

The Regular Meeting of the 27th Board of Representatives of the City of Stamford was held on Tuesday, September 5, 2006 in the Legislative Chambers of the Board of Representatives in the Government Center, 888 Washington Boulevard, 4th Floor, Stamford, Connecticut.

MINUTES

The meeting was called to order at 8:50 p.m. by President David R. Martin

INVOCATION: Given by President David R. Martin.

“Life moves at a pretty rapid pace. This is the 5th year anniversary of September 11th and the first year anniversary of Hurricane Katrina. There is no way I can say things that haven’t been said, and I know everyone here has feelings, and there is no way that I can add to those feelings. At least to me, one of the proudest moments of those two disasters were all of the people who went forward to help their neighbors, their friends, their business associates and people they didn’t even know. In some cases, they were helping people evacuate from Katrina, and in some cases they were helping people down stairwells at the World Trade Center and some were on an airplane over Pennsylvania. They were jumping in as the occasion called for to help protect the rest of us. I liken them to our original founding fathers, when in the woods there were minutemen – people standing at the ready to help protect all of their neighbors in the community from any danger that might arise. And, in essence, there were so many of them, our fellow citizens and some not, who rushed to help others in need, and I constantly give them thanks for those that they saved and for the courage and heroism that they showed. I hope that I, and I think that many of you, would have that same heroism and that same courage, and I am reminded, interestingly enough, of a prayer that I am not going to get exactly right, and I actually believe it is a Muslim prayer, and I think it goes something like this: Dear Lord, please help me to think the things that I must know to think; help me to say things that must be said; and help me to do the things that I must to do to help all of the other people in the world. Amen.

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 33 members present and 7 members absent/excused. Absent/excused were Reps. Franzetti, Hunter, Mirkin, Day, Adams, McCullen and Pia. (Note: Rep. Adams and Pia arrived after roll call.)

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

MOMENTS OF SILENCE: For the late: Tobin Coleman, The Honorable Richard J. Tobin and Virginia J. Smeraldi by the 27th Board of Representatives; Anna Festa by Rep. Fedeli; Judith Lorusso Vozzella, Lucille B. Ferullo and Jean Z. Marcus, Sylvia Dowling, Marino Marie Mulreed, Sig Shore, Jopseh Frank Pellicano, Frederick Lord, Jr., Alice Florence Gaipa Chiapetta, Delores Engber and Nathalie M. Weir by Rep. Giordano; Phliomena “Fay” Ferro, Bertha Kokoros, Reverend Ramon Isidro and Ralph E. Morrell by Reps. Giordano and Zelinsky; and Albert John DiBlasio and Marilyn J. Miner by Rep. Zelinsky.

COMMUNICATIONS:

1. President Martin announced that copies of the disclosure statement required of the City auditors is available for representatives to complete and return to Board staff for mailing to the auditors.
2. President Martin announced that Representative Harry Day has been named to serve on the Smith House Board of Directors.
3. President Martin announced that he and Representatives Randy Skigen and Mike Greenberg will sit on the City’s Revaluation Committee.
4. President Martin wished Representative Arthur Layton a happy birthday.
5. President Martin announced he will be making adjustments to committee assignments. Representatives who wish to either join or leave any committee should notify him within the next few weeks.
6. President Martin announced that the Steering Deadline is this Thursday at 10:00 a.m.
7. President Martin announced that the Steering Committee will meet next Monday, September 11, 2006.
8. Clerk of the Board Summerville announced that the Board photograph will be taken at the October meeting at 8:00 p.m.

RESOLUTIONS:

1. [RESOLUTION](#); changing the January 2007 regular Board of Representatives meeting date to January 8, 2007. 08/14/06 – Submitted by Steering Committee **FAILED BY MACHINE VOTE 13-21-0**

A motion to approve the Resolution above was made, seconded and failed by a machine vote of 13-21-0. Reps. Aposporos, Berns, DePina, Diamond, Esposito, Giordano, Lodato, Mallozzi, C. Martin, Mitchell, Nowakowski, Young and Zelinsky in

favor; Reps. Adams, Blackwell, Boccuzzi, Cannady, Coppola, DeLuca, Fedeli, Figueroa, Greenberg, Heaphy, Larobina, Layton, Lombardo, Lyons, D. Martin, Molgano, Munger, Rauh, Skigen, Summerville and White in favor (See [RCS Vote Record No. 737](#)).

HONORARY RESOLUTIONS:

STANDING COMMITTEES

STEERING COMMITTEE: Meeting: Monday, July 14 2006
([Attendance](#)) 7:00 p.m. – Democratic Caucus Room
([Report](#))

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

APPOINTMENTS COMMITTEE: Annie M. Summerville, Chair
([Attendance](#)) **John J. Boccuzzi, Vice Chair**
([Votes](#)) Meeting: Tuesday, August 29, 2006
([Report](#)) 7:00 p.m. – Democratic Caucus Room

Chair Summerville reported that the Appointments Committee met on August 29, 2006. Present were Committee Chair Summerville and Vice Chair Boccuzzi and Committee Member Reps. Layton, Blackwell, DePina and Molgano. Absent/excused were Reps. Munger, Nowakowski and Aposporos. Also present was Rep. Adams.

- [A27.046](#) **Economic Development Commission** **APPROVED ON
CONSENT
AGENDA**
Barry Haines (R) Repl. Choate
36 Fairland Street (Term Exp. 12/1/4)
Stamford, CT 06905
Term Expires: 12/01/07
06/27/06 – Submitted by Mayor Dannel P. Malloy
08/01/06 – Held in Committee
08/29/06 – Committee approved 6-0-0
- [A27.050](#) **Personnel Commission** **APPROVED ON
CONSENT
AGENDA**
Lois Lippoth Pontbriant (R) Reappointment
112 Northwind Drive (Term Exp. 12/1/4)
Stamford, CT 06903
Term Expires: 12/01/07
07/21/06 – Submitted by Mayor Dannel P. Malloy
08/29/06 – Committee approved 6-0-0

Chair Summerville moved to approve the Consent Agenda, consisting of Item Nos. 1 and 2. Said motion was seconded and approved by unanimous voice vote.

FISCAL COMMITTEE: **Randall M. Skigen, Chair**
(Attendance) **Linda Cannady, Vice Chair**
(Votes) Meeting: Monday, August 14, 2006
(Report)
7:30 p.m. – Democratic Caucus Room

Chair Skigen reported that the Fiscal Committee met on Monday, August 14, 2006. Present were Chair Skigen and Vice Chair Cannady and Committee Member Reps. Day, DeLuca, Mirkin, Mitchell and Fedeli. Excused were Reps. Lyons, Figueroa, Hunter and Giordano. Also present was Clerk of the Board Summerville and Sandra Dennies, Grants Director.

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|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 1. F27.152
\$500,000.00 | ADDITIONAL APPROPRIATION (Capital Budget); for public hearing; Engineering; School Readiness Expansion; to fund Phase I, II and III reports on environmental conditions of the property known as the Edward Hunt Recreation Complex on Courtland Avenue.
05/26/06 – Submitted by Mayor Dannel P. Malloy
06/06/06 – Approved by Planning Board
06/12/06 – Approved by Board of Finance
06/26/06 – Held in Committee 8-0-0 & public hearing approved
07/24/06 – Failed in Committee 3-4-2
08/07/06 – Item divided; \$500,000 appropriated & \$500,000 held
08/14/06 – Held in Committee 6-0-0 | HELD IN
COMMITTEE |
| 2. F27.151
\$20,000.00 | ADDITIONAL APPROPRIATION (Grants Budget); Youth Services Bureau; Direct Service; to provide summer employment with the Fire and Parks Departments and summer camp counselor positions.
07/15/06 – Submitted by Mayor Dannel P. Malloy
08/10/06 – Approved by Board of Finance
08/14/06 – Approved by Committee 6-0-1 | APPROVED
ON CONSENT
AGENDA
<i>(Reps. Giordano
and Zelinsky
abstaining)</i> |
| 3. F27.150
\$3,374.92 | ADDITIONAL APPROPRIATION (Operating Budget); Maintenance Facilities; Overtime; to repair wall damages by auto accident; funds to be reimbursed by insurance. | APPROVED
ON CONSENT
AGENDA |

7/29/06 – Submitted by Mayor Dannel P. Malloy
08/10/06 – Approved by Board of Finance
08/14/06 – Approved by Committee 7-0-0

Chair Skigen moved to approve the Consent Agenda, consisting of Item Nos. 2 and 3. Said motion was seconded and approved by voice vote (Reps. Giordano and Zelinsky abstaining on Item No. 2).

LEGISLATIVE & RULES

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

Meeting: Monday, August 21, 2006

[\(Report\)](#)

7:00 p.m. – Democratic Caucus Room

- and -

[\(Attendance\)](#)

Meeting: Thursday, August 31, 2006

[\(Votes\)](#)

7:00 p.m. – Democratic Caucus Room

[\(Report\)](#)

(in conjunction with Public Safety & Health Committee)

Chair Diamond reported that the Legislative & Rules Committee met on Monday, August 21, 2006. Present were Committee Chair Diamond and Vice Chair Layton and Committee Member Reps. Berns, Lodato, Day, C. Martin, Esposito, Heaphy and Zelinsky. Absent/excused were Reps. Lombardo and Mitchell. Also present were Tom Cassone, Director of Legal Affairs; Ben Barns, Director of Administration and John Marsalisi, a member of the public and former member of the Board of Ethics.

Chair Diamond also reported that the Legislative & Rules Committee met on Thursday, August 31, 2006 with the Public Safety & Health Committee. Present were Chair Diamond and Vice Chair Layton and Committee Member Reps. Berns, C. Martin, Mitchell, Esposito and Zelinsky. Absent/excused were Reps. Lodato, Lombardo, Day and Heaphy.

1. LR27.006	PROPOSED ORDINANCE; for final adoption ; amending the Ethics Ordinance. 12/06/05 – Submitted by President Martin, Rep. Lyons and Jim Rubino 12/19/05 – Held in Committee 10-0-0 01/23/06 – Held in Committee 11-0-0 02/27/06 – Amended by Committee & Held 03/06/06 – Held in Committee	APPROVED BY UNANIMOUS VOICE VOTE
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03/20/06 – Committee approved amendment 6-1-1;
 Held in Committee 8-0-0
 04/03/06 – Held in Committee
 04/24/06 – Committee approved for publication 4-
 2-0 (as amended – see report)
 05/01/06 – Returned to Committee
 06/05/06 – No action
 06/19/06 – Committee approved 8-2-1 for
 publication
 07/05/06 – Approved for publication by Board (as
 amended)
 07/17/06 – Committee approved 8-1-0 (as
 amended)
 08/07/06 – Approved for republication
 08/21/06 – Committee approved 8-1-0

Chair Diamond moved Item No. LR27.006; said motion was seconded and approved by unanimous voice vote.

Chair Diamond thanked all the members of the Committee and other representatives who have worked over the last nine months on this ordinance. We had many, many thoughtful discussions and participation by the law department and the public, and this represents a good step forward for the City of Stamford.

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| <p>2. LR27.025 PROPOSED ORDINANCE; for publication;
 providing for real property tax exemption for
 property leased to a charitable, religious or
 nonprofit organization provided such property is
 used exclusively by such charitable, religious or
 nonprofit organization.
 06/30/06 – Submitted by President Martin, Clerk
 Summerville and Reps. DeLuca and Day
 07/17/06 – Held in Committee 9-0-0
 08/21/06 – Held in Committee 9-0-0</p> | <p>HELD IN
 COMMITTEE</p> |
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PERSONNEL COMMITTEE: Mary Lisa Fedeli, Chair

[\(Attendance\)](#)

Pauline S. Rauh, Vice Chair

[\(Votes\)](#)

Meeting: Wednesday, August 23, 2006

[\(Report\)](#)

7:00 p.m. – Republican Caucus Room

Chair Fedeli reported that the Personnel Committee met on August 23, 2006. Present were Chair Fedeli and Vice Chair Rauh and Committee Member Reps. Boccuzzi, Cannady and Skigen . Absent/excused were Reps. Layton, Lodato, Figueroa and Greenberg. Also present was Rep. Zelinsky.

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| <p>1. P27.020 PROPOSED ORDINANCE; for publication;</p> | <p>APPROVED BY</p> |
|------------------------------------------------------------------------------------|---------------------------|

[\(Version 4\)](#)
[\(Version 5\)](#)

prohibiting the granting of city pensions to pay plan employees and providing limited defined contribution pension benefits to pay plan employees.
01/12/06 – Submitted by President Martin & Chair Fedeli
02/01/06 - Held in Committee
02/15/06 – Placed on Pending Agenda
03/22/06 – Held in Committee 5-0-0
04/03/06 – Held in Committee
04/26/06 – Held in Committee 5-0-0
05/01/06 – Held in Committee
05/24/06 – Held in Committee 7-1-0
06/05/06 – Held by full Board
06/28/06 – Held in Committee 8-0-0 (as amended)
08/07/06 – Held in Committee
08/23/06 – Approved for Publication 4-1-0 (in summary form)

**UNANIMOUS
VOICE VOTE
(Version 4
only); (Rep.
Zelinsky
abstaining)**

Chair Fedeli moved Item No. P27.020. Said motion was seconded.

Chair Fedeli reported that the Committee approved the publication of both Versions of the ordinance. Chair Fedeli moved the publication of both; said motion was seconded.

Rep. Skigen moved to amend the Committee Report; said motion was seconded. Rep. Skigen stated he was amending the report to only approve the publication of Version 4 (the “Mandatory Contribution” version of the ordinance). This version would require employees who wish to participate in the program would have to contribute.

The motion was approved by a machine vote of 31-2-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, DeLuca, DePina, Diamond, Esposito, Fedeli, Figueroa, Giordano, Greenberg, Larobina, Layton, Lodato, Lombardo, Mallozzi, C. Martin, D. Martin, Mitchell, Molgano, Munger, Nowakowski, Rauh, Skigen, Summerville, Young and Zelinsky in favor; Reps. Heaphy and White opposed) (See [RCS Vote Record No. 738](#)).

The main motion, as amended, was approved by voice vote (Rep. Zelinsky abstaining).

2. [P27.030](#) APPROVAL; of a contract with Insurance Programmers, Inc. for claims administration; term of agreement: 7/1/6 through 6/30/8 with automatic one-year renewals.
07/28/06 – Submitted by Mayor Dannel P. Malloy
08/10/06 – Approved by Board of Finance
08/23/06 – Held in Committee

**HELD IN
COMMITTEE**

Suspension of Rules

Chair Fedeli 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.

3. P27.031 APPROVAL; of an extension of a personal services contract with Joe Tarzia for his services as Building Official; length of contract: 1 year with 1 year extension.
08/23/06 – Committee approved (as amended)
5-0-0
- APPROVED BY VOICE VOTE**
(Reps. Mallozzi, Lodato, Munger and DeLuca abstaining)

Chair Fedeli moved Item No. P27.031; said motion was seconded.

Rep. Zelinsky stated he would have preferred to take the recommendations of Mr. Murphy in the Human Resources Department to have this contract for two years. He understands that the position became vacant at the end of February 2006, and Human Resources did an extensive search to try and elicit applications. This position was posted on the City website, advertised through CCM, local newspapers, New England Careers and on Monster.com. Direct mailing to every building official licensed in the State of Connecticut was done. At the end of this, Human Resources received only 8 responses, with only 2 candidates meeting the minimum requirements for the position. Unfortunately, the Human Resources Department cannot certify because of regulations that state at least three candidates have to be in the running for the position. Rep. Zelinsky stated he thinks we are fortunate to have the individual who has volunteered to take this position temporarily, and believes that we should have done what the original intent was, which was to have it for two years. However, he added he will vote to have it for only one year.

The motion was approved by a voice vote (Reps. Mallozzi, Lodato, Munger and DeLuca abstaining).

Clerk of the Board Summerville announced that Rep. Pia arrived at the meeting.

**LAND USE/URBAN
REDEVELOPMENT COMMITTEE:** **Harry Day, Chair**
[\(Attendance\)](#)

Patrick J. White, Vice Chair
[\(Report\)](#)
Meeting: Wednesday, August 23, 2006
7:00 p.m. – Democratic Caucus Room

- and –
[\(Attendance\)](#)
Meeting: Tuesday, September 5, 2006

[\(Votes\)](#)

6:30 p.m. - Conference Room #2

[\(Report\)](#)

Chair White reported that the Land Use Committee met on August 23, 2006, without a quorum. Present at that meeting were Committee Chair Day and Committee Member Reps. Boccuzzi and Diamond. Absent/excused were Reps. Lombardo, Franzetti, Mitchell, Greenberg, Summerville and Vice Chair White. Also present was Robin Stein, Land Use Bureau Chief; Tom Cassone, Director of Legal Affairs and Vincent Tufo of the Housing Authority.

Vice Chair White reported that the Land Use Committee met on September 5, 2006. Present were Vice Chair White and Committee Member Reps. Summerville, Boccuzzi, Mitchell and Lombardo. Absent excused were Chair Day and Committee Members Franzetti and Greenberg. Also present was Robin Stein, Land Use Bureau Chief.

1. [LU27.016](#) [RESOLUTION](#) & **public hearing**; approving a purchase and sales agreement between the City and the Housing Authority for the exchange of properties located at 26 Main Street; property to include the Mill Pond dam and will allow the Mill River restoration project to move forward. **APPROVED ON CONSENT AGENDA**
[\(Map1\)](#)
[\(Map2\)](#)
07/28/06 – Submitted by Mayor Dannel P. Malloy
08/01/06 – Approved by Planning Board
08/10/06 – Approved by Board of Finance
08/28/06 – No action
09/05/06 – Committee approved 6-0-0

Chair White stated the Committee called for a public hearing; no one from the public was present so the public hearing was closed. Robin Stein gave a presentation on the land swap, which is intended to link two city-owned properties together as well as to provide the housing authority with better parking arrangements for 26 Main Street. There was a concern as to whether or not this will be used properly in terms of parking. The Committee decided to request an update on this in January 2007.

2. [LU27.017](#) [RESOLUTION](#) & **public hearing**; approving a purchase and sales agreement between the City and the Trust for Public Land for property located at 41-43 Hanrahan Street; this is part of the Mill River Greenbelt and trail extension north to Scalzi Park. **APPROVED ON CONSENT AGENDA**
[\(Property Description\)](#)
07/28/06 – Submitted by Mayor Dannel P. Malloy
08/01/06 – Approved by Planning Board
08/10/06 – Approved by Board of Finance
08/28/06 – No action
09/05/06 – Committee approved 6-0-0

Chair White stated the Committee called for a public hearing; no one from the public was present so the public hearing was closed. Robin Stein gave a brief description on the transaction.

Chair White moved to approve the Consent Agenda, consisting of Item Nos. 1 and 2; said motion was seconded and approved by unanimous voice vote.

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

(Report)

Meeting: Wednesday, August 30, 2006

7:00 p.m. – Democratic Caucus Room

Chair Zelinsky reported that the Operations Committee met on August 30, 2006. Present were Committee Chair Zelinsky, Vice Chair Mirkin and Committee Member Reps. Adams, Berns, Coppola, Hunter and Larobina. Absent/excused were Reps. Lodato, White, Munger and Mallozzi. Also present was Rep. DeLuca. Also present were Mike Freimuth of the Office of Economic Development; Chris Swan, John Burns, Jack Dolan and Len Vaccario of CL&P; Michael Scormano of Parch Energy; Jeanette Brown of the WPCA and Tim Curtin, Director of Operations.

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| 1. O27.001 | REVIEW; problems at the new public works highway garage.
10/11/05 – Resubmitted by Rep. Mirkin
12/12/05 – Placed on Pending Agenda
01/25/06 – Held in Committee
02/22/06 – Held in Committee
03/06/06 – Held in Committee
03/13/06 – Placed on Pending Agenda
07/19/06 – Report Made
08/30/06 – Report Made | REPORT
MADE |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|

Director Curtin sent to the Board Office a letter from CH2M-Hill, a letter from Carlin Contracting and a letter from Simpson et al and a report of the investigation of the floor contracting and the elimination of the Stamford Highway Departmental facility. Director Curtin stated it is his intent to schedule a meeting as soon as possible with CH2M-Hill and Carlin to try and come to a resolution of the problem.

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| 2. O27.010 | REVIEW; matter of electrical outages in downtown Stamford.
08/09/06 – Submitted by Rep. Zelinsky
08/30/06 – Report Made | REPORT
MADE |
|------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------|

Rep. Zelinsky stated that CL&P answered questions. The reasons for the outages were cables that were damaged by excavating contracts. Other questions asked and answered were: what is being done to prevent this from happening again? When is CL&P going to update and replace old equipment? How can businesses and residents in Stamford conserve energy? A report by CL&P to the DPUC regarding this information will be mailed to the Board Office and will be disseminated to all representatives.

**PUBLIC SAFETY &
HEALTH COMMITTEE: Richard Lyons, II, Chair**
[\(Attendance\)](#)

Meeting: Thursday, August 31, 2006

[\(Votes\)](#)

7:00 p.m. – Democratic Caucus Room

[\(Report\)](#)

Chair Lyons reported that the Public Safety & Health Committee met on August 31, 2006. Present were Chair Lyons and Committee Member Reps. Adams, Aposporos, Berns, C. Martin, DePina, Larobina, Pia and Zelinsky; excused were Reps. Coppola and Mirkin. Also present were Director of Legal Affairs Tom Cassone, Director of Public Safety, Health & Welfare Callion and Police Chief Larrabee. Also present were members of the Legislative & Rules Committee, which was secondary on the item on the agenda. Present were Chair Diamond and Co-Chair Layton and Member Reps. Berns, C. Martin, Mitchell, Esposito and Zelinsky.

1. [PS27.012](#) PROPOSED ORDINANCE; **for publication;** **HELD IN**
amending Chapter 7 (CCTV Cameras) of the Code **COMMITTEE**
of Ordinances to authorize expanded use of CCTV
Cameras.
05/25/06 – Submitted by M. Toma, Legal Affairs
06/22/06 – Held in Committee
08/31/06 – Held in Committee

Secondary Committee: Legislative & Rules Committee

Held

**PARKS & RECREATION
COMMITTEE: Linda Cannady, Co-Chair**
[\(Attendance\)](#)
[\(Report\)](#)

Joseph Coppola, Co-Chair

Meeting: Tuesday, August 22, 2006
7:00 p.m. – Republican Caucus Room

Chair Cannady reported that the Parks & Recreation Committee met on August 22, 2006. Present were Committee Members: Co-Chair Cannady, Co-Chair Coppola, Reps. Young, Fedeli, Lyons and Heaphy; absent/excused were Reps. McCullen, Greenberg, Pia and White. Also present were: Mickey Docimo, Director of Parks & Recreation; Tom Lombardo and Vincenzo Martino, Parks and Recreation Commission; and members of the public and Brooke Springer, Advocate.

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| 1. PR27.011 | PROPOSED ORDINANCE; for publication;
allowing for the use of vending machines in city
parks, beaches and recreation areas.
08/03/06 – Submitted by Rep. Lyons
08/22/06 – Report Made & Held in Committee | REPORT
MADE |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|

Chair Cannady stated that the Committee voted 5-0-1 to withdraw the item after the Commission rescinds its order.

EDUCATION COMMITTEE: Thomas C. Hunter, Chair

Michael L. Molgano, Vice Chair

No meeting; no report.

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

Philip J. Giordano, Vice Chair

No meeting; no report.

TRANSPORTATION COMMITTEE: Robert "Gabe" DeLuca, Chair
Terry Adams, Vice Chair

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

Meeting: Thursday, August 24, 2006

[\(Report\)](#)

7:00 p.m. – Republican Caucus Room

Chair DeLuca reported that the Transportation Committee met on August 24, 2006. Present were Chair DeLuca and Vice Chair Adams and Committee Member Reps. Young, Giordano, Mirkin and Franzetti. Also present were Rep. Zelinsky; Tom Cassone, Esq., Director of Legal Affairs; Mike Toma, Esq., Law Department; Jeffrey C. Dannenberg, attorney for Clear Channel and Kevin Donovan, Sales Supervisor for

Clear Channel; Bill Hennessey, Esq.; and Ed Gentile and Ernie Orgera of the Operations Department.

1. [T27.014](#) **RESOLUTION & public hearing**; approving a lease for advertising at Bell and Forest Street Garages with Clear Channel Outdoor, Inc.
06/21/06 – Submitted by Mayor Dannel P. Malloy
06/27/06 – Approved by Planning Board
07/12/06 – Approved by Board of Finance
07/20/06 – Held in Committee 7-0-0
08/24/06 – Committee approved 7-0-0 (as amended)
- APPROVED BY
MACHINEVOTE
29-4-0 (as
amended)**

Chair DeLuca moved Item No. T27.014; said motion was seconded.

Chair DeLuca moved to amend Item No. T27.014; said motion was seconded. Chair DeLuca stated that under Item NO. 8, after the words “zoning agencies,” the lease shall say: “A second exterior sign may be added with the approval of the applicable zoning agencies.” The motion was approved by a machine vote of 28-3-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Giordano, Heaphy, Larobina, Layton, Lombardo, Mallozzi, c. Martin, D. Martin, Molgano, Munger, Nowakowski, Pia, Rauh, Skigen, Young and Zelinsky in favor; Reps. Greenberg, Lodato and White opposed) (See [RCS Vote Record No. 739](#)).

A motion to approve the lease, as amended was made and seconded. Said motion was approved by a machine vote of 29-4-0 (Reps. Adams, Aposporos, Blackwell, Boccuzzi, Cannady, Coppola, DeLuca, Diamond, Esposito, Fedeli, Figueroa, Giordano, Heaphy, Larobina, Layton, Lombardo, Mallozzi, c. Martin, D. Martin, Molgano, Munger, Nowakowski, Pia, Rauh, Skigen, Young and Zelinsky in favor; Reps. Berns, Greenberg, Lodato and White opposed) (See [RCS Vote Record No. 740](#)).

2. [T27.016](#) APPROVAL; of a contract with ProPark for the management of three city-owned garages; term of contract: 10/1/6 to 6/30/9 with two one-year extensions at the request of the City; amount of contract: From \$285,000 in Year 1 to \$412,090 for the Year 5 option.
07/28/06 – Submitted by Mayor Dannel P. Malloy
08/10/06 – Not taken up by Board of Finance (*item was withdrawn by department*)
08/24/06 – Committee approved 7-0-0 & Held in Committee
- HELD IN
COMMITTEE**
3. [T27.017](#) APPROVAL; of the second amendment to the Parking Agreement with Rich-Taubman Associates for the Town Center.
- APPROVED
BY MACHINE**

Chair DeLuca moved Item No. T27.017. Said motion was seconded.

Rep. Adams stated that this item needs further review because it removes all rights from the City in regards to this garage. Rep. Adams stated this includes rate setting and operational issues for this garage. Rep. Adams moved to return the item to Committee. Said motion was seconded.

Chair DeLuca stated he recommends against Mr. Adams' motion because while it is true that they can set the rates, they cannot exceed the rates the City charges in its garages. Also, in the past, the City was not reimbursed for processing any \$5 tickets that were issued. Now, the City will get \$1.98 for each ticket. The City currently picks up \$300,000 in revenue per year. Under the old operating agreement, the City was liable for deficits, but Rich-Taubman never requested any monies for these deficits. The agreement under consideration this evening absolves the City from every paying any deficits. This garage loses \$1.6 million per year because of the low rates charged. Some people may think that Taubman can disband the garage and erect condominiums; this is not true as per Bill Hennessey, the attorney representing Taubman. Plus, the City owns the property there, and approvals would have to be provided by the City.

Rep. Lyons moved to enter into recess; said motion was seconded and approved by a machine vote of 23-12-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, DeLuca, DePina, Diamond, Fedeli, Figueroa, Giordano, Heaphy, Larobina, Lyons, Mallozzi, C. Martin, D. Martin, Mitchell, Rauh, Summerville, White and Young in favor; Reps. Coppola, Esposito, Greenberg, Layton, Lodato, Lombardo, Molgano, Munger, Nowakowski, Pia, Skigen and Zelinsky opposed) (See [RCS Vote Record No. 741](#)).

A motion to return Item No. T27.017 to committee was made and seconded. Said motion was defeated by a vote of 0-34-0 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, DeLuca, DePina, Diamond, Esposito, Fedeli, Giordano, Greenberg, Heaphy, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Mitchell, Molgano, Munger, Nowakowski, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor) (See [RCS Vote Record No. 742](#)).

A motion to approve Item No. T27.017 was made and seconded. Said motion was approved by a machine vote of 33-0-1 (Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, Coppola, DeLuca, DePina, Diamond, Esposito, Fedeli, Giordano, Greenberg, Heaphy, Larobina, Layton, Lodato, Lombardo, Lyons, Mallozzi, C. Martin, D. Martin, Mitchell, Molgano, Munger, Nowakowski, Pia, Rauh, Skigen, Summerville, White, Young and Zelinsky in favor) (See [RCS Vote Record No. 743](#)).

Chair DeLuca thanked members of his Committee and the Board for supporting the amendments to the Clear Channel lease, emphasizing that the amendments allow the Board to not violate any City ordinances or regulations.

STATE & COMMERCE COMMITTEE: Paul A. Esposito, Chair

No meeting; no report.

MINUTES

1. [August 7, 2006 Regular Board Meeting](#)

**APPROVED BY
UNANIMOUS
VOICE VOTE**

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

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