Present were committee members: Chair Hunter and Vice-Chair Molgano; Member Reps: C. Martin, Franzetti, Rauh, Lodato, Pia and Mitchell. Also present: John Louizos, Chair of Education Committee for the Board Of Finance.

Chair Hunter reported that broad goals and objectives were discussed along with how the Committee might measure its success in achieving its goals. They are inviting the Board of Education to come and discuss their goals and objectives for the school year and how they will measure the success.

The committee listed some goals: 1) a logical, clear and self-contained budget proposal; 2) goals and objectives; 3) special education students; 4) programs for non college-bound students; 4) state ECS formula; 5) achievement gap and 6) the success of the Pre-K program.

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

(Attendance)

Philip J. Giordano, Vice Chair

(Votes)

Meeting: Tuesday, December 20, 2005

(Report)

6:30 p.m. – Democratic Caucus Room

Chair Mitchell reported that the Housing-Community Development-Social Services Committee met Tuesday, December 20, 2005. Present were Chair Mitchell; Vice Chair Giordano; Committee Member Reps. Aposporos, Blackwell, Molgano, McCullen, Munger and Nowakowski; Rep. Figueroa was excused; also present were Reps. Adams, Cannady and DePina; John Kukulakis and Ross Burkhardt of New Neighborhoods, Inc. and Tim Beeble of Community Development.

1. HCD27.01 REVIEW; allocation and distribution of community development/social services funds; procedures and policies enabling revolving loan funds to be reclassified as grant funds ([CDBG Summary](#) & [Ordinance](#))
11/21/05 – Submitted by Rep. Cannady
12/20/05 – Report Made **REPORT MADE**

Chair Mitchell stated a report was provided to everyone on Item No. 1.

2. [HCD27.02](#) APPROVAL; of Year 32 Planning/Budgeting Schedule.
11/22/05 – Submitted by Tim Beeble
12/20/05 – Committee Approved 8-0-0 **NO ACTION REQUIRED**

Chair Mitchell reported that this will set the calendar for Year 32.

3. HCD27.03 APPROVAL; of reassignment of \$120,000 in Year 30 funding for rehabilitation of 28 Perry Street from NNI-MHA Friendship House to Stamford Affordable Homes (owners of 28 Perry Street).
11/22/05 – Submitted by Tim Beeble **NO ACTION REQUIRED**

Rep. Mirkin stated that he agrees with Rep. Adams and that he attended the meeting where the administration stated this was an oversight. When he asked the administration about this issue, they responded that it was a management prerogative to enter into this agreement. He maintains that it is the legislative body that approves contracts. He would have supported this if it had come down in a timely basis. If the Board doesn't stop this somewhere, it will continue. He will not vote for this tonight.

Rep. DeLuca stated that the fact is that had the lease come down in May of 2004, the Board would have approved it. By holding this item last month, a message was sent to the administration that this won't be tolerated. He has emails from Tom Cassone saying that two different attorneys thought the other one had done the amendment, they admitted dropping the ball, and Tom apologized for this oversight. Rep. DeLuca stated he believes we have sent a message.

Rep. Lyons stated that if we defeat the measure, we punish Saturn – not the administration. Saturn just purchased land on Magee Avenue; they will increase their property taxes to the City, and they don't need this space. Saturn approached the City and asked for a reduction in monthly payments, so it was merely a business transaction. What is really in front of us is a business agreement that was executed in good faith and that will stand up in court. Rep. Lyons sympathizes with the sentiment of sending a message.

Rep. Diamond stated that he agrees with Rep. Lyons. Saturn gave up something in exchange for the reduction. They gave up the parking spaces, and the rent was reduced. As a matter of fairness and equity, they are likely to be upheld. They bargained in good faith, and we ought to approve it.

Rep. Day stated that we would not win a lawsuit here. They acted in good faith. In essence, voting no on this accomplishes absolutely nothing other than to try to extract mea culpas that have already been received. It is a useless act to vote no.

The item was approved by a machine vote of 23-8-2 (Reps. Berns, Blackwell, Boccuzzi, Day, DeLuca, Diamond, Esposito, Franzetti, Giordano, Hunter, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Nowakowski, Pavia, Pia, Rauh and Summerville in favor; Reps. Adams, Aposporos, Coppola, D'Orso, Figueroa, Mirkin, Molgano and White opposed; Reps. Cannady and Zelinsky abstaining) (See [RCS Vote Record No. 669](#)).

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| 2. T27.003 | REVIEW; collection of delinquent parking tickets and possible contract with Law Enforcement Systems, Inc. for collection.
11/18/05 – Submitted by Reps. DeLuca and Mirkin
12/22/05 – Report Made | REPORT
MADE |
|----------------------------|--|------------------------|

Chair DeLuca 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.

- 2a. [T27.003 Resolution](#) RESOLUTION; directing the Director of Legal Affairs to institute an amnesty program for delinquent parking tickets. **APPROVED BY MACHINE VOTE 25-8-0**
11/18/05 – Submitted by Reps. DeLuca and Mirkin
12/22/05 – Committee approved 7-0-0

Chair DeLuca stated a copy of the resolution was distributed to all members. It states that the amnesty program will apply only to tickets given in 2003 or earlier, the program shall allow the waiver of the last applied penalty, and the program shall only allow the waiver for penalties for three tickets. It will be effective January 15 and be in effect for 60 days.

President Martin stated that the Corporation Counsel has informed us that he believes that it is within his charter authority to execute an amnesty program entirely on his own, but would consider that a broad over-exercise of his power and would like our support and recommendation before he would engage in anything like this. President Martin asked representatives to keep that in mind if there is some small detail that might change from the resolution as he works out the final details of the amnesty program.

Rep. Mirkin stated that he sees no good reason to support this. Originally, the vendor anticipated receiving \$2.4 million, and now it is so diluted that we will be receiving roughly \$900,000. To offer an amnesty program on top of that is not a good idea, he doesn't understand why we would want to do this, and he urges his colleagues not to give any incentive to people who should have paid the original amount.

Chair DeLuca moved Item No. 2a; said motion was seconded and approved by a machine vote of 25-8-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Day, DeLuca, Diamond, Esposito, Figueroa, Franzetti, Giordano, Hunter, Lombardo, Lyons, Mallozzi, D. Martin, McCullen, Nowakowski, Pia, Rauh, Summerville, White and Zelinsky in favor; Reps. Coppola, D'Orso, Layton, Lodato, C. Martin, Mirkin, Molgano and Pavia opposed) (See [RCS Vote Record No. 670](#)).

3. [T27.004](#) PROPOSED ORDINANCE; **for publication**; amending the towing ordinance concerning the \$35 administrative towing charge for vehicles. **RETURNED TO COMMITTEE BY MACHINE VOTE (27-6-0)**
11/29/05 – Re-Submitted by Rep. Zelinsky
12/22/05 – Committee approved 7-0-0 (as amended)

Chair DeLuca moved to approve Item No. T27.004; said motion was seconded. Chair DeLuca stated an amendment was made as follows: "whenever a vehicle is towed

within the City of Stamford, during a period of time when it is a snow emergency declared, the tower shall collect from the owner of said vehicle ... “.

Rep. Lyons moved to return the item to Committee; said motion was seconded. Rep. Lyons stated that the history of this issue may not be clear to everyone. It was May or June of 2003 when this was adopted as an administrative towing charge for vehicles. In the Budget Book, there is a revenue item “police miscellaneous,” and in that line is the towing fund. In 2003-04, the collection estimate was \$49,337, and the City collected \$43,000. Rep. Lyons believes this fee has merits, and he believes there are times when the administrative fee should not be charged. Rep. Lyons stated that Chair Nakian, prior to her leaving, stated that the placement of the ordinance by the codification company was completely erroneous. Rep. Lyons also stated that he fully supports the submittee of this item, but all should bear in mind that in the two instances the submittee refers to, where two constituents had mechanical car problems, they called the Police Department for assistance. Other people may call AAA or a tow service, and he believes that the language should be made clear as to when the fee applies. Rep. Lyons stated that if someone is in an accident, perhaps they were driving under the influence, why shouldn't that person pay a \$35 towing fee?

Rep. Lyons stated he understands there are issues on both sides, but would like to have it returned to committee. It is not time-sensitive and he feels we can do a better job with this item.

Rep. Zelinsky stated he is against sending it back to Committee. He believes it is time-sensitive because our constituents, who through no fault of their own have their cars break down on a city street, whether they call the police or a tow company, any vehicle that is towed is charged the \$35 fee according to the current ordinance. Also, if one of our residents is involved in an accident through no fault of their own and the vehicle has to be towed, at the present time they will be charged a humiliating \$35 fee. This is not fair. This was brought to his attention by two constituents. Many people have complained about this, and in order to get your car back, you have to pay the \$35 in addition to the towing charge.

Rep. Zelinsky stated he agrees that there was an error in the June 12, 2003 meeting when the Transportation Committee voted to amend the snow emergency section. Rep. Zelinsky stated the best way to fix this is to amend it the way the Committee approved it. Burt Rosenberg of the Law Department authored the change to the ordinance. Rep. Zelinsky requested his colleagues move it for publication, and then if it needs to be changed, there should be a separate ordinance.

Rep. Esposito stated he is glad to hear Mr. Zelinsky agree that this was a mistake, and if it was a mistake, then it should be corrected. But what Mr. Zelinsky is suggesting is that we go back to June of 2003 and re-vote this ordinance. Also, Rep. Esposito stated that if someone breaks down and calls a towing company, they are not charged a fee. They are only charged a fee when they involve the Police Department, which usually happens when there is an accident. The Police cannot charge a fee if they are unaware

of a car breaking down. When people erroneously call the Police Department for repair service, we can include that as an exception when we correct this ordinance. Since we have acknowledged a mistake, Rep. Esposito suggests this go back to Committee and the mistake get corrected – not a re-write of the ordinance that will change the intent of this Board’s original decision.

Chair DeLuca stated that in June and July of 2003, the Board voted to “approve Section 231 by adding Section 231.4 Article VI. It says nothing about snow emergency. Chair DeLuca stated he voted for approval of this in Committee, but after listening to comments by Reps. Lyons and Esposito, he has changed his mind. Chair DeLuca stated that he and Rep. Nakian met and worked out a solution to this problem with Mr. Burt Rosenberg of the Law Department. Rep. Boccuzzi supported this solution. The plan was to consider this a Scrivener’s error, and Burt Rosenberg decided to prepare this ordinance to amend the existing ordinance and include provisions whereby if a vehicle is towed as a result of mechanical failure or an accident that is not the fault of the vehicle owner, the towing administrative fee shall be waived. Rep. Nakian felt that if we are using police services, we should just collect the \$35 fee. Chair DeLuca stated he would support returning this item to Committee.

Rep. Zelinsky stated that he wanted to clarify that it is his understanding that whenever a vehicle is towed, the towing company has to charge a \$35 fee whether the police call them or the resident calls them. This is in Section 231-54. Rep. Zelinsky again asked his colleagues to support publication of this item.

Rep. Esposito says he does not believe it is possible on a tow that doesn’t involve the police that the \$35 fee can be collected. The towing companies get a bill from the City based on the number of calls; in a situation between a citizen and the towing company, there is no way for the City to know that a tow has taken place. If the towing companies are collecting \$35 for every tow, we should look into that because he doesn’t believe those funds are being sent to the City.

Rep. DeLuca stated he is against publishing this, and then having to republish it at a significant cost if changes are made to it. He supports sending it back to committee.

Rep. Lyons stated that he urges this be returned to the Transportation Committee, have it dealt with and publish it once and get it codified.

Rep. Adams stated that he was opposed to this fee from the beginning; it was instituted at a time the City was increasing fees. He doesn’t think our constituents should have to pay a \$35 fee to be assisted by the Police Department. Rep. Adams supports eliminating this charge.

The motion to return Item No. T27.004 to committee was approved by a machine vote of 27-6-0 (Reps. Berns, Blackwell, Cannady, Coppola, Day, DeLuca, Diamond, D’Orso, Esposito, Figueroa, Giordano, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, McCullen, Mirkin, Molgano, Nowakowski, Pavia, Pia, Rauh, Summerville and

White in favor; Reps. Adams, Aposporos, Boccuzzi, Franzetti, Hunter and Zelinsky opposed) (See [RCS Vote Record No. 671](#)).

STATE & COMMERCE COMMITTEE: Paul A. Esposito, Chair

No report.

HONORARY RESOLUTIONS

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| 1. | <u>SENSE OF THE BOARD RESOLUTION</u>
congratulating Antonia Mallozzi on her 100 th
Birthday.
11/29/05 – Submitted by Rep. Zelinsky | APPROVED BY
UNANIMOUS
VOICE VOTE |
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MINUTES

- | | | |
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| 1. | <u>December 12, 2005 Regular Board Meeting</u> | APPROVED BY
UNANIMOUS
VOICE VOTE |
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OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 11:05 p.m.