

CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
JANUARY 24, 2006

ATTENDANCE: COUNCILMEMBERS: McCARTHY, DYE, LYONS, CURWEN,
WALSH, SILVA

ABSENT: COUNCILMEMBERS: HOLLOWAY

OTHER(s): COUNCIL MEMBER: AYALA, PIVIROTTO
ASSOCIATE CITY ATTORNEY CONTE, WILLIAM MINOR,
GEORGE ESTRADA and TOM SHERWOOD (via cell
speaker phone)

Councilmember McCarthy called the meeting to order at 6:21 p.m.

Approval of committee meeting minutes: October 25, 2005

Approval of committee meeting minutes: November 7, 2005

**** COUNCILMEMBER CURWEN MOVED TO COMBINE THE MINUTES
AND APPROVE
** COUNCILMEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

**13-05 Proposed Amendment to Municipal Code, Chapter 15.08,
amended Section 15.08.010 Building permits to related fees**

Councilmember McCarthy stated that Attorney Conte distributed his legal opinion for review (*the council members took a few minutes to read it over*).

Councilmember Pivrotto stated that basically, she got to this point by serving on the school design sub-committee. She pointed out that the architectural renderings are beautiful when they first begin, but that they tend to make changes as they go along with the project. And when it comes down to the budget, it becomes tight and substitutions are made that have an effect on the overall design. Such as removing an ornamental fence and then replacing it with a chain link fence. So at a meeting she attended, the builder noted that it was too bad they had to pay the building fees, realizing all the things that go into that amount of money. She noted that a contact from Turner Construction mentioned that very few cities make their schools pay for building permits (*she*

distributed a listing of schools outlining the building permit costs) that amounts to \$20.00 for every \$20,000 worth of construction, so she thought it was a lot of money and monies that could go into the schools directly. She further noted that the building permits were not reimbursable. She pointed out that the City of Bridgeport bonds out 27% for building permits that are short term bonds.

Councilmember Curwen asked if the figures outlined on the listing were for the current fiscal year. Councilmember Piviroto said yes, they were for five (5) schools, noting that Westside School was not included.

Councilmember Piviroto went on to say that the Town of Trumbull had an article where they exempted the schools from paying building permits fees (*she distributed copies that article*). She said they also had a list of items cut out of the school budget for review. Overall, she felt this was money they were bonding for 30-years to pay a short term expense that was not reimbursable by the state.

Councilmember McCarthy asked what she saw as the primary problem relating this matter. Councilmember Piviroto referred to the MER report, pointing out the in-kind expenses.

Councilmember Ayala asked if she was saying that the items should be MER related. Councilmember Piviroto replied yes, because it's already been done. She further noted that they take an in-kind expense toward the MER.

Councilmember Curwen said he believed in the ED01, noting that the services outlined reflected things accumulated, not the building permits per se. He asked Mr. Butkus of the BOE to explain the in-kind expenses policy.

Mr. Jack Butkus, the Director of Operations /BOE stated that the reality was that for any submission, nothing goes through without a fee being paid. But for the building department, they won't accept a piece of paper without a check.

Councilmember Piviroto commented that the building permit was not a commodity.

Mr. Butkus said he never heard of a city that provided a no charge building permit that would be accountable towards the MER. He noted the permit fee was to make the department self sustaining, so realistically, it was fair to say that if the fee was waived, the value of services could be equated to the fee paid.

Councilmember McCarthy recalled that they tried waiving the fees in the past and it didn't work out. Councilmember Curwen agreed with that statement and he added that they were told the fee wasn't MER eligible. He thought the document presented shouldn't be referenced and he suggested waiting for the document that the state issues from the auditor. Councilmember Piviroto agreed that the document may not be accurate, but she still felt that the in-kind services should be questioned.

Councilmember Ayala asked what the amount of \$70,000 indicated on the list consisted of. Councilmember Pivrotto stated that she wanted to know that information also. She said that Tom Sherwood could answer that question.

Mr. Tom Sherwood conferenced in on the meeting via cell phone to answer the MER question.

Councilmember McCarthy asked Mr. Sherwood about the 10% building department cost related to the \$70,921 amount indicated on the ED01 report. Mr. Sherwood said he didn't know the answer to that. He said that nothing in construction was MER eligible. He further explained there is minor school construction that falls under a grant.

Councilmember Curwen stated that in the ED01 report, it eluded to things that were eligible. Mr. Sherwood said that referred to what they do for education purposes and normal staff in-kind expenses.

Councilmember Pivrotto asked what costs were included under the building department. Mr. Sherwood said mechanical, electrical and plan reviewers were included in that cost, but under in-kind expenses, they take 10% for work done all year.

Councilmember McCarthy asked if they passed an ordinance to waive the fees, would permit fees be MER eligible. Mr. Sherwood said no, because it's paid by bond dollars and that's not eligible under the state for school construction.

Mr. Sherwood went on to say that they would have had a serious budget problem if they began waiving fees.

Councilmember McCarthy asked if the they waived the permit fees, should it be understood that they are not MER eligible. Mr. Sherwood said that was correct, noting that they never have been.

Mr. Sherwood emphasized that every city project pays for permits. Mr. George Estrada concurred. He stated that the exception was work that they do in-house such as general paint jobs and building a wall in city hall.

Councilmember Walsh said he would argue that the entire practice didn't meet accounting practices because the city was bonding on revenues. He gave an example of someone pulling a building permit to build a deck on their home, wherein they wouldn't receive any revenue from that. Mr. Sherwood repeated that any project in the city required a permit to build by law.

Councilmember Walsh said the city chooses to bond for payments, in that they are bonding payments to recognize revenues. Mr. Sherwood gave an example that if someone borrowed money to build a deck on their home, they would have to pay a fee.

There was further disagreement between Councilmember Walsh and Mr. Sherwood regarding permit fees for private property vs. city buildings.

Councilmember McCarthy asked if the bond council gave approval on the process. Mr. Sherwood said yes, it has been done for thirty years.

Councilmember Pivrotto questioned how other towns waive their fees. Mr. Sherwood thought it was because they were better off financially. Also other towns don't have the same number of schools as Bridgeport does.

Councilmember Walsh repeated that he didn't believe this was proper practice; he likened the process to bonding a rent. Mr. Sherwood repeated that it wasn't any different than a private homeowner making an improvement on their house. Councilmember Walsh replied but they don't recognize the revenue in one year as the city would.

Councilmember McCarthy felt a legal opinion from the bond council would be helpful in this matter.

Councilmember McCarthy asked for details about the \$1 million indicated in the document Councilmember Pivrotto distributed.. Mr. Sherwood said if all municipal buildings went under the state law, they would pay for permits for construction. Councilmember McCarthy asked then if that was approved, would they then be creating a hole in the budget. Mr. Sherwood said yes, definitely.

Councilmember Pivrotto mentioned that the \$1 million was for budgeted revenue. Councilmember Walsh stated the item was seen by the committee at the same time the budget was formulated and they were told they would make up the revenue. Mr. Sherwood said they put the \$1 million in because there were two budget issues, i.e., one for \$300k for the property behind the police department and another \$100k, but the \$1 million reflects the Bridgeport Housing Authority property that they haven't collected monies on yet.

Mr. Sherwood stated that if the ordinance was approved, they would be acting on an ordinance that will have ramifications. For example, when the City Trust Building apartments are built, they will have to pull permits. *The conference call with Mr. Sherwood ended.*

Councilmember Pivrotto stated that she didn't feel it was the right thing to charge the fees. And she felt waiving the fees was best. She relayed how she heard talk that the schools will be the cornerstone of the city and due to the contention between the city and the BOE, she thought passing the ordinance was a measure that would help that issue. She further mentioned other cities that waive fees.

Councilmember McCarthy said he liked the idea of having a few amenities for the schools, but he suggested they track down the MER side of the issue to get more information. He said if the item was MER eligible he would probably take another position, but he couldn't see it if the item was not MER eligible.

Councilmember Ayala said in looking at the legal opinion, if it was the will of the committee to hold off on a decision, he thought it might be a good idea to hold a joint meeting with Ordinance Committee and the Budget Committee.

Councilmember Curwen said he appreciated all the comments heard, but going back three or four years when he served on the school committee, he also asked the same question of whether the fees were MER eligible and he was told **no**. He expressed that he couldn't see raising taxes. He relayed his position on this matter was in regard to the Brownfield's situation, where these properties are offered to be cleaned up by individuals that results in getting the property back on the tax roll. He stressed that when more of that happens and is allowed without opposition, then he would take another position on waiving permit fees. He further stressed that waiving the fees would result in raising taxes. He pointed out the amount doesn't go back to the students, so he didn't think it was the right thing to do at this time.

Councilmember Silva stated that if the MER was eligible, it would be seen in a different light. But he had a concern about taxes also and he thought that was the biggest issue to consider. He thought that waiving fees would hurt the budget, as well as the taxpayers. He said if they could get more information of whether the item was MER eligible then it could be looked at again. He thought they should also solicit an opinion from the bond council and then maybe the matter could be revisited. Mr. Butkus offered to check with the State Board of Education to find out if the item was MER eligible. He said he would report back to the committee.

Councilmember Dye asked if they could find out how the Town of Hartford achieved waiving their fees. Councilmember Pivrotto said she would research it.

Councilmember Walsh referred to the legal opinion submitted by Attorney Conte. He commented that every day actions take place in the city that throw the balanced budget out of whack! He emphasized that a balanced budget was adopted, but now it seemed to be ignored and then the matter(s) are left in the city council's lap. He further stressed that the bottom line resulted in a matter of borrowing money that the city is going to pay itself. He went on to respond to the statement by Attorney Conte that the City of Bridgeport was revenue poor, pointing out there were creative and illegal ways to create revenue, but using the excuse that the city was a poor city, was a poor excuse!

Councilmember Pivrotto thanked Mr. Butkus for attending the meeting. Mr. Butkus replied that they exposed the issues thoroughly.

Councilmember Pivrotto stated that as volatile as the construction points were, they could get to the point that they will start comprising the school's programs, such as the performing arts component that may not get built if fees are enforced. Again, she felt that waiving the fee might make the allowance to get the projects done.

**** COUNCILMEMBER WALSH MOVED TO TABLE THE ITEM TO
ALLOW FURTHER RESEARCH INTO THE MER ISSUE
** COUNCILMEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

**31-05 Proposed Amendment to Municipal Code, Chapter 2.98 Historic
District Commission, amended Section 2.98.050 Enforcing agency**

Attorney Conte stated that basically, the two historic commissions were looking to doing enforcement work in the districts where homeowners violate policy. So they prepared a package on enforcement and provided the state statute outlining how they can handle enforcements by a municipal official. The Bridgeport ordinance reads that the Building Department inspector does the enforcements, but that department is short-staffed, so he took the matter to William Minor of Land Use to do the enforcements on behalf of the historic commissions. They submitted the ordinance to the commissions for their approvals. And the ordinance also needs to be approved by the city council.

Mr. McCarthy asked who the commissions were. Mr. Minor said they consisted of the Historic District Commission #1 and the Stratfield Historic District Commission, pointing out there are other sub-districts within each primary district, but the ordinance will cover all of them.

Mr. McCarthy asked what was involved in enforcing the violations. Mr. Minor explained when a homeowner makes an improvement that is visible from the street, they required the historic district's permission, but many don't comply and they do the work anyway. But because certain improvements don't require a building permit, they don't get reported into the system. But if they replace for instance windows, they do need the historic district's permission. Attorney Conte added there were also cases of people making improvement on their property that may not be conducive to the neighborhood.

Mr. Minor said there was a violation fine of \$99.00 per day, but to enforce the fine, they have to take the person to court. Other options to handle the manner include:

- The homeowner can correct the violation by removing the unauthorized repair
- or*
- They can get permission from the commission for the improvement after-the-fact

Council member Curwen asked what qualifications the enforcement officer needed to have. Attorney Conte said there weren't any specific qualifications on file, so that was why he recommended Mr. Minor due to his background experience in land use matters.

Council member Curwen stated that it was important to have someone who knows about the proper materials homeowners should use, so he further questioned there being no specific qualifications on file for this position. Attorney Conte said there was no formal statute on file to indicate what qualifications should apply.

Mr. Minor stated that it was not necessary to have an architectural degree to carry out the duties.

Council member Curwen asked if Mr. Minor had a degree. Mr. Minor replied that he was the Director of Land Use Construction Review and that he had a bachelor's degree and masters degree in urban planning.

Council member Curwen asked how they could control the position. Attorney Conte said it would be done by ordinance .

Council member Curwen asked if applications generated revenue. Mr. Minor said no, he explained when they created legislative, it was stated there wouldn't be fees. They had discussions to try to change that, but the CT General Statute doesn't permit fees.

Council member Dye stated if there were qualifications for the code enforcement officer on file, and there were rules and regulations already in place for that position, then it could be updated geared for the historic commission enforcement position.

Attorney Conte clarified that this position would entail that Mr. Minor follow up on a complaint of a homeowner that is in violation and then he would contact them to file an application. The matter then goes before the appropriate historic commission.

Council member Walsh commented that enforcements and adhering to historic policy did improve the appearance of a neighborhood.

Council member Walsh asked if someone went to the Building Department and pulled a permit and then does improvements, he asked if there would be a potential conflict with the historic enforcement. The response was that the Building Department has a provision to check if the house is in the historic district before they issue the permit, but the owner will need to file a historic commission application before they receive the permit.

Council member Walsh asked if there was anything indicated on the deed that requires notification to the prospective buyer to let them know if their home is located in a historic district. He questioned if there was something missing in the loop. Mr. Minor agreed there was a; missing link. He explained there is a list, but when someone does a title search they don't go to the list, but they are linked to a statement indicating the property is subject to the ordinance. From there, the title searcher needs to search further to mete out that information, but often times the information is missed.

Council member Walsh stated that he endorsed the change.

Council member Ayala stated that his area of town had a historic district that held the homeowners hostage in trying to accomplish improvements, in that buildings that should be condemned have no historical significance. But they often have trouble accomplishing that. So he experiences the opposite problem of being forbidden to knock down buildings that need it, so he expressed they were on the flip side of the matter. He stated that for some neighborhoods where enforcements are done is fine, but he didn't think the purpose of the historic commission always had the best interest of the makeup of the neighborhood in mind.

**** COUNCIL MEMBER SILVA MOVED TO APPROVE**

**** COUNCIL MEMBER DYE SECONDED**

Council member Lyons asked about the possibility of advertising to inform people about the historic commission policy . Mr. Minor said the commissions applied for a grant that would allow them to do some public informational to get the word out about the policy.

Council member Silva asked if Mr. Minor would be directed by the historic commissions to carry out the enforcements. Mr. Minor said yes.

Council member Walsh responded to Council member Ayala's comments. He said by a vote of the property owner, they could alter the boundary of the historic district's jurisdiction. Mr. Minor said it would require a two-thirds vote. Attorney Conte added that anyone in the district could initiate removal of the historic district policy. Mr. Minor agreed to do this would require a percentage of all the property owners.

Council member Walsh questioned if it might make sense to form another historic district to address other neighborhoods and sections of town that may have more unique elements that should be considered from a historical district perspective.

ADJOURNED

**** COUNCILMEMBER CURWEN MOVED TO ADJOURN**

**** COUNCILMEMBER DYE SECONDED**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:01 p.m.

The meeting reconvened for the purpose of ordering a public hearing for item 31-05

**** COUNCIL MEMBER WALSH MOVED THAT A PUBLIC HEARING BE SCHEDULED FOR ITEM 31-05, AMENDMENT TO MUNICIPAL CODE, CHAPTER 2.98 HISTORIC DISTRICT COMMISSION, AMENDED SECTION 2.98.050 ENFORCING AGENCY.
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY**

*consent Calendar

The meeting adjourned at 8:03 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE MEETING
PUBLIC HEARING
FEBRUARY 6, 2006**

ATTENDANCE: Councilmembers Thomas McCarthy (133rd); Andres Ayala (137th); Carlos Silva (136th); Michelle Lyons (134th)

STAFF:

ABSENT:

CALL TO ORDER

Councilman McCarthy called the public hearing to order at 6:10 p.m.

PUBLIC HEARING

Proposed amendment to Municipal Code of Ordinances:

Chapter 2.98 HISTORIC DISTRICT COMMISSION, amended Section 2.98.050 Enforcing agency. (31-05)

Having no members of the public present to speak, the public hearing was closed.

**** MR. SILVA MOVED TO CLOSE THE PUBLIC HEARING.**

**** MS. LYONS SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The public hearing was closed at 6:11 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

CITY OF BRIDGEPORT
ORDINANCE COMMITTEE of the CITY COUNCIL
FEBRUARY 28, 2006

ATTENDANCE: COUNCILMEMBERS: McCARTHY, DYE, LYONS, CURWEN,
WALSH

ABSENT: HOLLOWAY, SILVA

OTHER(s): COUNCIL MEMBERS: BLUNT, PIVIROTTA,
GEORGE ESTRADA, TOM SHERWOOD,
NANCY HADLEY, TOM COBLE

ASSOCIATE CITY ATTORNEY: MELANIE HOWLETT

Council member McCarthy called the meeting to order at 6:07 p.m.

45-05 Proposed Amendment to Municipal Code, Chapter 8.92
Miscellaneous Health Regulations, amended to add new Section
8.92.130 Public Restroom Cleanliness

Council member McCarthy stated this matter concerned coat hooks for public restrooms. Council member Curwen questioned how much they would cost.

Council member Blunt asked who would enforce the regulation. Attorney Howlett said it becomes part of the health code through an ordinance.

Council member McCarthy asked how they defined public restrooms. Attorney Howlett said the definition was outlined in the state public health code. And in the ordinance, it includes any bathroom that is open for public use.

Council member Blunt asked if private clubs were exempt. Attorney Howlett said they were if the committee determined to exempt them. She added that this matter involved a general ordinance.

Council member Walsh said he would like to see a 180-day grace period implemented before enforcement upon publication. And an initial written warning issued prior to fines.

**** COUNCIL MEMBER WALSH MOVED TO AMEND THE RESOLUTION
WITH TWO PROVISOS:**

1. THAT THERE BE A GRACE PERIOD OF 180-DAYS FROM THE DAY OF ADOPTION OF THE RESOLUTION BY THE CITY COUNCIL
2. THAT A FINE SHALL NOT BE IMPOSED FOR VIOLATIONS OF THE ORDINANCE UNTIL AFTER A 5-DAY WARNING NOTICE HAS BEEN ISSUED TO THE VIOLATOR

** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY

2nd Motion

** COUNCIL MEMBER CURWEN MOVED TO APPROVE THE RESOLUTION AND TO ORDER A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY

*Consent Calendar

***It was stated that the final resolution would be submitted to the City Clerk's office by Associate City Attorney Melanie Howlett (draft copy inserted into city clerk's book).*

47-05 Request to Waive Building Permit Fee Increases enacted July 1, 2005 for the School Construction Program

Council member McCarthy stated that not all the council members received information on this item, so George Estrada was present to update them.

Mr. George Estrada distributed the proposed resolution for item 47-05 (*the councilmember's took a few minutes to review it*).

Mr. Tom Sherwood said when they did the PFM initiatives, they already had an adoption of five (5) schools, but they thought there would be a change in the building permits, so they needed specific language as it was outlined in Attorney Trachtenburg's amendment.

Council member McCarthy asked if the fee increases were included. Mr. Sherwood said no.

Council member McCarthy asked if this was a waiver for the projects or for the year. Mr. Sherwood said it was for five (5) projects reflecting the differential.

Mr. Estrada commented that they wanted both matters to come before the city council so they could move forward.

It was clarified that the amendment that Council member Piviroto submitted would eliminate building permit fees for five (5) projects. Council member Piviroto said this would be for four (4) schools: north end school, east end school, Barnum School and Watersville School.

Council member McCarthy asked when the permits would hit. Mr. Estrada said within the next month or two. Mr. Sherwood said they had provisions for the projects, but nothing to pump into them to absolve the costs. So they needed to do this before they move onto the next school.

Council member Piviroto said the total building permits would be \$2 million and the ordinance would discount that by \$400k.

Council member McCarthy asked if the \$400k was budgetary. Mr. Sherwood replied no; if they don't take action on the projects, they will have to increase the fees.

Council member McCarthy asked if they didn't act, would there be a \$400k gap. Mr. Sherwood said no; it wouldn't recognize the \$400k, but the schools that pay will go into the budget.

Council member McCarthy asked about the \$1.6 million and what effect it would have to the budget, if they went with Council member Piviroto's amendment. Mr. Sherwood said they would have a gap in the city's budget.

Council member McCarthy asked if this was MER eligible. Council member Piviroto distributed a memo dated February 28, 2006 from Jack Butkus, BOE indicating that if they waived the building permits, it would count towards the MER. Mr. Sherwood said it would count toward the MER, but it would affect next year's budget.

Council member McCarthy asked then if this would bump it up by \$1.6 million in the first year and bump it down by the same amount the following year. Mr. Sherwood that was correct. Council member McCarthy asked if the state would submit that in writing. Council member Piviroto said she didn't get a sense that the state wouldn't put it in writing according to Mr. Butkus.

Council member Curwen commented that he couldn't see altering the budget and causing a deficit on a whim that the state might put it in writing. Attorney Howlett responded that was a separate legal entity.

Council member Mojica spoke about the waiving of permits. He said that being on the school's building committee, although he preferred two smaller schools be built, as far as the permits, he thought waiving them was too much to absorb even if it was in writing

and counted toward the MER. But to approve it on just a say so that it could be, shouldn't be mistaken as a definite. He further noted that often what is said and actually done are two different things. The bottom line was that it was a lot of money to swallow by waiving the permits, so he cautioned against it.

Council member Walsh asked if the west end school already paid the money to the city. Mr. Sherwood said yes; it's in the general fund for what it was budgeted for.

Council member Walsh asked about the south end school/swing school and if it should be part of the plan also. Mr. Estrada said yes. He explained that the change superseded the final contract, but the deal was structured with a calculation of fees during the summer.

Council member Walsh asked when the building permits were pulled. Mr. Estrada said they would be pulled on three projects including the swing space, this usually happens after the design phase and then the matter goes to the Building Department and permits are issued to a specific design.

Council member Walsh asked when the actual work would begin. Mr. Estrada said after the permits were pulled.

Council member Walsh asked if there was anything to prevent the developer from coming in and then not beginning the actual construction for say six to nine months. Ms. Hadley responded that the Building Department permit was generally good for one year. Attorney Howlett thought that once the building permit was pulled, it was good for up to five years. Mr. Estrada added that permits do have a longer life span than just a couple of months.

Council member Walsh made the point that if they approved the item that he would prefer to see it as permanent and not as a building specific change to the ordinance. And he would also like to establish it as a percentage of standard fees.

Council member McCarthy clarified then that the amendment to change was for going forward and to impose a percentage on all construction projects.

Council member Curwen felt that they hadn't established a budget for the year yet and if they cut another \$1.6 million then there might be a problem. He felt that in essence, they handed over a budget that wasn't balanced.

Council member Pivrotto said it was a good idea if they bonded less. There should be a compromise to discount to avoid the appearance of having too much debt.

Council member Pivrotto thought the fact that Mr. Estrada was in constant discussion with the schools committee was a plus. In that he is receiving accurate feedback and information.

Council member Curwen said in all his years on the city council, he never heard anyone praise a charge off to the MER, because it's not direct dollars going to the students.

Council member McCarthy thanked Council member Pivrotto for submitted the resolution. But he commented that he was leaning toward the \$400k amendment. He said he would be interested in a compromise going forward to the future, but he didn't think it was a good idea to affect this year's budget.

Mr. Sherwood recommended that they didn't change the ordinance to reduce it, because when they go to do a school, they have to take action on the waiver. This will reflect that it will go to the education portion, and there has to be an action to waive the differential from the structure that would probably be waived by the Mayor, to make it MER eligible. Attorney Howlett questioned whether the Mayor could waive that.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE ITEM 47-05 FOR THE \$400K PROVISION. AND TO SCHEDULE A PUBLIC HEARING ****
**** COUNCIL MEMBER WALSH SECONDED**

Council member Walsh asked if this item passed, would they lose the ability to claim the \$400k for the current year. Mr. Sherwood said no, action of the PFM initiatives raised the fees and by taking action it says the city council waived the fee increase; i.e., this results in a single act in a single approval by the council per Attorney Howlett.

Council member McCarthy asked then if by passing the resolution, there would be no budgetary impact and vice versa. Mr. Sherwood said that was correct. Attorney Howlett said by passing the resolution, it would be considered a one-time waiver.

**** MOTION PASSED WITH THREE VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER WALSH)**

***Consent Calendar**

13-05 Proposed Amendment to Municipal Code, Chapter 15.08, amended Section 15.08.010 Building permits and related fees

**** COUNCIL MEMBER CURWEN MOVED TO TABLE FOR THE PURPOSE OF DEVISING BETTER LANGUAGE TO THE AMENDMENT AND TO DETERMINE THE IMPACT OF NOT AFFECTING THE ORDINANCE AND IMPOSING THE FEE ON A PROJECT BASIS**

Council member Walsh explained that he voted against item 47-05 because of the question of legitimacy and the propriety of using bonded debt to create revenue for the city in the same fiscal year. He questioned the appropriateness of doing this, i.e., taking taxpayers monies and spreading out revenue over the next 20 to 30 years; he thought this was improper use of bonded debt. He likened the situation to taking out a loan to pay rent!

Council member McCarthy suggested that the Bond Council attend the next meeting to answer any questions they may have.

**** COUNCIL MEMBER DYE SECONDED**

**** MOTION PASSED WITH THREE VOTES IN FAVOR AND ONE ABSTENTION (COUNCIL MEMBER WALSH)**

58-05 Proposed Amendments to Municipal Code, Chapter 8.76 Anti-Blight Program

Mr. Tom Coble, Director of Neighborhood Revitalization was present to discuss this topic. He said he was responsible for the anti-blight program. He noted the phase was effective on June 20, 2005 and the staff of the anti-blight committee and condemnation board was working in conjunction. He had documents to address the status of the matter (*he submitted a listing outlining blighted properties*). He further reviewed the report that covered the past six months. He went on to say that the internal process was established that the visit properties at least three times before determining a status. He felt they should be able to see an improvement in the near future regarding this issue, since properties are being closely tracked. He further explained the process of addressing blighted properties. He pointed out there were currently (500) properties cited that they are going after directly. He noted there were numerous referrals received from various sources to cite properties. He referred to some pictures that were taken of certain properties. He said he believed the volume of reported properties occurred due to the weather breaking. He went on to say the documents submitted let them now the status of the property and what action was intended.

Council member McCarthy asked the purpose of this topic being on the agenda tonight. Attorney Howlett recalled there was a phase-I regarding placing trash on the sidewalks. After the ordinance was in place, they found out how effective the ordinance was and where the problems were. But the ordinance didn't cover situations of indigent people, so they referred to the amendments to change the definition to:

1. Include owner occupied properties
2. Include vacant or blighted properties

She went on to say this gives discretion to the enforcement officer and people will get 15 days to file an appeal. And from there, the enforcement officer determines if the fine was just. If so, the matter goes through the court to collect.

Attorney Howlett further explained that the ordinance was so strict, in that they had a case of an elderly woman who requested assistance to clean up her property, but she had no means to pay the fines. So the ordinance was designed to cancel fines for fixed income person, elderly persons and indigent persons.

3. They corrected the title of the "housing development" to read correctly as it was indicated.

4. They exactly recognized that the actual collection of the fines occurred through the hearing officer.

Council member Dye asked if they were doing this because it was the right thing to do. Attorney Howlett acknowledged that was correct. She expressed that the law was a breathing living thing and it should be modified at times to deal with the real world.

Council member Walsh questioned if this was the only means to accomplish a remedy for this problem. Attorney Howlett said yes, otherwise, it could only be accomplished under the state health code and by obtaining a court order, but that is a lengthy process.

Council member McCarthy recalled where there was a slab of concrete on the Housatonic Community College property. Attorney Howlett clarified that would be a Building Department matter. She further clarified this matter involved buildings on the list that are structurally sound.

Council member Walsh asked if there was a way to handle vehicles that are parked on lawns, noting this is considered to be a Planning & Zoning issue. He thought this could be considered blight. Attorney Howlett said if they were legally registered vehicles, then it's not a blight problem. Mr. Estrada also asked about cars parked on a front lawn that is not appropriate zoning. He questioned if an ordinance could be devised to include illegal parking on a lawn. Attorney Howlett said they could include that, but she wasn't sure if there was any case law to uphold it. She noted it will have to be done as a test case.

Ms. Hadley stated that since she was the one that signs the warning letters, she wondered if the ordinance might go too far and override the intent of the statute. Attorney Howlett replied that wouldn't happen because they could amend it so that it's broad.

**** COUNCIL MEMBER WALSH MOVED TO AMEND SEC. 2 ON PAGE 2
CHAPTER 8.76 ANTI-BLIGHT PROGRAM
WITH LANGUAGE THAT WILL BE DEvised AND PROVIDED BY
ATTORNEY HOWLETT
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

***Consent Calendar**

Council member Walsh reviewed page 3 of the Section. He questioned if they were citing commercial properties. Ms. Hadley said commercial properties were included.

Council member Walsh asked about city properties. Attorney Howlett said no, they don't fine themselves. Mr. Estrada added that when a city property was identified, they issue resources to handle the problem.

Council member Walsh reviewed the bottom of page 3 of the Section regarding fines. Attorney Howlett said that fines come in and go back into the anti-blight program to repay the grants. Council member McCarthy suggested that Mr. Coble remember to note this when they come in for the budget meeting. Mr. Coble stressed that the money has to go into the revolving fund and not back into the budget.

Council member Blunt referred to page 1 of the Section regarding issues considered an immediate danger. He stated that type of situation would be a definite Health Department matter.

There was some further open discussion regarding the aspects of what are considered blight conditions and the affects on the city, citizens etc.

Council member Dye asked who handled damaged sidewalks. Attorney Howlett said there was a separate ordinance to handle that, and generally they are the responsibility of the property owner.

**** COUNCIL MEMBER DYE MOVED TO APPROVE AS WILL BE
AMENDED AND OUTLINED IN THE FEBRUARY 28, 2006 VERSION
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

*** Consent Calendar**

**** It was stated that Attorney Howlett would submit the amended version to the city clerk's office.**

ADJOURNED

**** COUNCILMEMBER DYE MOVED TO ADJOURN
** COUNCILMEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

City of Bridgeport
Ordinance Committee
February 28, 2006
Page 8 of 8

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
PUBLIC HEARING
MARCH 6, 2006**

ATTENDANCE: Thomas McCarthy, Co-chair; James Holloway, Michelle Lyons;
Johnny Dye, Robert Curwen

CALL TO ORDER

Mr. McCarthy called the public to order at 6:08 p.m.

**1. Proposed amendment to Municipal Code of Ordinances: Chapter 8.92
MISCELLANEOUS HEALTH REGULATIONS, New section 8.92.130 Public
Restroom Cleanliness (45-05)**

No one from the public was present to speak for or against the matter.

**** MR. DYE MOVED TO CLOSE THE PUBLIC HEARING ON PROPOSED
AMENDMENT TO MUNICIPAL CODE OF ORDINANCES: CHAPTER 8.92
MISCELLANEOUS HEALTH REGULATIONS, NEW SECTION 8.92.130
PUBLIC RESTROOM CLEANLINESS (45-05)**

**** MS. LYONS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**2. Proposed amendment to Municipal Code of Ordinances: Chapter 15.08
BUILDING PERMITS AND FEES, amended Section 15.08.010 Building permit and
related fees (aka July 1, 2005 Building Permit Fee Increase Waiver for BOE) (47-
05).**

No one from the public was present to speak for or against the matter.

**** MR. CURWEN MOVED TO CLOSE THE PUBLIC HEARING ON
PROPOSED AMENDMENT TO MUNICIPAL CODE OF ORDINANCES:
CHAPTER 15.08 BUILDING PERMITS AND FEES, AMENDED SECTION
15.08.010 BUILDING PERMIT AND RELATED FEES (AKA JULY 1, 2005
BUILDING PERMIT FEE INCREASE WAIVER FOR BOE) (47-05).**

**** MS. LYONS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**3. Proposed amendment to Municipal Code of Ordinances: Chapter 8.76
ANTI BLIGHT PROGRAM (58-05).**

No one from the public was present to speak for or against the matter.

**** MR. CURWEN MOVED TO CLOSE THE PUBLIC HEARING ON PROPOSED AMENDMENT TO MUNICIPAL CODE OF ORDINANCES: CHAPTER 8.76 ANTI BLIGHT PROGRAM (58-05).**

**** MR. SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. CURWEN MOVED TO ADJOURN THE PUBLIC HEARING.**

**** MR. SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The public hearing was adjourned at 6:12 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services

CITY OF BRIDGEPORT
ORDINANCE COMMITTEE of the CITY COUNCIL
MARCH 28, 2006

ATTENDANCE: COUNCILMEMBERS: McCARTHY, WALSH, HOLLOWAY,
LYONS, DYE, CURWEN, SILVA

OTHER(s): COUNCIL MEMBERS: BLUNT, MULLIGAN, RODGERSON,
AYALA

ASSOCIATE CITY ATTORNEY: MELANIE HOWLETT

Council member McCarthy called the meeting to order at 6:03 p.m.

APPROVAL OF MINUTES:

January 24, 2006
February 6, 2006, Public Hearing
February 28, 2006
March 6, 2006

**** COUNCILMEMBER CURWEN MOVED TO CONSOLIDATE AND
APPROVE THE MINUTES
** COUNCILMEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

Council member McCarthy stated that he would be leaving the meeting at 6:30 p.m. due to a prior commitment. He said that Council member Walsh was due to arrive to fill in as chair.

Council member McCarthy also stated that they would take the agenda out of order.

75-05 Proposed amendment to Municipal Code, Chapter 2.10 City
Attorney, amended Section 2.10.130 Authority to settle legal claims

Council member McCarthy stated that Council member Mojica and the Assistant City Clerk, Ann Murray were working on this item together. They requested that it be tabled.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

84-05 Proposed Amendment to Municipal Code, Chapter 10.24
Impoundment of Vehicles, amended Section 10.24.30
Immobilization and Impoundment to add new subsection C

Attorney Howlett said they were deleting Section-A of this code in its entirety.

Mr. Williams explained this matter had to do with the towing of vehicles for persons that own delinquent parking tickets. He further explained that following the guidelines of the old ordinance took too long to collect.

Council member McCarthy asked what amounts the tickets were for. Mr. Keogh said the minimum paid would be \$200.00, due to the old system of issuing a \$20.00 ticket that would double to \$40.00.

Council member McCarthy asked the highest ticket a person could get. Mr. Keogh said the highest amount ticket issued was \$100.00.

Mr. Williams relayed that the city was looking at \$4.5 million in delinquent tickets and last year, they only brought in \$100k in delinquent tickets.

Mr. Keogh explained the delay has been in waiting for notices to go out, noting this process can take up to 2 or 3 years.

Council member Curwen asked if they could change the language to read:

Any vehicle on which the owner owes delinquent parking fines and/or penalties in and/or penalties in a cumulative amount of or exceeding \$160.00 shall be subject to impoundment and/or immobilization if such vehicle is found parked on any street in this city, or on any property leased or in possession or control of the city, or in any public parking area

Council member Walsh asked if there were two separate sets of rules for delinquent tickets vs. delinquent taxes. Mr. Williams noted that was the figure or threshold that was imposed if someone got a boot put on their vehicle. Council member Walsh said he had a concern that cars are being ticketed that aren't registered in Bridgeport. He said there seemed to be a bigger threshold for parking tickets than for taxes.

Attorney Howlett explained they were looking at multiples of \$40.00, due to the fines that double from \$20.00 to \$40.00

**** COUNCIL MEMBER WALSH MOVED TO AMEND THE ORDINANCE FROM \$160.00 TO \$100.00. AND TO MAKE THE CORRECTION THAT IT READ:**

ANY VEHICLE ON WHICH THE OWNER OWES DELINQUENT PARKING FINES AND/OR PENALTIES IN AND/OR PENALTIES IN A CUMULATIVE AMOUNT OF OR EXCEEDING \$100.00 SHALL BE SUBJECT TO IMPOUNDMENT AND/OR IMMOBILIZATION IF SUCH VEHICLE IS FOUND PARKED ON ANY STREET /N THIS CITY, OR ON ANY PROPERTY LEASED OR IN POSSESSION OR CONTROL OF THE CITY, OR IN ANY PUBLIC PARKING AREA

Council member Holloway stated there has been a car on Connecticut Avenue sitting for two years and an officer never tagged the car. He emphasized that his point was that the ticketing process had to be across the board, be it parking, the car isn't registered etc. He stressed that police officers should be tagging all cars. He said that they needed a firm commitment from the police department that they will start tagging cars on the street that sit longer than three days.

Council member McCarthy agreed with Council member Holloway, but...Mr. Keogh interjected to say that he thought there were two different systems for abandoned cars vs. delinquent ticketed cars. Mr. Keogh further noted that a \$100.00 ticket would quickly go up to \$200.00, so in essence the car would end up getting towed with only one violation.

Council member Holloway reiterated that the police department should address the abandoned car issue in the same they approach delinquent tickets.

Council member Curwen said he agreed with Council member Holloway. He said he would be willing to draft a section to the new ordinance to include that. Council member Holloway wasn't open to that idea and he stressed once again that he wanted the police to do their job!

Council member McCarthy suggested they a resolution be drafted. Council member Holloway disagreed. Again, he stressed that he wanted the police department to do the job.

Council member Walsh responded that if someone receives a ticket for parking in a handicap space for \$95.00, then it will still become a \$190.00 ticket, so he didn't see there was much difference from issuing a \$100.00 ticket.

Council member Mulligan asked if there was somewhere in the code that reflected that the expenses of towing were the liability of the citizen. Mr. Keogh said towing fees were set up under the ordinance and the owner of the vehicle pays.

Council member McCarthy questioned if the \$25.00 administration fee seemed low. Mr. Keogh said that New Haven had a fee of \$55.00. Attorney Howlett added that fee was comparable to other cities. She noted they would have to go back to the Board of Police Commissioner's to change the fee.

Mr. Keogh commented that the \$25.00 fee was fair.

Council member Walsh repeated his previous motion:

**** COUNCIL MEMBER WALSH MOVED TO AMEND THE ORDINANCE FROM \$160.00 TO \$100.00. AND TO MAKE THE CORRECTION THAT IT READ:**

ANY VEHICLE ON WHICH THE OWNER OWES DELINQUENT PARKING FINES AND/OR PENALTIES IN AND/OR PENALTIES IN A CUMULATIVE AMOUNT OF OR EXCEEDING \$100.00 SHALL BE SUBJECT TO IMPOUNDMENT AND/OR IMMOBILIZATION IF SUCH VEHICLE IS FOUND PARKED ON ANY STREET /N THIS CITY, OR ON ANY PROPERTY LEASED OR IN POSSESSION OR CONTROL OF THE CITY, OR IN ANY PUBLIC PARKING AREA

**** COUNCIL MEMBER DYE SECONDED**

**** MOTION PASSED WITH SIX VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER HOLLOWAY)**

Attorney Howlett suggested they send the matter back to the full council to be forwarded to the Board of Police Commissioners for approval.

**** COUNCIL MEMBER DYE MOVED TO AMEND THE MOTION TO ADD THAT THE MATTER BE APPROVED “SUBJECT TO APPROVAL” OF THE BOARD OF POLICE COMMISSIONERS**

**** COUNCIL MEMBER LYONS SECONDED**

**** MOTION PASSED WITH SIX VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER HOLLOWAY)**

Attorney Howlett shared that there would be a special meeting of the Board of Police Commissioners held on April 15, 2006. She thought she would be able to get this matter on their agenda.

Council member Holloway asked if they could table the matter to allow them to get all the data in and then report back from the Board of Police Commissioners. Attorney Howlett explained that if they tabled the matter, she wouldn't have anything to present to the Board of Police Commissioners. She suggested that the matter not go before the full city council until they received approval from the Board of Police Commissioners.

Council member Mulligan suggested that they pass the resolution that the item be referred to the Board of Police Commissioners with the amendments. And if they receive an affirmative action from them, then the item will be sent to the full city council for a public hearing and approval.

Final motion:

**** COUNCIL MEMBER WALSH MOVED TO TABLE**

**** COUNCIL MEMBER DYE SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Council member McCarthy left the meeting at 6:36 p.m.

Council member Walsh sat in to chair the remainder of the meeting.

Council member Walsh stated they would go out of order to take up item **89-05**

**** COUNCIL MEMBER DYE MOVED TO TAKE THE AGENDA OUT OF ORDER**

**** COUNCIL MEMBER CURWEN SECONDED**

**** MOTION FAILED WITH THREE VOTES IN FAVOR AND THREE VOTES IN OPPOSITION (COUNCIL MEMBERS: HOLLOWAY, SILVA AND AYALA)**

The following item was taken up next.

65-05 Proposed Amendment to Municipal Code, Chapter 3.12 Equal Opportunity Requirements for Contractors, amended Section 3.12.130 Small Business Enterprise Program

Council member Holloway stated that over the last thirteen years, there have been attempts to get minority persons, such as African-Americans, Hispanics and women on the bid list. He referred to a memo that was distributed concerning this matter. He pointed out all the contractors listed were women and there was only one (1) Cuban contractor from Roofing Restoration Company considered. He further stated that out of a \$40 million job, only \$175k was awarded to that contractor. He further referred to page 3 of the handout. He explained that he wasn't trying to change the code strictly for African-Americans, but he wanted to see 33% of contracts awarded to women-owned enterprises and minority business enterprises. He said he was told it was illegal to change the set-aside from 5%+ to 33%. He asked for feedback from the other council members.

Council member Ayala agreed with Council member Holloway, in that looking at different municipalities that are similar to Bridgeport and have minority participation ordinances attached to their contracts. But he said the bottom line was that the Mayor of whatever ever city pushes the agenda on minority participation and strongly suggests the city's wishes as it pertains to this matter. He further noted that the City of Bridgeport was 65% Latino and African-American, so he felt there should be equity for everyone doing business in the city. He went on to say there has only been one (1) minority contractor awarded in recent years. He emphasized that they should take a stand and move forward because it could be an attainable goal.

Council member Lyons asked if there was a book available that lists the names of contractors broken out by their status, such as, women and other minority contractors.

Attorney Howlett said she thought there was a study indicating that information in the Mayor's office.

Council member Holloway stated that if contractors don't register with the state, they are not aware of them being a minority contractor. The person needs to register with the City of Bridgeport through the purchasing department to take advantage of the set-aside contracts.

Council member Holloway mentioned that when they undertook the dog track project, they offered tax abatement to contractors with the understanding that they would give minority jobs out, but that never happened. Overall, he said he was tired of big contractors turning the work over to family members and no one else in the city benefits.

Council member Dye agreed with Council member Holloway noting that's been a typical ploy that has been going on for a while now. He felt the Mayor should send a message that there must be minority contracts awarded. He pointed out there has been a trend to bring people in from other states to do the work, but the point was that a contractor makes good money in this city, so the people that live here should have an equal share of that.

Council member Curwen strongly agreed with Council member Holloway. He recalled trying to push legislation forward in the past, as well as trying to put a comprehensive plan in place, but to no avail. He expressed that it was true there was no equity in meting out the contracts. He asked what was meant by the legal aspect as it concerned this matter. Attorney Howlett explained that the law required that the set-aside be proportionate to the injury done, i.e., if a certain number of classes of people weren't give a fair percentage, then the matter becomes a legal one.

Council member Ayala said the concern was that the persons that devised the study were the same ones that did the report for New Haven; they took from the same pool of minority contractors. He further questioned the accuracy of the report, due to the claim that the city never kept statistics. He felt either way, they should be committed to allowing minority vendors do business in Bridgeport or not.

Council member Walsh stated that as a maker of the resolution, he wanted to share some information regarding the matter. He noted the City of Hartford had a 25% goal, noting that New Haven was a little different, but they adopted a good faith effort to mete out minority subcontractor work. He said this was based on prime contracts of 25% for Latino contractors and 25% for minority contractors. He said he spoke to a key contact in New Haven and was told they weren't close to meeting their goal yet, but they are working towards it. As for school project, he was told they have a 25% goal for minorities and they also require 25% of them to be Section-3 workers. He said 25% of contracts were by ordinance for minorities for any construction project and 6.9% is for women.

Council member Walsh shared additional information and he read an article pertaining to the City of Hamden's policy to decrease the minority contractor's disparity. The article highlighted that something was wrong in Bridgeport if minority enterprises aren't allowed to compete for contracts. He also shared that the writer of the article Mr. McKinney, said there should be at least 20% of the contracts going to minority contractors.

Council member Curwen asked Ms. Deborah Caviness, the Mayor's office for an update on her view regarding this topic. Ms. Caviness said they looked at the severe disparity and before the study was released, she put together an outline of workshops to help contractors get to the next level, but she found there were a lot of barriers preventing them from doing that. She thought they should seriously look at set-aside of 25%.

Council member Holloway recalled what happened in the City of Atlanta in 1976. Mr. Fuller was present to speak about that time. He recalled there was an election for the first black Mayor of Atlanta and thereafter were contracts for the building of the Atlanta Airport. The Mayor pushed for 30% of the bonded dollars that went to minorities and women contractors. He further noted that 20 to 25% of the concession stands in the airport were awarded to minorities as well. Overall, these factors were a major engine that fueled the economy. He further expressed that the disparity study was limited in scope and the number generated of awarding 5.3% was miniscule to what could be awarded. Overall, he felt it was time for the city to be bold and take an aggressive stance now to correct the problem.

Council member Blunt asked if they passed the item tonight, how would it affect bids going out in 30-days. Council member Curwen said then it will be the law in 30-days.

Council member Blunt said then it was time to take a stand and at least be consistent with other cities in awarding a decent percentage.

Council member Walsh said he had a discussion to change the bonding threshold from \$50k to \$100k, noting that New Haven was successful doing that. Ms. Caviness thought that would help a great deal. It would allow them to unbundle the larger jobs and bid on smaller jobs. She further noted that Mr. Ensdale has been invited to visit to offer more information on this matter.

Senator Edwin Gomes was present at the meeting as a visitor. He stated that everyone was looking for results where people can benefit due to the upcoming construction in the city. He said it was important that the people in Bridgeport benefit from quality jobs, particularly minorities. He further noted the so called renaissance in progress so far hasn't really benefited people living here. For example; making enough of a salary for affordable housing. He agreed the 5.3% suggested as a set-aside was a ridiculous percentage, as it was indicated in the disparity study.

Council member Dye asked about bonding. Ms. Caviness said that many can't get bonding. She noted she brought in bonding companies to assist with that problem, but they never followed through.

Council member Dye relayed that it might be a good practice for a major contractor bonding for another contractor.

Council member Holloway pointed out that a small contractor doesn't generally go for bonding; he usually works under the primary contractor.

Council member Lyons expressed the sentiment of everyone being created equal. She questioned why the percentages weren't equally distributed to everyone. She further questioned what the main problem was as to why minorities aren't listed and considered for contracts. Ms. Caviness said there were a combination of issues, such as, they are not registered as a minority contractor and they don't have the bonding capacity.

Councilmember Curwen summed up that the reason that Bridgeport is the poorest city in Connecticut, was because they don't promote from within. Instead, he emphasized that they go outside the city for contracts and that's a problem.

Council member Rodgerson asked if there were any minimal percentages for the number of minority contractors hired according to the state. Ms. Caviness said no.

Council member Rodgerson made the point that generally minority owned companies get the business or contract, but the key thing is for them to assure that they get minority jobs for people in this city.

**** COUNCIL MEMBER HOLLOWAY MOVED TO APPROVE
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

*Consent Calendar

2ND Motion

**** COUNCIL MEMBER CURWEN MOVED TO ORDER A PUBLIC
HEARING PRIOR TO THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

86-05 Proposed Amendment to Municipal Code for the Purposes of
Deleting Chapter 2.64 City Hall Committee

Ms. Fleeta Hudson was present to address this item. She said that at the last meeting the issue came up. She referred to a memo that indicated that the City Hall Committee was

run by an unprofessional staff. She clarified that the City Hall Committee's purpose was to only oversee what was ultimately decided by the city. She further mentioned there was a consensus that it was in fact the Office of Economic Development and Planning that has an unprofessional staff. Overall, she didn't feel the committee should be disbanded. She emphasized the importance of them was to make sure that that one district wasn't give preference over another. She stressed that if they take it away and disband it, they would be turning over all city property to a management company that doesn't pay taxes in this city .

**** COUNCIL MEMBER CURWEN MOVED TO TABLE**
**** COUNCIL MEMBER HOLLOWAY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

Council member Holloway left the meeting at 7:30 p.m.

89-05 Proposed Amendment to Municipal Code, Chapter 10.26 Municipal Accident Towers, amended Section 10.26.140 Fees to add new subsection C

Attorney Howlett stated this request came from the Board of Police Commissioners. The matter regards fees collected for tows compared to what other cities collect. She explained that anyone can tow without a special contract. She further explained that they found out Bridgeport was way under the amount charged by the state. They eventually received approval to raise the fee to \$40.00, but they got the approval late, so they requested to have it approved effective November 2005, because they already paid under the old fee. And if it's approved by the committee, it will be retroactive to November 2005 and a check will be issued.

Council member Walsh questioned whether or not they could do that. Attorney Howlett said the matter involved invoices only as to what they owe to towers for towing city cars, it's not a fee imposed on the public. She noted the old fee was \$15.00.

Mr. Keough clarified that the Section quoted for this item was incorrect; he said it should be Sec. 10-20-220. He added that the old fee was \$15.00 and they agreed to raise it to \$40.00, but it doesn't affect the administration fee.

Attorney Howlett clarified that the matter had nothing to do with the administration fee (*she reviewed Sec. 10-20-220 submitted by Mr. Keough*) and agreed that it was the

correct section. Mr. Keough noted again that when a tow is done for the police, instead of \$15.00, it will now be \$40.00.

Council member Curwen questioned if there was a conflict with the Board of Police Commissioners. He didn't feel it would be prudent to waive a fee dating back to November, which amounts to six months and would affect the budget. He said he would only be amenable to approving it as of today *March 28, 2006*.

Council member Walsh stated that he had an issue with amending the ordinance. Attorney Howlett clarified there was merely a request to ask for the change.

Council member Silva asked what would happen if they don't pay the fee. Attorney Howlett said that eventually persons would refuse to tow.

Attorney Howlett further clarified there is no individual contract with people that do the tows, anyone with a towing license can do it.

Council member Walsh further questioned if adding language to an ordinance section was proper. Attorney Howlett agreed there might be a problem doing that. She stated that since she was given the wrong section as it pertained to this matter, **she withdrew the item from the agenda**. She stated she would return with the correct section amended as requested.

ADJOURNED

** COUNCILMEMBER CURWEN TO ADJOURN
** COUNCILMEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

City of Bridgeport
Ordinance Committee
March 28, 2006
Page 10 of 10

CITY OF BRIDGEPORT
ORDINANCE COMMITTEE of the CITY COUNCIL
PUBLIC HEARING
APRIL 3, 2006

ATTENDANCE: COUNCILMEMBERS: WALSH, SILVA, HOLLOWAY,
CURWEN

OTHER(s): ASSOCIATE CITY ATTORNEY PACACHA

Council member Walsh called the meeting to order at 6:15 p.m.

He stated the purpose of the hearing was to address the following item:

Proposed amendment to Municipal Code of Ordinances: Chapter 3.12 Equal Opportunity Requirements for Contractors, amended Section 3.12.130 Small Business Enterprise Program, including new language as a subsection (65-05)

Councilmember Walsh asked if there was anyone present to speak in favor of this amendment

Associate City Attorney Pacacha approached. He stated that the charter required his office to submit the change to the existing ordinance, noting he had a letter for the city clerk outlining his comments. He reviewed what occurred at the Ordinance Committee meeting last week and made his observations based on that meeting. He spoke to the matter of creating a goal of 30% being awarded to minority contractors, but he said they should have discussed a reasonable goal to be adjusted to match what most state agencies use that is generally 25%. He said this would result in a more general standard. He further noted that a 5.63% increase was mentioned in the ordinance and a recommendation for a 30% goal. He said that the 5.63% was grounded in the disparity study, so he recommended modifying that percentage to be more in line with the standard that would make it fair for everyone across the board and not just a specific minority.

Attorney Pacacha went on to mention that there was also the question of the PLA (Project Labor Agreement) in respect to minority hiring goals. But they only had one PLA that applied. However, there is already a provision to hire Bridgeport residents at a 25% goal.

Councilmember Walsh asked if he was recommending the changes in writing. Attorney Pacacha said he had it in the form of an opinion, but he could modify it as needed.

Councilmember Holloway said the committee met last week on this matter. He stated that the 5.63% wasn't included in the motion, it was stated that they wanted 30% MBE's that means everyone. Attorney Pacacha asked if that meant as it read in the ordinance currently. Councilmember Holloway said that was correct.

Councilmember Holloway recalled that in the past, there were primarily Caucasians contractors awarded the projects. There were no Latinos and there was only one (1) African-American contractor considered for a \$140 million job, out of that, only \$175k was awarded to a minority contractor.

Attorney Pacacha recalled the Arena Harbor Yard Ballpark and the garage projects. He said the city council passed a resolution that there be a 30% achievable goal. Councilmember Holloway agreed that was correct, so he questioned why they wanted to change the 30% to 25% now.

Attorney Pacacha stated that in the past, nine women owned businesses were able to satisfy the goal. Councilmember Holloway said he thought they should keep the goal at 30% and if it becomes a legal issue, then so be it. Attorney Pacacha said the city council needed to decide if they wanted to do that.

- Mr. Jimmy Cooper approached to speak. He stated he was a resident and minority contractor. He expressed that he attempted to bid on projects when it was at a 30% goal, but he wasn't allowed to bid on the jobs. He read a portion of the disparity study as it pertained to African-Americans being targeted as underutilized contractors etc. He referred to a portion of the study pertaining to the matter of locking out certain groups for contracts. He stressed that he was confused as to why one minority population was preferred over another when it came to awarding contracts. He felt the content of the study should be scrutinized carefully. And he emphasized that if the lock out process was in place, it makes it difficult for minority contractors to progress in their business. He further stressed that when race and gender contracts are created, they should be adhered to.
- Mr. Carl Dicks stated that he was also a minority contractor. He said he was aware of the disparity study. And he also stated that he was aware of the fact that minorities don't have the same opportunity as others to bid on city or state jobs. He hoped the study could be modified to incorporate those persons that have traditionally been left out.

Councilmember Holloway shared that the City of New Haven uses the state set-aside goals in awarding contracts and they have been effective in that city.

Councilmember Walsh asked if there was anyone present to speak in opposition of the amendment – None.

Councilmember Walsh closed the public hearing.

ADJOURNED

**** COUNCILMEMBER HOLLOWAY MOVED TO ADJOURN
** COUNCILMEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
APRIL 25, 2006**

PRESENT: Thomas McCarthy, Robert Curwen, Carlos Silva, Andres Ayala, Council President, Robert Walsh (6:15 p.m.)

OTHERS: Elaine Pirivotto, Council Member; Keith Rodgerson, Council Member; Thomas Mulligan, Council Member (6:17 p.m.); Attorney Melanie Howlett, Assoc. City Attorney; Attorney Mark Anastasi, City Attorney; Peter Keogh, Parking Violations, Brian Williams, CAO

CALL TO ORDER

Chairman McCarthy called the meeting to order at 6:09 p.m. and stated that Council President Ayala would act as a member of the Committee to obtain a quorum.

Mr. Keogh distributed copies of a list of Parking Scofflaw Violations from January 2005 thru March 2006 and a list of Tax Lien Tows to the Committee members.

APPROVAL OF THE MINUTES OF MARCH 28, 2006

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE THE MINUTES OF MARCH 28, 2006 AS SUBMITTED.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF THE MINUTES OF THE APRIL 3, 2006 PUBLIC HEARING

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE THE MINUTES OF THE APRIL 3, 2006 PUBLIC HEARING AS SUBMITTED.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**84-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 10.24
IMPOUNDMENT OF VEHICLES, AMENDED SECTION 10.24.030
IMMOBILIZATION AND IMPOUNDMENT TO ADD NEW SUBSECTION C.**

Attorney Howlett reviewed the proposed ordinance amendment, which centers around a rewording of Section A, some clarification in Section B and the addition of a new section dealing with a waiver of parking meter fines for those with disability placards or plates, including disabled veterans.

Council Member Walsh arrived at 6:15 p.m.

Council Member McCarthy asked for clarification regarding the procedure if the Committee refused the proposed changes. Attorney Howlett stated that she believed that the proposal would go back to the Police Commission and then be presented to the Ordinance Committee again. Attorney Anastasi concurred and reviewed the general statutes regarding those who are disabled.

Council Member Walsh asked if we were exempting the vehicles of disabled citizens from being seized because of delinquent taxes. Attorney Howlett stated that was a point to consider. Discussion also centered around whether this was creating a special class of residents. Attorney Anastasi reiterated that the statutes already exist regarding disabled citizens.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE 84-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 10.24 IMPOUNDMENT OF VEHICLES, AMENDED SECTION 10.24.030 IMMOBILIZATION AND IMPOUNDMENT TO ADD NEW SUBSECTION C IN ORDER TO CLARIFY THE LANGUAGE OF THE PROPOSED AMENDMENT.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

110-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 10.20 TOWING, AMENDED SECTION 10.20.220 SERVICES RENDERED TO BRIDGEPORT POLICE DEPARTMENT.

Attorney Howlett presented the proposed Amendment to the Municipal Code, Chapter 10.20 Towing, amended Section 10.20.220 and stated that there had been a request to make the amendment retroactive to November 1, 2005. Council Member Walsh asked Attorney Howlett if she agreed with this. Attorney Howlett stated that she has been requested to ask to make it retroactive and therefore she was doing so.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE 110-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 10.20 TOWING, AMENDED SECTION 10.20.220 SERVICES RENDERED TO BRIDGEPORT POLICE DEPARTMENT EXCLUDING ANY REFERENCE TO A RETROACTIVE DATE. THE EFFECTIVE DATE SHALL BE JULY 1, 2006 AND THE ISSUE SHALL BE SCHEDULED FOR A PUBLIC HEARING BEFORE THE NEXT MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

96-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, TITLE 8 HEALTH AND SAFETY, AMENDED TO ADD NEW CHAPTER 8.33 REDUCTION AND REALLOCATION OF PUBLIC SAFETY PERSONNEL.

Attorney Anastasi informed the Committee that he had not received notification of the Ordinance Committee meeting until late in the afternoon and therefore did not have time

to research this particular ordinance. He stated that Attorney Mitola has been assigned to this particularly pieces of proposed legislation.

Council Member Walsh stated that there had never been a public hearing regarding the closing of a fire station and that he wished to put this requirement into an ordinance requiring a public hearing notice being published within 45 days prior to the closing of a station and the hearing to be within 30 days of the actual closing, which allows for two weeks to consider the issue.

Attorney Anastasi replied that generally fire stations are not discontinued unless it is a fiscal matter. He also stated that he was not against letting the public express their opinion on the matter and pointed out that this would allow the Administration an opportunity to explain their position. He then respectfully requested that the Committee consider tabling the matter until more information could be provided.

Council Member Curwen asked what would happen if any Council - past, present or future - decided to close a Fire Station. Attorney Anastasi explained that the Council would not actually decided to close a Fire Station, the actual sequence would be more consistent with the Fire Department budget being reduced and since there is a minimum number for manning each fire truck, a significant budget reduction would result in a station's closure. Council Member Walsh stated that all the Council does is control the amount of money, which then goes to the various departments to manage. Attorney Anastasi agreed.

Council President Ayala stated that giving the public a forum before having an actual closure would not be a bad idea. He reminded the Committee that information regarding the closing of Company 5 was only available if someone called the Mayor's office. Council Member Curwen agreed with Council Member Ayala, but wondered if the proposed amendment would handcuff the Council since the budget process only lasts 40 days and most of the final decisions are made in the last week. He also pointed out that the public does have the opportunity to speak at the Budget Public Hearing. Council President Ayala pointed out that Company Five's closure happened after the budget process.

Council Member Walsh stated that he had been given some proposed changes to the amendment and would like to clarify some language.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE 96-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, TITLE 8 HEALTH AND SAFETY, AMENDED TO ADD NEW CHAPTER 8.33 REDUCTION AND REALLOCATION OF PUBLIC SAFETY PERSONNEL.**

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**101-05 REQUEST THAT A SUMMARY STATEMENT OF THE CITY'S
OVERALL FISCAL CONDITION ACCOMPANY TAX BILLS BEGINNING
JANUARY 2007.**

Council Member Mulligan reviewed this proposal, which would inform the tax payers about the financial state of the City when the tax bills were mailed. Council Member McCarthy explained that this item was added to the agenda at the last moment and Attorney Anastasi would not have been aware of it. He also asked Council Member Mulligan if he had talked to anyone about the feasibility of doing this.

Attorney Anastasi commented that this would have to be done in coordination with both the Mayor's office and the Tax Collector. He also pointed out that many of the letters go to banks rather than the property owners.

**** COUNCIL MEMBER SILVA MOVED TO TABLE 101-05 REQUEST THAT A SUMMARY STATEMENT OF THE CITY'S OVERALL FISCAL CONDITION ACCOMPANY TAX BILLS BEGINNING JANUARY 2007 PENDING FURTHER DISCUSSION.**

**** COUNCIL MEMBER CURWEN SECONDED.**

**** THE MOTION PASSED.**

**106-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.08
CITY CONTRACT AND PURCHASING PROCEDURES, AMENDED SECTION
3.08.100 CERTIFIED CHECKS OR BID BONDS - REQUIRED WHEN -
PROCEDURE.**

Council Member Pivrotto presented the amendment to the Committee and explained that the City wished to encourage more minority contractors to participate in the school project. The State Legislature recently raised the amount requiring bonds on the projects in order to help the smaller contractors.

Attorney Anastasi stated that Attorney Pacacha is currently on vacation but that Attorney Pacacha is in favor of this amendment. He stated that he will see that a written opinion is submitted to the appropriate office as soon as possible.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE 106-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES, AMENDED SECTION 3.08.100 CERTIFIED CHECKS OR BID BONDS - REQUIRED WHEN -PROCEDURE. A PUBLIC HEARING SHALL BE SCHEDULED BEFORE THE NEXT COUNCIL MEETING.**

**** COUNCIL MEMBER AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**107-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 10.12C
HANDICAPPED PARKING SPACE FINE INCREASE.**

Council Member McCarthy stated that this amendment needed to be amended to include a number of sponsors.

**** COUNCIL MEMBER SILVA MOVED TO AMEND 107-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 10.12C HANDICAPPED PARKING SPACE FINE INCREASE TO INCLUDE THE FOLLOWING SPONSORS: KEITH RODGERSON, THOMAS MCCARTHY, ROBERT CURWEN, MICHELLE LYONS, WARREN BLUNT, CARLOS SILVA, ANDRES AYALA, AND ROBERT WALSH.**

**** COUNCIL MEMBER AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member Rodgeron stated that the purpose of this fine was to discourage others from using handicapped spaces by increasing the fine. He commented that this increase would be reflected on the new handicapped parking signs that were installed.

Attorney Anastasi stated that there may be a problem in that Section 14-253 caps the amount charged for a violation at \$99.00. He also cited several other sections that indicated there were various ranges regarding the amount that could be levied and stated that he did not have all the information needed available for the meeting.

**** COUNCIL MEMBER AYALA MOVED TO TABLE 107-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 10.12C HANDICAPPED PARKING SPACE FINE INCREASE UNTIL FURTHER INFORMATION IS AVAILABLE.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER AYALA MOVED TO ADJOURN THE MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services.

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
PUBLIC HEARING
MAY 25, 2006**

ATTENDANCE: Thomas McCarthy, Co-chair; James Holloway, Robert Curwen, Carlos Silva, Andres Ayala, Council President; Robert Walsh (6:20 p.m.)

STAFF: Attorney Greg Conti, City Attorney's Office, Attorney Lisa Trachtenburg, City Attorney's Office, Attorney Mark Anastasi, City Attorney's Office

OTHERS: Thomas Mulligan, Council Member; Michael Feeney, CAO; George Estrada, Public Facilities Director; Mathew Starr, American Disposal Service General Manager; Attorney Greg Tourney, Gus Curusio, Associated Carting Vice President,

CALL TO ORDER

Chairman McCarthy called the meeting to order at 6:02 p.m.

Let it be noted that the following comments and remarks by all speakers have been summarized and are not necessarily verbatim.

Council Member Holloway stated that he would recuse himself from this meeting as he works in the Department of Permits and Inspections. *Council Member Holloway left the meeting at 6:03 p.m.*

Chairman McCarthy stated that this meeting was different from the regular Ordinance Committee meeting in that the Committee would be required to take action on the items before them.

Attorney Trachtenburg reviewed the situation, which concerned fees that were due from particular haulers who have annual permits and licenses. The non-payment of the fees is a breach of the rules and regulations as were established by the Council in 1995 and became a resolution in 1997. When violations occur, the Director of the Public Facilities may authorize a suspension or revocation of these permits and licenses. Attorney Trachtenburg stated that she would read what the Ordinance Committee was allowed to decide. Council Member Curwen asked her if she had copies of the ordinance for the Committee members. Attorney Trachtenburg replied that she only had one copy with her.

Attorney Trachtenburg then informed the Committee that they might vote to suspend the license for a time certain, which is what she believed they were being asked to do, decline to revoke or suspend the license or make such other determination as may be appropriate under the circumstances. The other item that the Committee needed to be aware of was

that in the event of a revocation, which is the most damaging, there is a preclusion against the hauler applying for an entire year. That would cause havoc on the industry and most likely not encourage payment of the fees. The suspension for a time certain, which will be discussed or those cases would be allowable.

Council Member Curwen asked for clarification on which licenses were involved in these matters. Attorney Trachtenburg replied that the licenses were the collection and hauling permits. Every collection truck on the road in Bridgeport is required to have an individual permit, which must be applied for through the Department of Public Facilities. Each truck bears a sticker and that is what legally entitles them to collect and haul trash in the City. This is separate and distinct from dumping the material. Dumping is done under a separate provision in the ordinances at RESCO transfer station. Chairman McCarthy asked if they were suspended, the companies involved could not do any hauling in the City of Bridgeport. Attorney Trachtenburg confirmed that this was so. If a company does pick up and haul the material, there is a \$99.00 fine. Council Member Curwen asked if this was a one-time fine or a daily fine. Attorney Trachtenburg stated it was a daily fine.

There was a brief discussion about making copies of the ordinance and the rules and regulations. Attorney Trachtenburg stated that the rules and regulations is that in some respects they contradict the ordinances. In a resolution in 1995, which was not passed as an ordinance, without a public hearing and poorly drafted, which is called the Rules and Regulations, cannot override what the valid ordinance dictates. What ever is being considered at this hearing is governed by the ordinance. The \$99.00 fine is governed by the Rules and Regulations under the Ordinance, which allows the Council to establish what the fine is. The Rules and Regulations are good except to the extent that they contradict the Ordinance.

Mr. Feeney left the meeting to make copies of the ordinance for the Committee Members.

Chairman McCarthy stated for the record that he had received a call from the Mayor and that the Mayor had requested that the Ordinance Committee be as firm as possible in their deliberations. Attorney Trachtenburg stated that Attorney Conti would be requesting that the Committee consider the cases of those present first. This was agreeable to all. Attorney Trachtenburg stated that Attorney Anastasi, who is the regular counsel for this committee, is enroute and will be representing the Committee in that capacity. Until Attorney Anastasi arrives, Attorney Trachtenburg will be covering the dual role, but her primary function was to assist the Committee with the ordinance and the Rules and Regulations and for clarification.

9) Application for suspension of permit for the collection and hauling of solid waste held by ADS of CT, B-684, B-682, B-639, B-640, B-641, B-642, B-652, B-683, B-684, B-774, B-776, B-773, B-801.

Attorney Conti stated that the balance that that Controller's Office carried was \$31,390.69 on an invoice dated March 31, 2006. Attorney Conti stated that it was his

understanding that Mr. Starr has spoken with Mr. Estrada of Public Facilities. Mr. Starr is present this evening in order to make a proposal to the Committee regarding the payment of the outstanding balance. Chairman McCarthy asked why the information before him reflected a number of \$61,000. Mr. Estrada stated that American Disposal Services (ADS) was making payments on the bill. The amount of \$31,390.69 was the most current balance. Attorney Conti stated that ADS has been paying the Controller's Office for the past month and a half. Council Member Curwen asked for clarification on the amount owed. Mr. Estrada stated that they owed \$31,000. Chairman McCarthy stated that the reason that ADS was present at the hearing was because they had an outstanding balance, but that they have been paying on the amount owed. Mr. Estrada agreed and stated that he believed ADS was going to make a proposal to the Committee.

Mr. Starr introduced himself to the Committee and stated that he was the General Manager of American Disposal Services (ADS). Mr. Starr stated that what ADS has been doing is submitting one month's past invoice per week in reverse in an attempt to catch up. He requested that the Committee allow ADS to continue with this payment plan, which would result in the bill being paid in full by July 17th 2006 and allow the company to continue to do business with the City of Bridgeport.

Council Member Curwen asked Mr. Starr to explain why the company had fallen behind. Mr. Starr stated that originally, there was a billing error. He reviewed the company's billing and payment process for the Committee. Somehow, Mr. Starr stated, the City was not invoicing ADS and then a large invoice arrived. Mr. Starr explained that the office had to sort out what ADS was responsible for because there were some charges on the invoice that did not have to do with ADS. There was also some items that were missing from the invoice. The office reconciled the bill, and came to an agreement as to what was owed and began paying off the amount. It was an unexpected expense for ADS. Then a number of notices from Bridgeport began arriving, which stated that they were going to suspend the permits for violations.

Council Member Walsh arrived at the meeting at 6:20 p.m. Mr. Feeney returned the meeting with copies of the ordinance for the Committee Members.

Council Member Curwen stated that he had an issue with the City not sending out bills for services, regardless of whether there were discrepancies on the bill. He asked if this matter had been settled satisfactorily with the Department of Public Facilities. Mr. Estrada stated that there had been a few discussions with the Finance Department and that everyone was comfortable with that the debt was being repaid in good faith.

Council President Ayala asked how long ADS has been doing business with the City. Mr. Starr stated that as far as collection within the City of Bridgeport, under various company names, the company has been working with Bridgeport for between 25 to 30 years. Mr. Starr explained that the problem arose when ADS began picking up for the Bridgeport Housing Authority at the P.T. Barnum complex. Part of the contract required that ADS dump in the City. Apparently the first bills went to the Housing Authority and were not being sent to ADS. Mr. Starr stated that ADS was not denying any of the

charges and will continue to pay the City. All that they were asking for was to continue to pay the per month fee weekly until July 17th. If ADS was not able to maintain the schedule, Bridgeport could then suspend their permits and licenses.

Council President Ayala asked if the charges on the list were all related to the pick up at the P.T. Barnum Apartments. Mr. Starr said that this was correct. Council President Ayala asked if the situation became confused when the Housing Authority was billed rather than ADS. He also wished to know if it has anything to do with any previous account or any previous service to the City. Mr. Starr replied that at no time did ADS deny that the money was owed to the City. There were oversights on the part of ADS and P.T. Barnum's part in that they did not do anything with the bills they were receiving. Once the reconciliation was completed, ADS set up a way to pay the amount outstanding.

Chairman McCarthy asked for clarification on the process. Attorney Trachtenburg replied that if ADS did not comply with the payment schedule, Bridgeport would not be prevented from suspending the permits and licenses.

Council Member Curwen had several questions for Mr. Feeney regarding the details of the licensing fees and deposits from the various companies. Mr. Feeney reviewed the various technical details with the Committee. Attorney Conti commented that ADS has a current permit and that it was not suspended at this time. Should the Committee vote to suspend the permit, and then when ADS returned in July to renew their permit, then there would be a deposit required calculated from a three month average of what is tipped in a year.

Chairman McCarthy asked Mr. Estrada how long ADS has been making regular payments. Mr. Estrada replied that they had been receiving payments since March. He also informed the Committee that renewal permit letters had gone out with all the major criteria.

Mr. Starr stated that ADS has received the permit applications already and that if they were allowed to continue the payment plan, they would supply the three-month average with their permit renewal.

**** COUNCIL MEMBER CURWEN MOVED TO ALLOW THE PERMIT ON A TEMPORARY BASIS AS LONG AS THE PAYMENT PLAN WAS UPHELD.**

Attorney Trachtenburg suggested that the proper language would be "providing that the payment plan is continued that the motion is to deny suspension of the permit.

**** COUNCIL MEMBER CURWEN AMENDED HIS MOTION TO A DENIAL OF SUSPENSION FOR THE APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY ADS OF CT, B-684, B-682, B-639, B-640, B-641, B-642, B-652, B-683, B-684, B-774, B-776, B-773, B-801 PROVIDED THAT THE PAYMENT PLAN IS UPHELD.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

7) Application for suspension of permit for the collection and hauling of solid waste held by D.C. Carting, Inc., B-717

Attorney Conti reviewed the case and stated that as of the last invoice dated September 30, 2000; the outstanding balance was \$37,511.31.

Mr. Domenic Carneiro introduced himself to the Committee and stated that he was the President of D.C. Carting. Mr. Carneiro explained that in 1999, D.C. Carting had been hauling in the City. He received a letter stated that his license was suspended because one of his trucks had been illegal dumping. Since then, Mr. Carneiro has been in contact with RESCO regarding this. Photographs proved that it was not one of Mr. Carneiro's trucks that had done the dumping. During the month that it took to resolve this issue, Mr. Carneiro lost a number of customers and had to find another location to dispose of the materials. He stated that this was still in process.

Chairman McCarthy asked for clarification. Attorney Trachtenburg stated that as she understood it, the situation was this. There are two separate mechanisms for collecting fees. In this case, the issue is picking up and hauling. The suspension of the permit for picking up and hauling is being applied for because D.C. Carting has not paid for the dumping. This is a Rules and Regulations violation. Attorney Trachtenburg stated that it sound as if there had been an issue with D.C. Carting and RESCO over which truck was dumping and therefore D.C. Carting did not pay the fee. The right to suspend someone from dumping rests solely with the Director of Public Facilities. Therefore, it would not proceed to a suspension hearing.

Chairman McCarthy asked if D.C. Carting was paid up and still hauling. Mr. Carneiro explained that on September 31, 2005, the company went out of business. Chairman McCarthy asked if all the other bills had been paid. Mr. Carneiro stated that it still exists. Mr. Estrada asked Mr. Carneiro where they had been dumping the material they picked up during 2000-2005. Mr. Carneiro stated that they were dumping in Fairfield and Milford. Chairman McCarthy asked if during that time, D.C. Carting was picking up material in Bridgeport. Mr. Carneiro replied that the company had picked up trash in Bridgeport. Mr. Estrada stated that since Mr. Carneiro's dumping permit had been suspended, he had picked up material and disposed of it elsewhere while the suspension was in process. When there is a violation, the City contacts RESCO and requests that they not allow the vendor in question to dump materials. Mr. Estrada asked Mr. Carneiro if they had paid the dumping fees for 2001 through 2005. Mr. Carneiro replied that they had not because they had not been dumping in Bridgeport. He stated that he had no other choice but to find alternate locations.

Council Member Curwen commented that the City Attorney had stated the grounds for the dispute lies with the sole discretion of the Public Facilities Director, but Mr. Carneiro was on the agenda for a suspension and asked for clarification.

Attorney Trachtenburg stated that there were two separate issues and that she had explained this already twice and would do it a third time. The license for collecting the garbage and transporting it in Bridgeport. There is an additional fee that the City charges for permission to get into RESCO to dump the garbage. The issue here is the suspension of the pick up and hauling of the material, which requires a hearing. Chairman McCarthy commented that Mr. Carneiro had been hauling during 2001-2005; the question was whether Mr. Carneiro had paid for the hauling permit. Attorney Trachtenburg stated that Bridgeport does not charge for hauling other than the amount charged for the permit. The charge is for dumping, which Mr. Carneiro is paying to Milford, which is why the listing on the documents has a 2000 date. So, since 2000, D.C. Carting has not incurred additional fees because they were not allowed to use RESCO.

Council President Ayala asked Mr. Carneiro if he was disputing the fact that he owes the City \$37,000. Mr. Carneiro stated he could not say that, but he would like a reduction in the amount since he was paying the City to dump the garbage at RESCO and RESCO made a mistake, which resulted in loss of business for Mr. Carneiro. This also caused Mr. Carneiro to find alternative dumping sites. Council President Ayala asked Mr. Carneiro if his hardship was with RESCO and not with the City. Mr. Estrada stated that if Mr. Carneiro was being held accountable for illegal dumping from a truck that was not his own, perhaps he was entitled to an adjustment on the bill, but to Mr. Estrada's knowledge, he did not contact the Finance Office to work out the problem. Until it is proven that a portion of the dumping fees are not Mr. Carneiro's, the outstanding balance remains with Mr. Carneiro. Council President Ayala asked Mr. Carneiro if there had been any attempt to work out a payment plan with the City. Mr. Carneiro replied that he had not because he was still in court with RESCO on the issue. He stated that the City makes money from the tipping fees because the City charges \$75 dollars or \$80 per ton and RESCO charges the City \$60. The issue is still in court. When Mr. Carneiro approached the City, the City stated they could not help him out and suspended his dumping permit.

Chairman McCarthy asked Mr. Carneiro whether he had submitted any of this information to the Finance office. Mr. Carneiro stated that he had contacted Mr. Looey with his attorney. He also stated that his attorney could not attend this meeting, but he had his card for the Committee. Mr. Estrada stated that there have been attempts to collect this money but this is a more formal process. Bills were sent out, but Mr. Estrada said he did not know if adjustments were made to this account. If appropriate reductions were made by RESCO, it would be reflected in the paperwork.

Attorney Trachtenburg commented that if Mr. Carneiro was asking for a reduction of the debt and that the Committee found the debt to be accurate, the City has not authorized the Committee to do other than what was read in the ordinance. But to release a debt would require a full Council. Chairman McCarthy stated that the Committee can suspend for a certain period of time, decline to suspend or other appropriate actions. Attorney Trachtenburg stated that other appropriate actions would not cover reducing the debt. If

Mr. Carneiro was asking for a payment arrangement that would be within the Committee's purview, but the Committee does not have the authority to forgive the debt.

Council President Ayala stated that he was willing to accept the suspension, but was willing to have Mr. Carneiro's attorney contact the Finance Department to look at the situation.

Chairman McCarthy had some questions about the phrase "time certain" and how that would affect the decision made by the Committee. Attorney Trachtenburg stated that she believed that it was to suspend until payment in full is received and for three months of the average tipping fees as a form of security. If these terms were met, the suspension would automatically be lifted.

Mr. Carneiro stated that D.C. Carting is no longer operating. His son now runs a business called D.C. Hauling. His son leased a truck from Ferraro Carting from North Branford and this vehicle was stopped by Mr. Holloway and the truck was impounded. Attorney Conti stated that the truck was impounded because it had no insurance and no registration, not because of the outstanding bill. He further clarified that the police actually impounded the truck, not Mr. Holloway. Mr. Carneiro stated that the truck had nothing to do with D.C. Carting. Attorney Conti stated that D.C. stickers were on the truck and reiterated that the truck had no insurance and was unregistered. Attorney Trachtenburg stated that she was directly involved with Mr. Grabarz when this happened. She went on to state that the incident was in no way relevant to the issue on the agenda. She stated that the truck was released but it had been towed because there was no insurance or registration. Attorney Trachtenburg also informed the Committee that the truck was full when it was seized, so the City collected the tipping fee of \$825.00 in cash, which was delivered to the appropriate office.

There was a brief discussion about the possible outcomes of the pending case and how that would affect the amount owed. Council Member Curwen reiterated the possible outcome of a suspension, which would require payment in full and a three-month bond. He wished to know if that would preclude Mr. Carneiro from working with the Finance Department for a payment plan. When Council Member Curwen asked Mr. Carneiro if he had spoken with the City about a payment plan, Mr. Carneiro simply said he would speak with his attorney because the company was out of business.

Attorney Conti pointed out that if D.C. Carting was out of business, then they would not be applying for a permit in the future. There was some further discussion about the particular details of the events.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE THE SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY D.C. CARTING, INC., B-717 FOR TIME CERTAIN WITH PAYMENT IN FULL AND DELIVERY TO THE DEPARTMENT OF FINANCE OF THE SECURITY IN THE AMOUNT REPRESENTING THREE MONTHS OF THE LAST YEAR'S AVERAGE TIPPING FEE.**

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED WITH THREE IN FAVOR (WALSH, AYALA, CURWEN) AND ONE OPPOSED (SILVA).**

8) Application for suspension of permit for the collection and hauling of solid waste held by Associated Carting, Inc., B-752, B-753, B-754, B-793, B-800, B-805

Attorney Conti pointed out that the agenda listed Associated Carting, Inc. but the computer printout titled "City of Bridgeport - Invoices in Provider Code Order as of 20060525" showing the billing listed Park City Carting. Attorney Conti stated that the outstanding balance was \$209,768.10 as of March 31, 2006. Chairman McCarthy asked if this was for Park City. Attorney Conti stated that this was for Associated Carting. Chairman McCarthy asked for clarification.

Attorney Turooney introduced himself and stated that he was representing Associated Carting. Chairman McCarthy reiterated that Park City Carting was on the printout. He asked Attorney Turooney for clarification. Attorney Trachtenburg restated the question.

Attorney Turooney explained that Associated Carting was a subcontractor for Park City Carting. Chairman McCarthy restated that the original license was taken out by Park City Carting, who then hired Associated Carting. Attorney Turooney stated that Park City has the license and that they were the financially responsible party. He reiterated that Associated Carting was a subcontractor to Park City. Chairman McCarthy asked if Associated was the hauler and actually did the dumping, what was the status of Associated license. Attorney Trachtenburg stated that she believed the situation was that Associated as a subcontractor to Park City did the dumping, but Park City did the hauling. Attorney Turooney explained that Associated is doing the hauling and the dumping but Park City is financially responsible.

The Vice President of Associated Carting pointed out that on the City's application for the hauling permit there is a space for the name of the hauler and a space for the name of the financially responsible party. He stated that Park City had been always listed as the financially responsible party and all the billing went to Park City Carting. Associated was never financially responsible, they were hired just to haul the garbage. He illustrated this by reminding the Committee that Enviro hauls for the City to RESCO.

Council Member Walsh asked what kind of legal entity Park City Carting was. Attorney Turooney stated that he believed they were a corporation. He then asked if this was true of Associated Carting. This was confirmed. Council Member Walsh asked if Park City Carting had any assesses. Mr. Estrada stated that the permit was currently held by Associated. He then reviewed the dates the permits were issued and to whom. The first two permits were issued to Park City Carting and the latest of those two expired in June of 2005. A permit was reissued to Park City on May 24, 2005 to Park City. On June 30, 2005, Associated Carting was issued a permit with the same license number, which is where the confusion began.

Chairman McCarthy asked if Park City still was in existence and if there was still a relationship between Park City and the City of Bridgeport. Mr. Estrada stated that RESCO has been requested to deny access to their facility for Park City. Attorney Turooney stated that he was representing Associated Carting.

Council Member Walsh stated that he was of the mind set that the Committee suspend anything and everything to do with both firms until they are in the same room and someone sits down and goes through the paperwork. He stated that he saw no reason for to allow either of these firms to continue doing work in the City. He stated that this appeared to be a shell game. Attorney Turooney asked Council Member Walsh on what grounds. Council Member Walsh stated that the Committee had the authority to do so and that the City was owed \$209,000. The Committee had the authority to do so. Attorney Turooney reiterated that Associated Carting was not Park City Carting. Council Member Walsh stated that when the two companies came in with the appropriate paperwork including the articles of incorporation, so that the Committee could see what kind of games are being played with ownership.

Attorney Turooney stated that he had done some research on Concord, which is the Secretary of State's website. He reiterated that Associated Carting was not Park City Carting. He also stated that the record should reflect that there are no officers on Park City that are officers of Associated Carting. He also stated that there is no legal relationship between the two companies.

Chairman McCarthy asked if the two companies had shared headquarters, shared addresses or other items like that. *Attorney Turooney presented copies of Associated Carting's letterhead to the Chair.* Chairman McCarthy's second question was who was served notice. Mr. Estrada stated that notice was served to Associate Carting on May 3rd. Council Member Walsh commented that the two businesses share the same address. The Associated Vice President stated that this was a mistake on the part of the attorney. Associated Carting is actually located in Milford. Council Member Walsh commented that Associated had submitted this as evidence to indicate that there is no association between the two businesses, but the addresses were listed as 526 Success Avenue, Bridgeport and 520A Success Avenue, Stratford. The Associated Vice President reiterated that this was a mistake by the attorney. Council Member Walsh reiterated that he was still of the opinion he stated before. Attorney Turooney asked with all due respect, if that was Council Member Walsh's mindset, why did the City's application differential between the hauler and the financially responsible party. Council Member Walsh stated he was not present at the meeting to review or determine what the application said or does not say. He stated that he was there to protect the rights of the taxpayers of the City of Bridgeport. The Associated Vice President stated that this type of arrangement was very common and reiterated his earlier statement about Enviro hauling for the City of Bridgeport. He stated that his company should not be persecuted because the company that he hauled for did not pay their bills.

Attorney Trachtenburg stated for the record that Associated Carting, Inc. was served notice by the marshal on Daniel Shepherd, their agent and services of process. She stated

that she would like this to show the committee a printout from RESCO that electronically monitors the dumping that formulates the bills, which shows Associated Carting on it. The notice went to Associated Carting through their agent of service. Chairman McCarthy asked if Park City had ever been notified. Attorney Trachtenburg confirmed that Park City had not been notified.

Council President Ayala asked for clarification. Park City was listed on one invoice and on the list from Ted, Associated was listed. He asked if the bill was being generated from City Hall and if it was being sent to Park City or to Associated. Attorney Turooney stated that he had a copy of the bill, which said Park City right up this year. He also commented that it was listed as Park City on the City records and stated that there was a scale ticket from the transfer facility which lists Park City. The reason that Associated is named on the ticket is because it clearly indicates Associated is the hauler. *Attorney Turooney submitted copies of the various invoices from 2004 and 2006 for the Committee members to inspect.* Council President Ayala stated that it was clear to him that Park City Carting was listed on the invoices. He then asked why the information wasn't sent to Park City so that they would be present at the meeting. Mr. Estrada stated he thought it might be because the data base at Public Facilities has the two companies connected. This will be looked into. Council President Ayala stated that the invoice which was submitted stated that Park City Carting being located at 209. If the bill was sent to Park City Carting, he asked, why wasn't the notice to appear sent to the same address. Attorney Trachtenburg stated that was an excellent questions and that she had received a list of the companies that owed money and had sent out notices to those on the list. Council President Ayala asked again if Park City had been sent a notice to appear. Attorney Trachtenburg stated that on the sheet she had received it was listed as "Park City/Associated" but that the official notice had gone to Associated Carting, Inc. It was stated that at the time the bills went out that the work was not being done off the official list from Mike's office, which may have contributed to the confusion. Mr. Estrada stated that some of this confusion may come from the Permit office when they processed the licenses.

Chairman McCarthy asked if Company A, which is a big business, hires Company B to do some work that Company A signs up, who would be responsible for the fees. A discussion followed about who would be responsible and how.

Chairman McCarthy asked if Associated Carting currently had a license. The Associated Vice President stated that they did have a current license and had reapplied for a license in June. Apparently the Permit Office issued the same license number that was issued to Park City. He stated that Associated had been contacted by Mr. Holloway and questioned because they were hauling for Park City, but the trucks said Associated. Mr. Holloway informed Associated that they needed their own permit. At that time, they went down to the Permits office and paid the fee. Associated did not realize that their license number was the same as Park City's until recently. Attorney Trachtenburg stated that each license number was associated with a particular vehicle. Mr. Estrada explained that was a "B" number, not a license number. There is one license number which is a hauler's permit number and there is a separate vehicle number which should be attached

to the vehicle. Chairman McCarthy asked if there was a list of which vehicles were registered to which companies. Attorney Trachtenburg stated that she did have a partial list. Attorney Turooney explained that he had given this list to Mr. Estrada.

Attorney Turooney stated for the record that he believes Park City was financially responsible for the bill. Attorney Trachtenburg stated that on the permit, the financially responsible party is not a legal preclusion for the City to collect debts from those who rightfully owe. It is not a waiver from collecting from anyone else. This does not preclude seeking payment from other companies that might be or might not be responsible. Attorney Trachtenburg stated that she was curious as to how if the license was issued to Associated has on its license that the primary payer is Park City. Attorney Trachtenburg asked if Associated had a copy of the application. The Associated Vice President stated that they had a copy of draft that Associated was working on with them. He pointed out that nowhere on the City's form did it state that Associated would be responsible for the billing. Attorney Trachtenburg stated that if there was a bill that was paid by a different company, was that an obligation for that company alone.

Attorney Turooney stated that he had heard Attorney Trachtenburg say that there were two different issues, a license for hauling and a fee for tipping. Confusing, he believed, happened when the City stated that the hauler should also have the license for tipping.

Council Member Curwen asked how this bill was allowed to increase to \$209,000. Attorney Anastasi stated that there were three things going on simultaneously. One issue was collection of the outstanding fees, which may be more than the party identified on the license application. The second thing is the suspension of the appropriate licenses. The third issue is the addressing of on going violations. If other entities benefited from City services, they will also be chased and the legality will be worked out elsewhere. The Committee's job is to vote to suspend a license. Even if one party is identified on a document as responsible to pay, Attorney Anastasi informed the Committee, it does not preclude attempting to use appropriate collection efforts on other parties. Attorney Anastasi stated that how this problem developed involved a number of departments and when it became past due, one department was led to believe via discussion back and forth with respect to correcting the arrearages and the security.

Council Member Curwen was surprised that this issue had been developing over the past three years. Mr. Estrada stated that there was a lapse in the billing process for approximately a year due to a break down in the system. This issue has been addressed and will not reoccur. Council Member Curwen stated that the documents indicated that there was three years of non-payment. Mr. Estrada stated that as of July 1, 2004, bills were being sent out on a monthly basis that were basically ignored. Attorney Anastasi pointed out that from July of 2004 to May of 2006 is twenty-two months. He also stated that there was a lot of self-declaration in regarding a hauler going into Permits and stating that they were handling a particular volume of material, but the reality may have been much greater. Attorney Anastasi said that he was unwilling to concede that the party responsible was the party named as the primary payer. Any entity that benefits from City services or takes from the City can be chased and will be chased. The issue here is

simply one of suspending the license, which is different from approaching any entity who benefited from City services. Attorney Anastasi stated that the City would go after everybody and anyone they can through the courts. He stated he would not be limited to someone saying that they were not financially responsible and the party would be now defunct. He stated that this was about the licenses and that if the proper party was not notified, then there was a problem.

Chairman McCarthy said that he wanted the City to collect what was due as much as anyone but he had not yet seen a document showing that any one was financially responsible. He indicated that the print out stated "Park City Carting" and that was all that was available to him. He then asked for a copy of the permit. Attorney Anastasi stated that the City was not asking the Committee to do anything to the party who had the license issued. If the incorrect party was notified for those purposes, he was not suggesting that the Committee do anything. Once again, Chairman McCarthy asked for evidence that dumping was done by Park City Carting and for copies of the permits and records. He stated that he would be willing to suspend the license for one company if someone would show him evidence.

Attorney Anastasi asked Attorney Conti what the City had in terms of invoices that matched up with bills or tickets. Attorney Conti stated that there were documents indicating that Park City was a corporation and also other documents that indicated that Associated Carting was also a corporation. There is a similarity in address but the officers are not identical. Attorney Conti went on to say that Attorney Turooney had stated that Associated was a sub contractor for Park City and that the permit was transferred in July of 2005 upon the City's request. They have acknowledged the fact that the permit which was previously issued to Park City who held the permit upon until July 2005, and that permit no longer exists and in July 2005, Associated applied for and was granted a permit number. That permit number was the same license number as Park City. Attorney Anastasi stated that the focus should be on the debt for the last year. Attorney Conti stated that the City's records do not record a debt for Associated for the last year, only Park City. Chairman McCarthy asked if there was evidence of a debt from Associated. Attorney Trachtenburg replied that there was.

Chairman McCarthy asked Attorney Trachtenburg if the Committee had the power to hold things in abeyance until Park City could be notified. Attorney Anastasi stated that Associated held the license for the last year and were providing services. He then asked for conformation that this items had been billed to Associated. Mr. Estrada stated that he believed that they had billed Park City. Attorney Turooney stated that Associated was strictly a hauler, just like Enviro. The Vice President of Associated commented that Park City owed him money as well and that his company had done nothing other than haul the garbage. He stated that he was never any part of the tipping process. Attorney Anastasi asked the Vice President if the tipping fees were paid by a different company. The Associated Vice President stated that was correct. He also stated there were other companies that Associated hauls for. Attorney Anastasi asked for confirmation of the fact that the party hauling the material was actually doing the dumping, but the other party was responsible for paying the bill, which indicated that the hauler had a beneficial

arrangement. The Vice President of Associated stated that this was true. He also reiterated that the application had two separate lines, one for the party doing the hauling and a second one for the financially responsible party. Chairman McCarthy asked the Vice President of Associated when the company had stopped doing business with Park City. The Vice President of Associated stated he believed that was during the first quarter of 2006.

Attorney Turooney stated that he had a letter from the City to Park City dated March 31, 2006 requesting payment of the \$209,000. An additional letter from Bridgeport to Park City was dated April 6th. He contended that as of April 6th, the City was billing Park City, not Associated. Chairman McCarthy asked how Attorney Turooney had acquired these letters. Attorney Turooney stated that he had requested copies because Associated's license was suspended and the company has not been allowed to tip at local facilities. Chairman McCarthy asked what would happen if Associated was allowed to continue. The Vice President of Associated stated that he would like to be allowed to continue to haul but that he had no interest in dumping in the City. He has worked out arrangements with CRRA for that and is billing his customer separately on his own. Therefore, there would be no financial obligation between Associated and the City.

Attorney Turooney asked why as of April 6th, they were billing Park City Carting but did not serve them notice. He commented that there was no one from Park City Carting present. He asked why there was a switch.

Council Member Walsh commented that regarding Chairman McCarthy's question about stopping the process and re-issue a notice to bring Park City Carting in, it was his opinion that Park City Carting would not show up. Chairman McCarthy agreed this might be accurate. Council Member Walsh stated that looking at the list of invoices on the Provider Code Order and being told that Associated Carting sometime in June or July of 2005 took out the hauling license, which would result in about 150,000 of the 209,000 that are owed to the City. He stated that Associated had acknowledged that they had some type of permit in their name. He also commented that Associated had filled out the form, declaring Park City was the financially responsible party. He asked if Associated had something in writing that would indicate the Park City Carting was going to pay all of the tipping. Council Member Walsh stated that unless Associated had something in writing from Park City Carting, he was assuming that Associated was responsibility. He then suggested that if nothing existed in writing, that the form was filled out fraudulently. Attorney Turooney reminded the Committee that he had exhibited a bill dated April 6th that was addressed to Park City Carting. Attorney Anastasi asked if Associated had any paper to demonstrate that assigning the financial responsibility to Park City was a good faith representation. He asked what business relationship existed on paper between the two companies that led them to make that representation that Park City would pay the bill. Attorney Turooney stated that he felt this might be beyond the scope of this inquiry. Attorney Anastasi replied that he did not think so.

Attorney Anastasi then went on to say that the Committee was there to make a determination as to how to deal with the obligation for the party responsible to satisfy the

obligation at the primary time and the secondary time. He stated that he was not suggesting that the money be collected at this time, and it is interesting to note that there is no interest in using the City facilities, which would make the problem greater in the future. He stated that if Associated had evidence other than the fact that someone filled out the form naming Park City, the Committee would like to hear about it. He stated that this would be part of a contractual agreement and that if and when the City requested this matter be brought to court, that is when the documentation would be produced. He reiterated that this was going well beyond the scope of issue. Attorney Anastasi stated that the City was being asked to re-issue a license. Attorney Turooney stated that if there was a problem, the City should have questioned it a year ago.

Council Member Walsh stated that based on what Associated said was that Park City Carting was responsible for paying the tipping fee. He would have to assume that Park City Carting was the only one that they were dumping for, because if they were dumping for other people they were expecting Park City Carting work that was not Park City Carting. If that was not the case, then Associated would be producing some other type of documentation that would specifically show what, when and how much they dumped, along with evidence of receiving some type of payment from Park City Carting. He concluded with the statement that the City would most likely see that in Court, also.

Council Member Curwen asked Attorney Anastasi if legally, looking at the paper trail, the Committee was being asked to suspend a company license when there needed to be clarification. Attorney Anastasi stated that no one was suggesting that the City handled the situation rightly. Council Member Curwen stated that knowing that on the City's part there were deficient records, legally does the Committee have ground to stand on. Before Attorney Anastasi could answer that question, Council Member Curwen asked Attorney Turooney if he was present to request that the Committee deny the suspension. Attorney Turooney stated that he and his client were present because they received notice to be here. Council Member Curwen pointed out that on the City agenda it stated that this was a hearing for Application for suspension of permit for the collection and hauling of solid waste held by Associated Carting, Inc., not Park City Carting. Attorney Turooney agreed that this was correct. Council Member Curwen asked Attorney Turooney for clarification as to what he wished the Committee to do. Attorney Turooney stated that he was asking the Committee to allow Associated to continue doing business in the City of Bridgeport. Council Member Curwen replied that he had stated he was no longer doing tipping in the City. The Vice President of Associated said that he was no longer going to be tipping in Bridgeport because he had worked out an arrangement with CRRA that was less than what Bridgeport charged. All his company was interested in was being able to renew their license to haul in the City.

Attorney Trachtenburg stated that this hearing was focused on violations regarding non-payment and stated that she did not have a problem waiting another month, having another invoice issued and then if it is not paid, the Committee will have grounds to try this again.

At this time, Attorney Anastasi stated that he would suggest the Committee move into Executive Session for the purpose of receiving legal advice.

**** COUNCIL MEMBER WALSH MOVED TO ENTER INTO EXECUTIVE SESSION IN ORDER TO RECEIVE LEGAL ADVICE REGARDING THE APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY ASSOCIATED CARTING, INC., B-752, B-753, B-754, B-793, B-800, B-805 WITH ATTORNEYS ANASTASI AND TRACHTENBURG.**

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Committee and Attorneys Anastasi and Trachtenburg entered into executive session at 7:50 p.m. The Committee and Attorneys Anastasi and Trachtenburg re-entered into public session at 7:55 p.m.

**** COUNCIL MEMBER CURWEN MOVED TO DENY THE APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY ASSOCIATED CARTING, INC., B-752, B-753, B-754, B-793, B-800, B-805**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

There was a brief discussion regarding the remaining nine cases. Mr. Estrada stated that he would like to formally withdraw Item 12) Application for suspension of permit for the collection and hauling of solid waste held by Greater Bridgeport Transit Authority, B-695 as his office had been in touch with the Transit Authority and started discussion. This was agreeable to all.

**** COUNCIL MEMBER CURWEN MOVED TO SUSPEND THE RULES TO VOTE ON THE REMAINING EIGHT CASES (#1, #2, #3, #4, #5, #6, #10 AND #11) AS ONE ITEM SINCE THERE WAS NO REPRESENTATIVES FROM ANY OF THE GROUPS PRESENT AT THE MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER SILVA MOVED TO SUSPEND THE FOLLOWING LICENSES FOR AN INDEFINITE PERIOD OF TIME OR UNTIL SUCH TIME AS ARRANGEMENTS FOR PAYMENT ARE MADE THAT ARE ACCEPTABLE TO THE DIRECTOR OF PUBLIC FACILITIES:**

1) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY MOORE'S MOVING, B-709.

2) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY RENTALS OF AMERICA, B-678.

3) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY TASTE AND SEE, B-745.

4) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY THRIFTY BOUTIQUE, B-748.

5) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY ORA VINES, B-686.

6) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY MINOR HOME REPAIR, B-664, B-696.

10) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY 4-D ROSE, B-758.

11) APPLICATION FOR SUSPENSION OF PERMIT FOR THE COLLECTION AND HAULING OF SOLID WASTE HELD BY HOSANNA MINISTRY, B-616.

**** COUNCIL MEMBER CURWEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:10 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services.

CITY OF BRIDGEPORT
ORDINANCE COMMITTEE of the CITY COUNCIL
SPECIAL MEETING
WEDNESDAY - MAY 31, 2006

PRESENT: Council members: McCarthy, Silva, Dye, Walsh

ABSENT: Council members: Curwen, Holloway, Lyons

OTHER(s) PRESENT: Council members: DePara, Mulligan

I. CALL TO ORDER

The Chair called the meeting to order at 6:11 p.m.

MINUTES APPROVAL – April 25, 2006

**** COUNCIL MEMBER SILVA MOVED TO ACCEPT THE MINUTES**

**** COUNCIL MEMBER DYE SECONDED**

**** MOTION PASSED UNANIMOUSLY**

96-05 Proposed Amendment to Municipal Code, Title 8 Health and Safety, amended to add new Chapter 8.33 Reduction and Reallocation of Public Safety Personnel

Council member Walsh stated there were small changes made to the amendment that were made at the last meeting (*he distributed copies*). He explained they deleted some information and added other information that was denoted in bold. He said they considered the comments made by Council member Curwen regarding the elimination of personnel, but he thought that prior notification was required under the contract terms.

City Attorney Anastasi said he talked to the co-chair Ed Winterbottom about the matter and two questions were raised:

1. For the collective bargaining agreement, he proposes a consultation with the bargaining unit
2. When it's approved, it's approved without restrictions with the Mayor as the negotiating partner according to Statute-474; but there are no collective bargaining standards regarding layoff.

So there was a concern about violating the agreement if it's approved and needs to be done as a bargaining agreement. He urged the committee to table this matter and invite the labor negotiator to another meeting to discuss the matter.

Council member McCarthy pointed out that he didn't deal with the fire department, so he didn't have any idea what was in the agreement.

City Attorney Anastasi stated it was more an issue of impacting the language of the agreement, so again, he suggested having Ed Winterbottom address it.

Council member Walsh said he didn't see how the resolution conflicted with the language between the fire fighters and the City of Bridgeport. He noted that the resolution only read that there will be a public hearing scheduled within 30-days. He further noted there's a 15-day period at the back end, wherein the city council could take action and pass a resolution urging the city and union to negotiate more. But having a public hearing in no way obstructs the agreement and in fact, he felt it might help facilitate negotiations. Overall, he thought by suggesting to table the matter was just another attempt of the administration to manage the council. City Attorney Anastasi responded that the city council approved the contract, so if they disregard it when it's already been approved, it will restrict the Mayor's authority.

Mr. Ronald Mackey, Fire Department retiree and member of the Union board said that Attorney Anastasi was correct in stating that there should be good faith bargaining in management. Attorney Anastasi said the city doesn't have a duty to negotiate. And he clarified that that word shouldn't be confused with having a consultation.

Council member McCarthy said he had a concern about the impact study as it was outlined in the document. Council member Walsh explained that impact study meant it would include a description of the planned action that will directly impact this geographic area, but it shouldn't have any impact on response time. Council member McCarthy asked if that was something that could be done in-house. Council member Walsh said yes.

Council member Dye asked if in closing any of the firehouses, was an impact study ever done. Council member Walsh explained that they would be looking for written testimony so that everyone was aware of what was being done.

City Attorney Anastasi said that neither the Mayor nor anyone else could close a firehouse without a practical cause. But there was a question of case law indicating that the CT Statute reads that the Mayor has an inherent authority to take the necessary steps to lay off individuals and that is what a firehouse is considered, a layout. But again, he said he needed to research the separation of powers to determine if the area is in control of the executive leader. He once again suggested this matter be tabled for time to do some research.

Council member McCarthy asked if he had a legal opinion yet. Attorney Anastasi said no.

Council member Walsh requested that a vote be taken tonight, noting that Attorney Anastasi could submit his written opinion at a later date and if necessary, they could act accordingly. Attorney Anastasi commented that they could also conduct a public hearing during a committee meeting.

Council member Mulligan commented that he didn't want to bind the Mayor on any kind of official action. He pointed out that they were all well aware that the firehouse was closing, so he thought the city needed the office of power to act. Council member Walsh stated that if there was ever a time to bind the Mayor's hands; it is when people's lives are on the line.

Council member Dye asked Attorney Anastasi what portion of the resolution he didn't like. Attorney Anastasi said it wasn't a matter of not liking it, he had a concern whether it constituted limitations on the chief executive's authority. Again, the authority rests with the Mayor and although it may be a tough decision, he didn't feel this was a matter for the public to vote on.

Council member McCarthy asked about the 45-days required for action to close the firehouse. Council member Walsh said that would be the Mayor's decision to do it whenever. Attorney Anastasi replied that case law doesn't tie into the budget year and most lay offs tie into two time frames; contingent upon the budget and when action needs to be taken. But this doesn't veto the Mayor's action, it merely puts a restriction on the time the Mayor can act. Council member Walsh said he didn't think the financial situation was so severe that they had to worry about the 30 or 45 days time constraint.

Council member McCarthy stressed the importance of knowing the process as it related to time constraints. City Attorney Anastasi said that reserves needed to be replenished, but the longer the delay, the more impact there will be. But there was a concern of preserving the executive office position, in terms of going through the collective bargaining process.

Council member Silva thought it might be best to meet with Ed Winterbottom to gather some more information.

**** COUNCIL MEMBER SILVA MOVED TO TABLE**

****There was no second to the motion***

**** COUNCIL MEMBER WALSH MOVED TO APPROVE**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent Calendar**

****note: the resolution is on file and submitted to the city clerk's office.***

**** COUNCIL MEMBER WALSH MOVED TO ORDER A PUBLIC HEARING PRIOR TO THE
NEXT CITY COUNCIL MEETING**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

147-05 Proposed Amendment to the Municipal Code, amended Sections, 3.08.100, Section 3.08.070 (C) (5) Competitive bidding process and 3.12.130 (B) (4) Small business enterprise program

** COUNCIL MEMBER SILVA MOVED TO TABLE

** COUNCIL MEMBER DYE SECONDED

** COUNCIL MEMBER SILVA RESCINDED HIS MOTION TO TABLE FOR PURPOSES OF DISCUSSION AMONG THE COMMITTEE

Council member Walsh said the committee adopted the resolution that was created by him and Council member Pivrotto and the city attorney agreed with the content. City Attorney Anastasi said that Attorney Pacacha wrote the legal opinion, noting that if they adopted what was proposed, it was prepared.

Council member Walsh referred to a statement in Attorney Pacacha's memo regarding the Board of Public Purchases in relation to the bid bond for less than \$50k. He thought that by implementing this, it gave the board the power to overrule ordinances. City Attorney Anastasi said he thought Attorney Pacacha meant there may be circumstances where the Board of Purchases is only exercising fiduciary authority. But he said he needed Attorney Pacacha to elaborate on the matter and draft the restrictive language.

Council member McCarthy said he preferred that the matter be taken up during committee. And he felt that Attorney Pacacha should be present to address the item. Council member DePara agreed that if they were making such a big change, the drafter of the ordinance also needed to be present to clarify anything.

City Attorney Anastasi suggested approved the resolution as it was, noting that if Attorney Pacacha didn't satisfy the co-chair's questions, then the matter could be taken up on Monday night at the city council meeting. Council member DePara said he had a problem with doing that.

Council member Dye stated that when Attorney Pacacha submitted the draft, he was asked to make the necessary changes that were recommended by the attorney. He asked if there have been any other changes since then. City Attorney Anastasi said he wasn't sure.

Council member Mulligan said he hadn't seen the legal opinion yet. He stressed that as far as drafting ordinances off the floor on the night of a city council meeting, he didn't think that was proper procedure.

Council member Walsh mentioned that he had an e-mail from Dave Cody dated May 1, 2006 regarding comments as they pertained to the original ordinance (*he read the 1st paragraph*) indicating that his office hasn't called in a bid bond for the last two years, although they have used the process to move contractors along. City Attorney pointed out that Dave Cody was not the Board of Purchases.

**** COUNCIL MEMBER WALSH MOVED TO STRIKE THE FOLLOWING LANGUAGE FROM THE RESOLUTION: *IF THE BOARD OF PUBLIC PURCHASES SHALL DEEM IT TO BE IN THE BEST INTEREST OF THE CITY, IT MAY REQUIRE A CERTIFIED CHECK OR BID BOND FOR AMOUNTS LESS THAN FIFTY-THOUSAND (\$50K)***
**** COUNCIL MEMBER DYE SECONDED**

Council member DePara asked Council member Walsh why he wasn't in favor of the bid bond and he questioned why he was striking that wording. Council member Walsh said he and Council member Pivrotto submitted a resolution raising the amount from \$50k to \$100k, but the city council amended that because they thought it was contrary to its intent. However, he was opposed to lowering it to \$50k.

Council member McCarthy reiterated that he thought they should still have Attorney Pacacha address the matter.

Council member Walsh said he thought this committee deserved more respect from administration. Attorney Anastasi stated that if they wanted certain persons to attend their meetings, they should invite them. Council member McCarthy responded that he felt the people in administration should show some interest in attending the meetings, when they get notice of the agenda items.

**** MOTION PASSED UNANIMOUSLY**

Council member McCarthy returned to the original item.

Council member Mulligan asked if this would apply only to city owned businesses as it related to the ordinance. Attorney Anastasi said there was a distinction between bid and performance bond. Performance bond relates to failure to produce and the bid bond relates to failure to live up to the bid. But he had a concern whether it was logical to have the bid bond.

Council member DePara said that before amending the ordinance, he thought that Attorney Pacacha should definitely be present, due to the serious impact of this matter. He stressed that the ordinance will affect so many businesses on a myriad of projects. So again, he thought it was important to have the key people present to address any issues.

Council member Walsh said when they changed the amount from \$50k to \$100k, the city council voted unanimously. Although the ordinance was tailored to be favorable to a select group of people, he said he didn't have a problem with that. But he questioned how much longer this matter should be delayed. Council member DePara agreed that the person(s) that crafted the ordinance should have been present tonight.

Council member McCarthy thought that since this was the first time the item appeared on the agenda, it wasn't really fair to question why the person that crafted it wasn't present tonight. He noted however, that if the item is on the agenda again and the person still doesn't attend to address it, then there may be a problem.

City Attorney Anastasi said if Attorney Pacacha put it together as it was drafted, then he was pretty confident that he had the Board of Purchases approval. So he didn't see any issue with moving the item along tonight.

** COUNCIL MEMBER WALSH MOVED TO ADOPT THE ORDINANCE AS IT WAS AMENDED

** COUNCIL MEMBER SILVA SECONDED

** MOTION PASSED UNANIMOUSLY

*Consent Calendar

**note: the ordinance is on file and submitted to the city clerk's office as amended.*

** COUNCIL MEMBER WALSH MOVED TO SCHEDULE A PUBLIC HEARING

** COUNCIL MEMBER SILVA SECONDED

** MOTION PASSED UNANIMOUSLY

162-05 Proposed Amendment to the Municipal Code, amendment to Ordinance #528-86 Downtown Special Services District

Attorney Anastasi submitted his legal opinion as it pertained to the item (*a copy of it is on file in the city clerk's office book*). He reviewed the opinion as it was written.

Council member Dye updated that the board hasn't acted on the matter yet, noting the purpose was to get action on the pilot payments. Attorney Anastasi said if they referred to Sec. 7-6, the by-laws don't address the ordinance, but in the statute, it addressed the property value in excess of \$7k. But the pilot entails that during a period of time, the obligation to pay taxes is suspended, but the person is still the tax holder of record. The real issue is how the state statute defines voter as it is outlined in Sec. 7-6. He clarified that this item was not in front of the city council for action at this time.

Council member Walsh asked about the wording contained in the memo regarding calling a meeting of voters in specified limits. Attorney Anastasi said that came from the statutory section that governs.

Council member Walsh stated that he would like to include the wording "under-performing property owners also.

Attorney Anastasi explained when you form a taxing district, it involves a group of people voting on how to access taxes.

Council member Walsh asked if the city council could disband a special taxing district. Mr. Phil Kuchma responded that the statute reads that, the property owners must act on the dissolution of the taxing district. Attorney Anastasi read from a document outlining Sec. 329 as it related to the taxing district.

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Mr. Phil Kuchma stated he was on the Committee of the Downtown Special Services. He stated that they had numerous discussion regarding putting together the by-laws committee and what was submitted could be considered to be inequities in voting on a certain downtown business. But he didn't think this had any effect on the city budget. He stressed that there was some confusion about ownership and getting the right to vote. He thought it might be a good idea to table this matter to allow the DDSD to come forward, as well as the property owners of the district. Overall, he didn't think this matter should be acted on.

City Attorney Anastasi said if they were amending the by-laws and they don't conflict with the ordinance, then there was no reason for it to come back to the city. But if he was suggesting amending it, then it would be taken up as a new item.

Council member DePara thanked Mr. Kuchma for forming the AdHoc Committee and he wished him luck.

Council member Walsh said he thought they should table the item because he read some statements that didn't seem to be applicable.

Council member DePara asked Mr. Kuchma to submit copies of the rules to the city council when they were devised.

**** COUNCIL MEMBER SILVA MOVED TO TABLE
** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY**

ADJOURNED

** COMMISSIONER SILVA MADE A MOTION TO ADJOURN
** COMMISSIONER DYE SECONDED
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
SPECIAL MEETING
JUNE 13, 2006**

ATTENDANCE: Robert Walsh, Co-Chair; Carlos Silva, Robert Curwen, Michelle Lyons, Johnnie Dye

OTHERS: Thomas White, Legislative Services; Chris Courtright, Burns and McDonnell Engineering; Albert Cretella, Northeast Utilities & CL& P Project Manager; George Davenport, United Illuminating Project Manager, Michael Feeney, CAO; William O'Brien, Assessor; Jennifer Nacewicz, Mayor's Office; Charles Carroll, Mayor's Chief of Staff; Attorney Melanie Howlett, City Attorney's Office Mark Anastasi, City Attorney; Ned Winterbottom, Labor Relations Director

CALL TO ORDER

Chairman Walsh called the meeting to order at 6:05 p.m. and announced there was a quorum present.

APPROVAL OF MINUTES MAY 31, 2006 (SPECIAL MEETING)

- ** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE MINUTES OF THE MAY 31, 2006 SPECIAL MEETING AS SUBMITTED.**
- ** COUNCIL MEMBER SILVA SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

145-05 - PROPOSED AMENDMENT TO THE MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, AMENDED SECTION 3.16.030 TAX EXEMPTION – NONPROFIT ORGANIZATION.

Chairman Walsh stated that this ordinance has been introduced by Council President Ayala. He then indicated that Mr. O'Brien from the Tax Assessor's office should present the proposal.

Mr. O'Brien requested that the Committee table the matter due to late developing circumstances.

- ** COUNCIL MEMBER CURWEN MOVED TO TABLE 145-05 - PROPOSED AMENDMENT TO THE MUNICIPAL CODE, CHAPTER 3.16 PROPERTY**

TAXES, AMENDED SECTION 3.16.030 TAX EXEMPTION – NONPROFIT ORGANIZATION.

Mr. O'Brien was requested to explain the existing ordinance and the need for the changes. He replied this matter concerns when a leasee rents space from a non-profit organization, there is a question regarding the taxes because the ordinance is poorly written. He stated that he had drafted replacement language, but that some other circumstances had come up. Chairman Walsh wished to know if this would impact the tax collection as of July 1st. Mr. O'Brien stated that the issues would effect July 1st but that they will not have a negative impact on the tax base.

**** COUNCIL MEMBER LYON SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

130-05 - PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 2.36 OFFICERS' SALARIES, AMENDED SECTION 2.36.010 (A) OFFICERS' AND UNAFFILIATED EMPLOYEE SALARIES.

Mr. Feeney presented the proposal to the Committee. *He distributed copies of the Undifferentiated Salary Classification Plan to the Committee.* Mr. Feeney then reviewed the positions that would be upgraded and the salaries of comparable positions in the surrounding towns.

Council Member Silva wished to know how this would affect the current budget. Mr. Feeney replied that by the Charter stated that the positions that were vacant needed to be filled within 150 days. Council Member Curwen asked if the vacant positions would be filled after the new budget year started on July 1st. Mr. Feeney replied that the position would not be filled until after July 1st.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE 130-05 - PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 2.36 OFFICERS' SALARIES, AMENDED SECTION 2.36.010 (A) OFFICERS' AND UNAFFILIATED EMPLOYEE SALARIES BASED ON THE SURROUNDING TOWNS SALARY RANGE EVIDENCE.**

A discussion regarding the salary ranges for the various positions followed. Council Member Silva stated that he was concerned that while he had no problem with the classification changes but felt that the salary increases would be perceived to be raises during a period when the City had stated there would be pay freezes and cut backs in services. Council Member Dye asked if this was driven by the City Charter. Mr. Feeney explained that it was driven by the LUCR. There was a brief discussion on how to present this as a classification realignment with associated compensation.

Chairman Walsh commented that since he could not vote on the matter, he would state that he personally could not support the matter because of the pay freezes and reduction of services during a budget crunch. Council Member Lyon stated that she would be more comfortable with definite ranges.

**** COUNCIL MEMBER CURWEN MOVED TO AMEND HIS ORIGINAL MOTION OF APPROVAL OF 130-05 - PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 2.36 OFFICERS' SALARIES, AMENDED SECTION 2.36.010 (A) OFFICERS' AND UNAFFILIATED EMPLOYEE SALARIES BASED ON THE SURROUNDING TOWNS SALARY RANGE EVIDENCE TO AN AMENDMENT OF COMMUNICATIONS 130-05 TO:**

THREE POSITIONS TO MOVE TO THE NEW SALARY GRID RANGE WITH THE CURRENTLY VACANT TAX COLLECTOR'S POSITION SALARY TO BE NEGOTIATED; THE DIRECTOR OF GRANTS BASE PAY TO BE \$82,991.00, AND THE DIRECTOR OF LUCR TO HAVE A SALARY OF NO HIGHER THAN \$80,000. IN GRID RANGE.

Attorney Anastasi pointed out that the Committee's range only extended to approving the classification upgrades, not to setting the salaries. The salaries were at the discretion of the Mayor.

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED WITH THREE IN FAVOR (SILVA, DYE AND CURWEN) AND ONE OPPOSED (LYON).**

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE 130-05 - PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 2.36 OFFICERS' SALARIES, AMENDED SECTION 2.36.010 (A) OFFICERS' AND UNAFFILIATED EMPLOYEE SALARIES BASED ON THE SURROUNDING TOWNS SALARY RANGE EVIDENCE AS AMENDED.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED WITH THREE IN FAVOR (SILVA, DYE AND CURWEN) AND ONE OPPOSED (LYON).**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

173-05 - PROPOSED AMENDMENT TO THE MUNICIPAL CODE, CHAPTER 8.80 NOISE CONTROL REGULATIONS.

Attorney Howlett presented the proposed amendment and stated that with the upcoming statewide project, the noise ordinances would prevent any work from being done. *Attorney Howlett distributed copies of the CL & P work hours to the Committee.* Chairman Walsh asked if this had been cleared with the Police Department. Attorney Howlett stated that she had spoken with the Police Chief and it is not under their jurisdiction. Currently, the construction of the 345-power line is slated to begin in July. The noisy portion of the project, which involves the cutting of the asphalt, will be done during the daytime. *Attorney Howlett then distributed copies of the UI work hours schedule to the Committee.*

When asked about how the rates in Bridgeport would change because of this project. Mr. Davenport replied that while there would be rate increases, the amount of power available would increase, so the net gain and loss were very close. The project will also bring revenue to Bridgeport.

Attorney Howlett reviewed the three project stages, which include the ground breaking (noisy); spooling (quiet) and the restoration (quiet). A discussion about the project and the decisions by the State Legislature followed.

Mr. Davenport and Mr. Cretella reviewed the maps showing where the lines would be laid and where the substation building would be located. Council Member Curwen stated that he was concerned about the restoration of the streets after the lines were laid because of the mess from when the gas lines were installed. Mr. Davenport stated that the utilities were required to follow Directive 93.1 when on State roads, which requires one full lane to be repaved. Mr. Cretella stated that when the work was being done on State roads, the utilities intended to follow the state guidelines for repaving and when on City roads, the City ordinances will be followed. Attorney Howlett added that inspectors from a third party will be on site to represent the City's interest when this is being done. These inspectors will be paid for by the utilities. She stated that it was important to bring the entire project to the Council rather than to bring it piece meal.

**** COUNCIL MEMBER SILVA MOVED TO APPROVE 173-05 - PROPOSED AMENDMENT TO THE MUNICIPAL CODE, CHAPTER 8.80 NOISE CONTROL REGULATIONS.**

**** COUNCIL MEMBER CURWEN SECONDED.**

Chairman Walsh pointed out that section 10 of 8.80.05 needed to remain in the ordinance. Attorney Howlett replied that the State DEP wants uniform noise levels throughout the State, which is why Section 10 was being removed.

Council Member Curwen left the meeting at 7:10 p.m.

Chairman Walsh suggested that 8.80.05 be approved with the language from Section 10 and the paragraphs be renumbered to make Section 10 Section 9.

**** COUNCIL MEMBER SILVA RETRACTED HIS MOTION TO APPROVE 173-05 - PROPOSED AMENDMENT TO THE MUNICIPAL CODE, CHAPTER 8.80 NOISE CONTROL REGULATIONS.**

**** COUNCIL MEMBER SILVA MOVED TO APPROVE 173-05 - PROPOSED AMENDMENT TO THE MUNICIPAL CODE, CHAPTER 8.80 NOISE CONTROL REGULATIONS AMENDED WITH THE LANGUAGE FROM SECTION 10 AND THE PARAGRAPHS BE RENUMBERED TO MAKE SECTION 10 SECTION 9.**

**** COUNCIL MEMBER DYE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER DYE MOVED TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER SILVA MOVED TO ADJOURN.**

**** COUNCIL MEMBER DYE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE of the CITY COUNCIL
TUESDAY - JUNE 27, 2006**

ATTENDANCE: Council members: McCarthy, Silva, Curwen, Walsh

ABSENT: Council members: Dye, Holloway and Lyons

OTHER(s): Council members: Paloletto and Pivrotto
Tom Sherwood, Alana Kabel, Attorney Melanie Howlett

I. CALL TO ORDER

The Chair called the meeting to order at 6:09 p.m.

Approval of Minutes – June 13, 2006 (Special Meeting)

** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

84-05 Proposed Amendments to Municipal Code, Chapter 10.24 Impoundment of Vehicles, Section 10.24.030 Immobilization and Impoundment, amend subsection A and B, and add new subsection C

Council member McCarthy updated that the Police Commission passed something different and that Police Commissioner Hall requested to speak on the matter, but he was unable to attend tonight.

** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

172-05 Proposed Amendments to Municipal Code, amend Chapter 3.25 Urban Rehabilitation Homeownership Tax Deferred Program

Associate City Attorney Howlett explained that this item pertained to a change of who will administer the HUD program. The program was refunded by HUD and it used to be administered

by Mike Freimuth, but now the new administrator Alana Kabel will do it. She said the matter was discussed with City Attorney Anastasi and Attorney Trachtenburg, so it's only a housekeeping matter to change the name of the entity to monitor the funding from OPED to the Director of Housing. She stated that a legal opinion would be submitted by Wednesday, June 28.

Ms. Kabel further explained details of the program that she said remained the same, it's an existing program. Again, they were only changing who would be in charge of the program. She further explained the program consisted of six (6) targeted communities and one pool for those communities. She noted that New Haven was already active in the program. Attorney Howlett said she would send out a letter by July 5.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE PENDING A LEGAL OPINION WITH THE MODIFICAITON REQUIRED TO REFLECT THE NEW ADMINISTRATOR AND TO SCHEDULE A PUBLIC HEARING PRIOR TO THE NEXT CITY COUNCIL MEETING**
**** COUNCIL MEMBER SILVA SECONDED**
**** MOTION PASSED UNANIMOUSLY**

*Consent calendar

198-05 Proposed Amendment to Municipal Code, amend Section 2.36.010 Officers' and unaffiliated employee salaries to add new subsection B

Council member Walsh stated that his resolution was just a rough draft, noting that since employees aren't covered by a collective bargaining agreement, he would like mandatory drug testing for those with access to a city vehicle during the course of work during the day or for a take home vehicle.

Council member McCarthy said that City Attorney Anastasi indicated he didn't have a chance to review the resolution and that he will need to do it.

Mr. Sherwood asked if this pertained to commercial vehicles. Council member McCarthy said yes.

Council member Walsh stated that the testing was in accordance with the CT State Statute, outlining that the city can enforce that policy.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE**
**** COUNCIL MEMBER SILVA SECONDED**
**** MOTION PASSED UNANIMOULSY**

199-05 Proposed Amendment to Municipal Code, amend Section 3.16.110 Real Property Tax Relief and Maximum

Mr. Sherwood explained that they adopted a senior tax break, but they needed to change the ordinance to allow the credit that will be \$600.00 to \$800.00.

** COUNCIL MEMBER CURWEN MOVED TO APPROVE
** COUNCIL MEMBER SILVA SECONDED

Council member Walsh asked if this represented an increase by one-third. Mr. Sherwood said yes, noting that there were approximately 1,850 people that qualified for the tax credit. Council member Curwen added that \$1 million was put into the budget to cover it.

Council member Walsh asked if the tax credit also applied to motor vehicles. Mr. Sherwood said he thought it only applied for real property.

Council member McCarthy asked if there was a way to generate a list of names of people who qualified. Mr. Sherwood thought the Tax Assessor could provide a list.

There was a question on whether it was applicable on a whole tax increase or just a cap. Mr. Sherwood said it was a capped amount.

There was a question on whether it would be a continuous policy. Mr. Sherwood said yes, people could apply for it each year.

** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING PRIOR
TO THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

*Consent calendar

200-05 Proposed Amendment to Municipal Code, amend Section 15.10.020 Building Permits to be withheld due to delinquent taxes and users fees

Council member McCarthy stated that this ordinance was sent through the city council at the last meeting. He said that City Attorney Anastasi was on vacation, so there wasn't a legal opinion yet, but the matter would be addressed.

Council member Paoletto explained that he signed on as a co-sponsor of the ordinance, but that Council member Pivrotto spearheaded the idea and did the work. He further explained that they
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passed a resolution barring people from getting a building permit if they owed back taxes. The matter pertained to his and Council member Pivrotto's districts in regard to a handicap woman who needed a lift installed. She had an agreement with the Tax Collector, so Council member Pivrotto contacted Council member Walsh and himself about the issue. So although there was no legal opinion submitted, he said he wanted to present the item *(he read the resolution into the record – to be submitted to the city clerk's office)*. He commented that a lot of work went into devising the resolution.

Council member Silva questioned whether the section number, noting that it read Section 15.08.020 on the resolution or whether it should read 15.10.020. Council member Paoletto stated it was a clerical error. Council member Pivrotto thought the correct section number should be 15.10.020, noting it would be verified. And a legal opinion would be submitted before a decision was made.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE PENDING A LEGAL OPINION**

Council member Pivrotto stated there were a lot of emails back and forth between City Attorney Anastasi, Attorney Liskov and the Fair Housing Office; so they tried everything before they submitted the resolution.

Council member McCarthy said that if a legal opinion wasn't submitted before the next city council meeting, the item wouldn't officially be on the agenda.

Council member Walsh echoed that the resolution was very narrowly defined, which made it more concrete and not as broad.

Council member Curwen thanked Council member Paoletto for speaking on behalf of Council member Pivrotto and pointing out the work she did.

Council member Curwen repeated the motion...

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE PENDING A LEGAL OPINION
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING PRIOR
TO THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY**

***Consent Calendar**

**201-05 Proposed Amendment to Municipal Code, Title 3 Revenue and Finance, amend to
add new chapter 3.50 Establishment of Special Fund for Expending Employee**

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Health, Worker's Compensation, Prescription Drug and Other Health Related Benefits

Mr. Sherwood recalled that at the budget meeting, they had Scully & Wolf explain using an internal service fund. This takes the risk off the general fund and stabilizes what the MER is for the state, so there is no worry of actual claims at year end. So they took all the health care items and split them into two groups; and they took all the BOE and retirees and put them in a BOE account. And then they put nutrition in the nutrition budget. They needed to sup up an internal service fund to expend all the city account lines to zero, in order to establish funds in the special revenue category. And then each year there will be a policy procedure with the committee to look at what happens at year end and to set the contribution fund for the next year. So it was very basic and it stabilizes the general fund overall; and it also allows them to plan to keep the fund whole.

Council member Curwen asked if there was anything in writing. Mr. Sherwood said he distributed the information at the last city council meeting. He gave Council member Curwen a copy for his review.

Council member Walsh said he had a concern about membership of the board not being defined by ordinance. Mr. Sherwood pointed out that the resolution should read *"The fund will adhere to the general Policy & Procedures as enacted"*. Council member Walsh said but they established memberships of the board through the board's actions, i.e., a member by title is defined by ordinance not procedures. Mr. Sherwood replied that the city attorney devised the wording.

Council member Walsh stated that the WPCA specifically names the members of public facilities. In other words, it should define the members who oversee the fund. He said he would also prefer to see some outside input as well. Perhaps two people from the city council or those that have knowledge of the field.

Mr. Sherwood said he wasn't sure until he saw the actuary reports, whether it was better to get experience from a carrier. He wasn't sure if there would be claims based on the actuary rate. He said if it didn't get to the fund by July 1, he didn't have any authority to set it up.

Council member Walsh said he spoke to Dick Hewitt and a member of the BOE and he was told that a special meeting was already scheduled, but Mr. Hewitt wasn't present tonight to express his concerns. Mr. Sherwood said that Mr. Hewitt was part of a meeting in the past. Council member Walsh thought there may be a problem down the road if they approved this arbitrarily. Mr. Sherwood repeated that if they didn't hit the July 1 target, once they start paying out of the account, it will be a problem.

Council member Walsh was adamant that he would rather have seen everything done prior to the council meeting. Mr. Sherwood reiterated once again that it needed to be approved to establish the fund and set up the account fund by July 1.

Council member Curwen agreed that the Budget Committee put the item in the budget with the hopes of establishing the fund to stabilize health care. He said regardless whether the BOE was on City of Bridgeport

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board or not, the Budget Committee decided to do this for the betterment of Bridgeport. He said he spoke to Mr. Hewitt and Dr. Ramos twice and they didn't express any problems. He thought if there was an issue, someone should have been present tonight. He further felt that it's been wholeheartedly proven that the BOE doesn't know how to use their gosh darn money!

Mr. Sherwood stated there would always be absent modifications, but again, they were looking to establish the fund and transfer to set up the general fund. He noted the last time he spoke to Mr. Hewitt was during May.

Council member Walsh repeated his concerns with methodology and legality. In that, if it's not approved, then it becomes a matter of the city telling the BOE of how to spend their money. Mr. Sherwood said this was done so there is no risk on health care. They need to budget what the change is to the contribution to make it whole.

Council member Curwen said the Budget Committee and the City Council dictate what's done with the fund. And in addition, if they establish an ordinance, they can dissolve an ordinance and pull the plug if it's not working.

Mr. Sherwood emphasized that Mr. Hewitt never once voiced a concern to him about the matter, since they adopted the budget.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE PENDING LANGUAGE MODIFICATIONS I.E., TO MAKE MEMBERSHIP PART OF THE ORDINANCE**

Council member Walsh expressed that he would like to see the matter tabled or that he would vote against it.

Council member McCarthy stated that if there wasn't a legal opinion in the city clerk's office by Wednesday, the item would not be on the next city council agenda.

Council member McCarthy read the modifications requested (*correct wording to be submitted to the city clerk's office*).

Motion #1

**** COUNCIL MEMBER CURWEN MOVED TO AMEND THAT A COUNCILMEMBER DESIGNATED BY THE CITY COUNCIL PRESIDENT BE APPOINTED TO OVERSEE THE FUND**
**** COUNCIL MEMBER SILVA SECONDED**
**** MOTION PASSED WITH TWO VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER WALSH)**

Motion #2

**** COUNCIL MEMBER CURWEN MOVED TO MAKE GENERAL POLICY AND PROCEDURES PART OF THE ORDINANCE FOR SECTION 3.50.030**
**** COUNCIL MEMBER SILVA SECONDED**

** MOTION PASSED WITH TWO VOTES IN FAVOR AND ONE VOTE IN OPPOSITION
(COUNCIL MEMBER WALSH)

Motion #3

** COUNCIL MEMBER CURWEN MOVED TO APPROVE PENDING LEGAL OPINION
AND NOTIFICATION OF A PUBLIC HEARING PRIOR TO THE NEXT CITY COUNCIL
MEETING

** COUNCIL MEMBER SILVA SECONDED

Council member Curwen clarified that if a legal opinion wasn't submitted by Wednesday, the item wouldn't be on the next city council agenda.

Mr. Sherwood stated that he would contact Mr. Hewitt to assure there were no issues. He will send all the committee members an email with the outcome.

** MOTION PASSED WITH TWO VOTES IN FAVOR AND ONE VOTE IN OPPOSITION
(COUNCIL MEMBER WALSH)

ADJOURNED

** COUNCIL MEMBER CURWEN MOVED TO ADJOURN
** COMMISSIONER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE of the CITY COUNCIL
PUBLIC HEARING
MONDAY - JULY 3, 2006**

ATTENDANCE: Council members: McCarthy, Curwen, Lyons, Walsh

ABSENT: Council members: Dye, Holloway and Silva

I. CALL TO ORDER

The Chair called the meeting to order at 6:05 p.m.

- 1)** Proposed amendment to Municipal Code of Ordinances: Amend Chapter 3.25 Urban Rehabilitation Homeownership Tax Deferred Program. (172-05)

The Chair asked if there was anyone present to speak in favor

The Chair asked if there was anyone present to speak against

Hearing None

** **COUNCIL MEMBER CURWEN MOVED TO CLOSE THE HEARING**
** **COUNCIL MEMBER LYONS SECONDED**
** **MOTION PASSED UNANIMOUSLY**

- 2)** Proposed amendment to Municipal Code of Ordinances: Chapter 3.16 Property Taxes, Article II Real Property Tax Relief for Senior Citizens, amended Section 3.16.110 Real property tax relief and maximum. (Item # 199-05)

The Chair asked if there was anyone present to speak in favor

The Chair asked if there was anyone present to speak against

Hearing None

** **COUNCIL MEMBER CURWEN MOVED TO CLOSE THE HEARING**
** **COUNCIL MEMBER LYONS SECONDED**
** **MOTION PASSED UNANIMOUSLY**

- 3) Proposed amendment to Municipal Code of Ordinances: Chapter 15.08 Building Permits and Fees, amended Section 15.08.020 Building Permits to be withheld due to delinquent taxes and user fees. (Item # 200-05)

The Chair asked if there was anyone present to speak in favor

The Chair asked if there was anyone present to speak against

Hearing None

** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE HEARING
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY

- 4) Proposed amendment to Municipal Code of Ordinances: Title 3 Revenue and Finance, amend to add new Chapter 3.50 Establishment of Special Fund for Expending Employee Health, Worker's Compensation, Prescription Drug and Other Health Related Benefits. (Item # 201-05)

The Chair asked if there was anyone present to speak in favor

The Chair asked if there was anyone present to speak against

Hearing None

** COUNCIL MEMBER LYONS MOVED TO CLOSE THE HEARING
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY

ADJOURNED

** COUNCIL MEMBER LYONS MOVED TO ADJOURN
** COMMISSIONER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
JULY 25, 2006**

ATTENDANCE:

STAFF:

OTHERS: William Cosgrove, Deputy Fire Marshal

The meeting was scheduled to begin at 6:00 p.m. At 6:10 p.m., Councilman Thomas Mulligan came in and informed us that the meeting had been cancelled.

The secretary waited until 6:30 p.m. and then departed.

Respectfully submitted,

Linda J. Hayes
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
of the CITY COUNCIL
TUESDAY - AUGUST 22, 2006**

ATTENDANCE: Council members: McCarthy, Curwen, Dye, Silva, Walsh

ABSENT: Council members: Lyons, Holloway

OTHERS: City Attorney Anastasi, Mike Feeney; CAO, Ned Winterbottom; Dir. Labor Relations, Ed Lavernoch, Deputy Dir. OPED

I. CALL TO ORDER

The Chair called the meeting to order at 6:15 p.m.

Approval of Minutes June 27, 2006

** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY

Approval of Minutes July 3, 2006 Public Hearing

** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY

101-05 Request that a summary statement of the City's overall fiscal condition accompany tax bills beginning January 2007.

Council member Mulligan stated this matter was substantively similar to the Budget-101 seminar presented that he attended along with the general public at Housatonic College. And while there were a lot of city officials there, it was a sparse turnout. However, there was an idea that they should distribute information to citizens regarding the budget that will give a financial picture of the city's status. He said he talked to Mr. Sherwood and Mr. Lupkus and neither had a problem with doing this. The Acting Tax Collector said it wouldn't be impossible to do, but they would have to add staff to process the mailings. They are still proposing to send a letter with the tax bill and also have the information on the website beginning January 2007.

Council member McCarthy asked if he had a copy of the proposal. Council member Mulligan said he had a draft copy. Council member McCarthy asked him to submit that to the city clerk's office. Council member Mulligan read the resolution as it currently existed. He indicated the portion he wanted to strike and the text he wanted it to be replaced with as follows:

Excise the language} **"accompany each tax bill mailed by the Tax Collector for the installment of real estate, motor vehicle or personal property tax due** - Replace with the following language **"be placed on the City's website"**.

Add at the end an additional sentence that reads: **"There shall be added to all tax bills issued by the City, a referral to the taxpayer of this statement on the website"**.

Council member Mulligan said they should also consider disclosing any unfunded pension and medical liabilities in the future.

Council member Curwen asked the purpose of why he was requesting that the resolution become effective in January. Council member Mulligan said it was because the audit would be completed by then. And they will be able to provide the OPM statement to the citizens. He noted that if they preferred it be effective in July, there wouldn't be an audited figure and the numbers might be inaccurate.

Council member Dye asked if the website would be updated as the change takes place. Council member Mulligan said no, but they would be obligated to present the information by January 2007.

Council member Dye asked if they would be able to create an automatic letter. Mr. Feeney explained that when they get the tax bills, the current system is automated to do the mailings, but it doesn't have the capability to insert anything inside. But they could do individual window envelopes that will change the entire process. However, with the current system, that would be almost impossible to do.

Council member Dye said he liked the idea, but he thought there was a chance that many people wouldn't get the notice, because they don't have a computer.

Council member Mulligan said they weren't looking to make the process very expensive.

Council member Walsh said he had two observations: 1. No matter how the ordinance was worded, he didn't know of any Mayor that wouldn't paint a flowery picture of the city's fiscal situation. And when someone gets a tax bill, they will wonder why the tax has gone up. Also, due to the fact that people also receive other tax bills, he didn't think many people would be receptive to the new process.

Council member Walsh asked Mr. Feeney if they could add information to the website to direct people to visit the city's website for a financial status. Mr. Feeney said he thought they could do that.

Council member Mulligan said that although the new process may anger the taxpayer's, the important thing was to provide the information.

Council member Curran said that she supported Council member Mulligan's resolution. She said that regardless of the reaction they might get, it was important to have the numbers out there and give the people an opportunity to get involved in city government.

**** COUNCIL MEMBER WALSH MOVED TO APPROVE THE AMENDED RESOLUTION
SUBMITTED BY COUNCIL MEMBER MULLIGAN
** COUNCIL MEMBER DYE SECONDED**

Council member Curwen stated that an excerpt should be added to the amendment, that it should indicate on the old tax bills, a line referencing the city's website for a financial breakdown.

**** COUNCIL MEMBER CURWEN MOVED TO AMEND THE AMENDMENT THAT THERE
BE A LINE ADDED ON THE OLD TAX BILLS TO REFERENCE THE CITY'S WEBSITE
FOR A FINANCIAL BREAKDOWN
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

*Consent calendar

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE THE AMENDED ITEM
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING PRIOR
TO THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

130-05 Proposed Amendment to Municipal Code, Chapter 2.36 Officers' Salaries, amended Section 2.36.010(A) Officers' and unaffiliated employee salaries.

It was noted that Council member McCarthy would abstain from participating in this discussion. Council member Walsh assumed the role of chair.

Council member Walsh stated that this ordinance would upgrade salaries for three (3) positions in the city, noting the information would be submitted by Mr. Feeney.

Mr. Winterbottom addressed the item, stating that it was a proposal to change three salaries:

- o Tax Collector – move the salary to the executive management class
- o Central Grants Director – move the salary to the executive management class
- o LUCR Director

He distributed copies of the report outlining the salaries ranges for the three positions. He reviewed the Grants Director salary in comparison to other municipalities. He noted that the list outlined the salary ranges, indicating the lowest to the highest range for the position.

Council member DePara asked if there was an upward change in an effort to keep the Grants Director on board. Mr. Winterbottom said yes.

Council member DePara asked if the Grants Director had been approached by another municipality. Mr. Winterbottom replied yes.

Mr. Feeney said there was a concern whether or not the salary would go to the top of the range.

Council member DePara asked if there were monies to cover the changes proposed. Mr. Feeney said yes. He added that Mr. Sherwood put in a proposal to the Budget Committee for it.

Council member DePara asked where the monies were coming from. Mr. Feeney said it would come internally from an allocation of salaries through the tax collector's office. He explained there was a position in the Tax Collector's Office that was vacant and if it isn't filled, it would be considered lag money. And next year the matter would be brought up during the budget process.

Council member DePara questioned how there was a lag, if the position has already been brought up to meet her duties. Mr. Feeney said he could provide specific information regarding the differential. Mr. Winterbottom said the differential that would be paid, wouldn't make up the total tax collector salary.

Council member Walsh mentioned that the budget transfer came before the budget approval. And the matter of the Grants Director salary was tabled at the last Budget Committee meeting.

Council member Curwen clarified there was money in the budget under the contingency account line item.

Council member Curran concurred that the item should be tabled. She said she didn't understand the conflict between the Ordinance Committee and the Budget Committee. Attorney Anastasi explained they couldn't pay a salary without the ordinance being amended and the funds being made available.

Council member Curran asked the amount of the salary increase. Mr. Winterbottom said it would go from \$74,973.00 to \$82,991.00.

Council member Walsh added that the Grants Director received a pay increase on October 21, 2004 from \$64,647.00 to \$74,943.00, and the high range was \$94,265. He felt that once that

was approved and if another person in the department left, then the Grants Director salary could be raised to \$94,265.00

Council member Curran stated that they needed to exercise caution and setting precedence. She pointed out they needed to exercise the same salary structure. She went on to say that in reference to Council member Lyons resolution that salaries are meted out via inter-department, she recommended the matter tabled. She said she didn't think it was the committee's position to give out salary increases.

Council member Walsh questioned the Grants Director current salary and the date it became effective. Mr. Winterbottom said it became effective during the year 2004. Council member Walsh further questioned the percentage of the increase in relation to the time span. Mr. Winterbottom said the trend has been $2\frac{1}{2} > 2\frac{1}{2}$ percent.

Council member DePara asked what the duties of the Grants Director was. Mr. Winterbottom said it was a higher-level position that reports to the Mayor.

Council member Walsh asked if the salary ranges reflected the position or the person. Mr. Winterbottom responded that the ranges reflected the position, but in cases where a person has an affect on the position and when responsibilities are changed, then they may want to move the salary from one range to another.

Council member Curwen commented the position was two years behind on the contract, so it should represent a 5% increase.

Council member Mulligan asked when the new contract was resolved, could the increase be as high as \$86k. Mr. Winterbottom said that was correct.

Council member Mulligan asked if there was any type of statistical data to indicate how much money has flowed into the city, through the efforts of the Grants Director. Mr. Feeney said millions of dollars have been brought in.

Council member Mulligan asked if there was a precise analysis reflecting the last three years. Mr. Feeney said that information was available.

Council member Curran reiterated that Council member Lyons resolution came out of the process and it was her contention that a salary be funded inter-department. Also, she thought that if the City of Stamford was going to be used as a comparison, they should have a job description and salary range in order to make a true comparison of the value and worth of the position.

Council member Curwen asked if the committee was taking the three positions individually or dividing them. Council member Walsh thought it would be best to divide them individually, noting there were many options to either table them individually or hear them individually.

**** COUNCIL MEMBER CURWEN MOVED TO SEPARATE THE THREE POSITIONS DISCUSSED UNDER ITEM 130-05 INTO THE FOLLOWING:**

- 130-05A - DIRECTOR of GRANTS
- 130-05B - TAX COLLECTOR
- 130-05C - LUCR DIRECTOR

**** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY**

Council member Walsh returned to the matter of the Grants Director salary increase. He asked if there was a motion.

**** COUNCIL MEMBER SILVA MOVED TO TABLE ITEM 130-05A DIRECTOR of GRANTS SALARY INCREASE**

**** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY**

Council member Walsh moved on to **item 130-05B, the Tax Collector's position**. Mr. Winterbottom reviewed the comparables information on last page in the handout. He reviewed the lowest to highest ranges for this position, noting that the proposal was to change the salary from \$74k to \$81k. He said they tried to find a candidate in the current salary range, but they were unable to find a qualified person.

Council member Silva asked what the base range would be. Mr. Feeney explained there wasn't a base range. He said they would advertise the position from \$82.9k to \$94.2k, noting it was important to fill the position with someone aggressive that could handle the duties and use the technology to its fullest. But the high-end offer of \$94.2k would depend on the qualifications of the person that applies for the job.

Council member DePara asked if they were able to provide copies of Stamford's job description. Mr. Winterbottom said he could get that information.

Mr. Feeney expressed that it wasn't an easy position to fill, noting the Tax Collector at times receives a lot of abuse.

Council member Curwen pitched the position to note that as the Budget & Appropriations Committee Chair, it was found that the Tax Collector was in the 70% percentile range for DMV collections. So he understood the need that the person selected should do a thorough job. As for the Tax Assessor, he has helped stabilize the collection rate, so it's due process to put someone that is thoroughly qualified in that position. He went on to say that he would support the proposal since they are not hiring a Tax Collector until September. He thought the pay raise savings would be seen by not hiring until then. But the need to go forward with tax collections was crucial, especially for those that are very delinquent in motor vehicle taxes. He urged approval of the request, noting that it fell in the auspices of in-house funding.

Council member Dye asked what they were actually seeking for the position. Mr. Feeney said it was a civil service job description and the new position has been updated. He said he would provide a copy of it.

Council member Dye asked about the interviewing process. Mr. Feeney said it would fall under the civil service with a competitive examination. They will screen for the three best candidates, but they haven't found anyone yet that meets the minimal qualifications.

Council member Walsh asked the number of people that report to the Tax Collector. Mr. Winterbottom said it was between 10 and 12.

Council member Walsh stated when they compare Bridgeport to Norwalk or Stamford, you go by population. He questioned where Bridgeport would fall in comparison. Mr. Winterbottom said it was done by population.

Council member Walsh asked if Stamford or Norwalk sold tax liens. Mr. Feeney said he wasn't sure. Council member Walsh asked if there was any expectation the Bridgeport Tax Collector could implement that. Mr. Feeney said he wouldn't recommend it. He added that he would like to publicize the most recent delinquencies.

Council member Curwen asked what the former Tax Collector's salary was. Mr. Winterbottom said it was \$81,795 and they were advertising the position at \$94.2k

** **COUNCIL MEMBER CURWEN MOVED TO APPROVE**

Council member DePara asked when they ran the advertisement, was it in the \$74k to \$81k range and now they would run the ad to indicate a salary between \$82.9k and \$94k. Mr. Feeney said that was correct, but again, the exact offer would depend on the qualifications of the person.

Council member Silva asked if they had three candidates in the last round. Mr. Feeney said they had several applications but they didn't meet the qualifications.

Council member Dye asked if a salary offer could top out at the highest salary of \$92k. Mr. Feeney said it could, depending on the person's experience, travel involved and technical experience.

Council member Dye thought that most jobs maximized at mid-point range, so he thought the matter of hiring the Tax Collector at close to \$100k, with no guarantee of their performance could be risky.

Council member Curran asked if a master's degree was required for the Tax Collector's position. Mr. Feeney said the job description was embedded in the state statute and they must have or should be pursuing other degrees.

Council member Curwen asked if it was possible to keep the mid-range salary no higher than \$87k or below from a fiscally prudent aspect. He said he concurred with Council member Dye's concern.

Mr. Feeney acknowledged the comment. He stated that Bridgeport was the largest municipality with the most tax delinquencies.

Council member Mulligan expressed that it probably wasn't a good idea to bind the executive. He said it was most important to employ the right person in view of the fact that the city could see thousands of dollars in delinquencies being recovered.

** COUNCIL MEMBER CURWEN MOVED TO APPROVE
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING PRIOR
TO THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY

Council member Walsh moved on to item 130-05C, the LUCR Director position. Mr. Winterbottom reviewed page 3 of the handout. He indicated the current salary for this position was \$64,407 by charter. He noted the building official's and zoning administrator's salaries as they were outlined.

Council member Silva questioned how this position called for supervising two other people, but those people were getting more money than the LUCR person. Mr. Winterbottom said the LUCR Director typically wasn't asked to perform many of the responsibilities called for by charter, but he will be required to do them now. So the level of responsibility needs to be in line with the salary.

Council member Silva stated that the Zoning Administrator recently retired, so there was a question whether a portion of his salary would be use towards the LUCR position. Mr. Feeney said the Zoning Administrator position wouldn't be eliminated and they weren't downgrading the position. Mr. Feeney clarified that the LUCR Director duties would change, but the Zoning Administrator's wouldn't

Mr. Winterbottom said the salary range was \$75k to \$85k for the former Zoning Administrator, but the new person would start at the bottom range.

Council member Curwen recalled the item was tabled because they were looking for a new set of job duties and the Budget Committee felt it was prudent that the position be equitable. He said he would move to approve the proposal contingent upon the job duties and where it falls in the organizational chart of the city.

Council member Curwen stressed that there weren't enough minority administrators' in Bridgeport and they needed to be mindful of paying them equal to the value they are held up to. He further stressed the LUCR Direction was a minority and has been underpaid for years.

Mr. Winterbottom reviewed the LUCR Director responsibilities as they were outlined in the charter (*he read them into the record*).

Council member Curwen asked if the building official reported to the LUCR. Mr. Winterbottom said not currently, but he will. Council member Curwen said he would like to see that in writing when it becomes effective.

Council member Walsh said he was perplexed because they were being told that position paid \$64,407.00 that is the low-end range. He questioned why the Mayor didn't move the salary to the high-end range. He further questioned if the LUCR Director was hired based on charter or otherwise, noting he was confused how this happened.

Council member Dye asked how the matter came about. Mr. Feeney said it came out of OPEG when the matter of how to handle staffing was reviewed. Mr. Lavernoich stated that the LUCR person was originally hired as a Planner in the Planning Department. He had assurances by the Mayor that the position would be upgraded in salary and jurisdiction to reflect what was in the charter, but that was never done, although he had all the qualification and a degree from an accredited university.

Mr. Winterbottom stated to be equitable, the LUCR Director's position would need to be above the Zoning Administrator's position, which is \$75,727.00 and the Building Official's position that is \$73,418.00, in view of the fact that he will be in a supervisory position. He added that the zoning and building officials were union positions. He clarified the building official's responsibilities weren't changing, only the reporting arrangements and supervisory changes.

Council member Curwen thought the Zoning Administrator could possibly be given a downgraded position. Mr. Lavernoich stated that the LUCR position meant to foster land use within the city along with whatever else is covered under the charter, but it won't lessen the zoning and building officials responsibilities. He pointed out that due to development projects in the city, to take away the coordinator of the zoning office and downgrade the position, would diminish his capacity of responsibility. He further pointed out that the zoning office was already understaffed.

Council member Curwen returned to the LUCR position and the expansion of administrative duties in a supervisory capacity.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE ITEM 130-05C LUCR DIRECTOR SALARY CONTINGENT UPON THE FOLLOWING:**

- 1. SUBMITTAL OF A JOB DESCRIPTION**
- 2. A COMPREHENSIVE LIST OF THEIR DUTIES**
- 3. INDICATION OF WHERE THE INDIVIDUAL FALLS IN THE NEW ORGANIZATIONAL CHART**

**** COUNCIL MEMBER DYE SECONDED**

Council member Curwen said that once this is made official, the LUCR Director would have to deal with the Zoning Administrator and Building Department Official, because they will fall under LUCR guidelines. And ultimately, the matter may come back to the Budget Committee.

Council member DePara questioned what Council member Curwen hoped to accomplish by requesting the information. Council member Curwen said there was a large disparity the way the city functions in comparison to the charter, so by getting the information, they can hold them accountable to the charter. He noted the LUCR salary seemed to have been underpaid by approximately \$10k.

Council member DePara what would happen if the information wasn't to their liking. Council member Curwen said then they could vote it down at council.

Council member DePara asked if there were steps going to be taken to enact a policy that salary discrepancies don't persist in the future. Mr. Feeney replied yes, there was a clear intention to carry out the charter as it is outlined.

Council member Curwen requested that a copy of the charter be provided to the committee members for review. Mr. Winterbottom said he would supply it.

**** COUNCIL MEMBER CURWEN MOVED TO ADD THAT THE CURRENT VACANCY IN THE DEPARTMENT OF THE ZONING ADMINISTRATOR FELL INTO THE AUSPICES OF COVERING THE LUCR SALARY INCREASE, SINCE THAT POSITION WASN'T EXPECTED TO BE FILLED FOR A FEW MORE MONTHS**
**** COUNCIL MEMBER DYE SECONDED**
**** MOTION PASSED UNANIMOUSLY**

Council member DePara stated they should clarify what they were doing, in terms of taking money from positions not filled yet. He said although the persons may be qualified, the city should take a look at all positions, so the city council is not caught off guard to increase a line item to attract other candidates, resulting in trying to make up for past mistakes.

**** MOTION PASSED UNANIMOUSLY (*final vote to the first motion made above*)**

*** Consent calendar**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING PRIOR TO THE NEXT CITY COUNCIL MEETING**
**** COUNCIL MEMBER SILVA SECONDED**
**** MOTION PASSED UNANIMOUSLY**

198-05 Proposed Amendment to Municipal Code, Chapter 2.36 Officers' Salaries, amend Section 2.36.010 Officers' and unaffiliated employee salaries to add new subsection B.

Council member Walsh stated they needed a legal opinion on this item. City Attorney Anastasi said it would be forthcoming, but that they could pass the item in committee and then it could be added to the next city council agenda.

Council member Walsh explained that when the item came before the committee, he recalled the item was requested to be tabled to allow time for the legal opinion to be completed. Attorney Anastasi said the matter was superseded by the Reform Committee to address the new drug policy.

Council member Walsh stated that not knowing what the Reform Committee was doing and if it was a question of a policy vs. an ordinance, he thought an ordinance would hold greater strength. Secondly, if there was a question of whether they can enforce it under state law, then he suggested that anyone who has access to a take home vehicle should sign a waiver. He said he would prefer that an ordinance be created.

City Attorney Anastasi stated that he was waiting to clarify the correct category as it pertained to a take home vehicle policy. Also, they need to identify instructions on how to proceed; due to the CDO licenses etc. He said a concern of the state was that the regulations applied statewide as it relates to take home vehicles. But little distinction could be drawn that wouldn't apply to other municipalities. There is also a larger matter of whether the state has pre-empted the field to determine when and where. Again, he said he needed to do more homework in checking with the state. So he suggested the matter be tabled to ensure that they weren't violating a person's due process.

Council member Walsh thought that the city could require that a person sign a consent form for a take home vehicle. Attorney Anastasi said that due to state law, they couldn't make it a condition that the employee resides in the city. If it's a matter of certain safety positions and if they have a CDO license, then it's a matter of people signing a waiver. Council member Walsh said that with the group of people covered, they are not part of the collective bargaining agreement.

Council member Walsh stated that he would agree to the item being tabled for one more meeting. But he emphasized that if they were told they couldn't do it, and then he would recommend and end to take home vehicles all together. He also noted that when a person has an accident with a city vehicle, it's policy that that person be tested for substances. It was clarified that only pertained when an accident is involved.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE**
**** COUNCIL MEMBER DYE SECONDED**
**** MOTION PASSED UNANIMOUSLY**

219-05 Proposed Resolution to amend Tax Incentive Development Program Ordinance
Chapter 3.20.

Mr. Lavernoich stated this resolution was to propose an amendment to a 16-year old ordinance. The ordinance was created in 1990 and amended a couple of times. But they ignored problems in terms of redundancies, incorrect citations etc., so they attempted to streamline the process to be more user friendly. But there was an issue of affordability in view of the housing. He noted that Council members DePara, Ayala, Valle and Bill Coleman and Kathy Hunter served o the Ad Hoc Committee.

Council member Curwen stated that he hadn't seen a document yet. Mr. Lavernoich said he submitted it at last month's meeting.

Mr. Lavernoich reviewed the portions that were removed in brackets and the portions that had been substituted were underlined.

Council member McCarthy asked if there was a time issue with this item. Mr. Lavernoich said they would have other pending applications in the fall, so they were trying to include affordability in them. He also pointed out there were things in the ordinance that were outdated. However, the matter didn't have to be approved this month or in September.

Council member McCarthy updated that Mr. Lavernoich had been trying to get this item on the agenda for a while now, but it kept getting delayed. However, he said he wasn't comfortable approving the item tonight until everyone had a chance to read over the document. He suggested scheduling a special meeting or putting the item on the September agenda.

**** COUNCIL MEMBER DYE MOVED TO TABLE THE ITEM AND SCHEDULE A SPECIAL
SESSION MEETING ON A DATE TO BE DETERMINED
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY**

ADJOURNED

** COUNCIL MEMBER CURWEN MADE A MOTION TO ADJOURN
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
PUBLIC HEARING
SEPTEMBER 5, 2006**

ATTENDANCE: Thomas McCarthy, Co-chair; Michelle Lyons, Johnny Dye,
Robert Curwen, Carlos Silva.

OTHERS: Ralph Jacobs, Civil Service Personnel Director, Charles Coviello,
Barry Piesner.

CALL TO ORDER

Chairman McCarthy called the meeting to order at 6:11 p.m. He then announced that there was a quorum present and read the public notices as published in the newspaper for the record.

Let it be noted that the following comments and remarks by all speakers have been summarized and are not necessarily verbatim.

1) Proposed amendment to Municipal Code of Ordinances: Amend Chapter 2.36 Officers Salaries, amended Section 2.36.010(A) Officers and unaffiliated employees salaries. (Item # 130-05(b) -Tax Collector)

Chairman McCarthy opened the public hearing at 6:15 p.m. He asked if there was anyone present to speak for the matter.

Mr. Ralph Jacobs, the Civil Service Personnel Director for the City, came to the podium and introduced himself to the Committee. He then reviewed the search and application process for the position of Tax Collector. The post, he reminded everyone, had been vacant for a number of months. During that time, two searches have been conducted and only three qualified candidates have been located. Mr. Jacobs pointed out that the ordinances require that he present the Mayor with three candidates following an examination by a group of tax collectors. Because of this, Mr. Jacobs felt that the scope of the search needed to be broadened to nationwide and that the salary grade needed to be increased.

Council Member Dye asked Mr. Jacobs how many candidates he had located in total. Mr. Jacobs replied that he had a total of four candidates who had not yet been examined by the group of tax collectors. Council Member Dye asked how much a national search would cost. Mr. Jacobs replied he believed it would cost \$2,000.

Chairman McCarthy then asked if there was anyone present who wished to speak against the matter.

Mr. Charles Coviello came to the podium, introduced himself and stated that he resided at 73 Broad Street. Mr. Coviello stated that he was against the increase in salary because of the budget constraints and also because a national search had not been done at this time. He also questioned whether or not the Connecticut Conference of Municipalities (CCM) had been contacted. Council Member Curwen assured Mr. Coviello that CCM had indeed been contacted for information.

Mr. Barry Piesner came to the podium next and stated that he resided at 378 Mansfield Street. He then asked what the salary range was for the position. Mr. Jacobs replied that he did not have that information with him. Mr. Piesner then asked why a public hearing was being held if the City was unclear about how much it was raising the salary. He pointed out that the Board of Education's budget had been limited, the City was selling off properties, taxes had been raised and that positions and budgets had been cut because of the financial situation. Mr. Piesner questioned why the City was raising salaries when it was having such difficulties raising money. He concluded by stating that he felt there was an agenda behind the qualification requirements.

As there was no one else present to speak for or against this matter, Chairman McCarthy closed the public hearing on the proposed amendment to Municipal Code of Ordinances: Amend Chapter 2.36 Officers Salaries, amended Section 2.36.010(A) Officers and unaffiliated employees salaries. (Item # 130-05(b) -Tax Collector) at 6:20 p.m.

2) Proposed amendment to Municipal Code of Ordinances: Amend Chapter 2.36 Officers Salaries, amended Section 2.36.010(A) Officers and unaffiliated employees salaries. (Item # 130-05(c) - LUCR Director)

Chairman McCarthy opened the public hearing at 6:20 p.m. He asked if there was anyone present to speak for the matter. Hearing none, he then asked if there was anyone present to speak against the application. Hearing none, Chairman McCarthy closed the public hearing on the Proposed amendment to Municipal Code of Ordinances: Amend Chapter 2.36 Officers Salaries, amended Section 2.36.010(A) Officers and unaffiliated employees salaries. (Item # 130-05(c) - LUCR Director) at 6:25 p.m.

3) Proposed amendment to Municipal Code of Ordinances: Chapter 2.18 Collector of Taxes, amended to add new Section 2.18.060 Mailing of Tax Bills To include City financial status information. (Item # 101-05)

Chairman McCarthy opened the public hearing at 6:25 p.m. He asked if there was anyone present to speak for the matter.

Council Member Thomas Mulligan came to the podium and stated his address for the Committee. He informed the Committee that he had co-authored the bill. After speaking with the Tax Collector's office about having the financial information included when the taxes were mailed, Council Member Mulligan stated that the proposal had been amended to have the information available on the City Web Site. He then thanked the Committee for their time.

Chairman McCarthy then asked if there was anyone present to speak against the application. Hearing none, Chairman McCarthy closed the public hearing on the proposed amendment to Municipal Code of Ordinances: Chapter 2.18 Collector of Taxes, amended to add new Section 2.18.060 Mailing of Tax Bills To include City financial status information. (Item # 101-05) at 6:27 p.m.

ADJOURNMENT

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN**
**** COUNCIL MEMBER SILVA SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:27 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
SEPTEMBER 26, 2006**

ATTENDANCE: Robert Walsh, Co-chair; Robert Curwen, Michelle Lyons,
Carlos Silva

STAFF: Attorney Melanie Howlett, City Attorney's Office

OTHERS: Letitia Colon, Council Member; Thomas Mulligan, Council
Member,
Kristine Hazzard, Center for Women and Families President &
CEO; Philip J. Dwyer, CCC YMCA President & CEO; Peter
Keogh, Parking Violations Administration; William Cosgrove,
Acting Fire Marshal, Brian Rooney, Bridgeport Fire Chief, David
Hall, Police Commission, Andres Ayala, Council President, Sal
Rio

CALL TO ORDER

Chairman Walsh called the meeting to order at 6:17 p.m.

APPROVAL OF MINUTES OF AUGUST 22, 2006

- ** COUNCIL MEMBER SILVA MOVED TO APPROVE THE MINUTES OF
AUGUST 22, 2006 AS SUBMITTED.**
- ** COUNCIL MEMBER CURWEN SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES OF SEPTEMBER 5, 2006

- ** COUNCIL MEMBER SILVA MOVED TO APPROVE THE MINUTES OF
SEPTEMBER 5, 2006 AS SUBMITTED.**
- ** COUNCIL MEMBER CURWEN SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

**84-05 Proposed Amendment to Municipal Code, Chapter 10.24 Impoundment of
Vehicles, amend Section 10.24.030 Immobilization and Impoundment subsection A
and B, and add a new subsection C.**

*Attorney Howlett distributed copies of the proposed Amendment to the members of the
Committee. She informed the Committee that she had contacted the Police Commission
regarding the proposed changes to the Municipal Code and that it was the consensus of
the Commissioner that they did not want the vehicles owned by the disabled towed for*

any reason. Commissioner David Hall then addressed the Committee and said that the Commission felt that it was fine for the Police to write a violation ticket, but that the Commission felt it was extreme hardship for a disabled person to have his or her vehicle towed.

Regarding the language of the new proposed Section C, Atty. Howlett reviewed the language.

Any vehicle that properly displays a current state license plate or placard issued for a person with disabilities or a disabled veteran, pursuant to Sections 14-253a and 14-254 of the General Statutes of Connecticut, is exempt from this ordinance as it pertains to penalties for overdue metered parking violations only.

Atty. Howlett explained that the Police Commissioners preferred that the Subsection end after the word “ordinance”.

Chairman Walsh expressed his concerns about having vehicles belonging to disabled residents towed. Fire Chief Rooney stated that he was concerned about vehicles belonging to disabled people being parking in fire hydrant zones. It was generally agreed that in this type of situation, the Fire Department could remove the vehicles as needed.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE THE PROPOSED AMENDMENT WITH THE LANGUAGE IN THE NEW SECTION C TO READ AS FOLLOWS:**

ANY VEHICLE THAT PROPERLY DISPLAYS A CURRENT STATE LICENSE PLATE OR PLACARD ISSUED FOR A PERSON WITH DISABILITIES OR A DISABLED VETERAN, PURSUANT TO SECTIONS 14-253A AND 14-254 OF THE GENERAL STATUTES OF CONNECTICUT, IS EXEMPT FROM THIS ORDINANCE.

**** COUNCIL MEMBER LYONS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Chairman Walsh stated that this item should be placed on the consent calendar.

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING ON THIS ISSUE BEFORE THE NEXT FULL CITY COUNCIL MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Police Commissioner Hall thanked the Committee for their time and attention to this matter.

145-05 Proposed Amendment to Municipal Code, Chapter 3.16 Property Taxes, amend Section 3.16.030 - Tax exemption - Nonprofit organizations.

Chairman Walsh asked if anyone was present from the Tax Assessor's office to address this issue. There was no one in attendance from the Tax Assessor's office.

**** COUNCIL MEMBER SILVA MOVED TO TABLE 145-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, AMEND SECTION 3.16.030 - TAX EXEMPTION - NONPROFIT ORGANIZATIONS.**

**** COUNCIL MEMBER CURWEN SECONDED.**

Chairman Walsh commented that although there was no one present from the Tax Assessor's Office, there were members of the public present to speak on the issue and also informed the Committee that The Women's Center has started litigation against the City on this matter.

**** COUNCIL MEMBER CURWEN WITHDREW HIS SECOND.**

**** COUNCIL MEMBER SILVA WITHDREW HIS MOTION TO TABLE.**

Ms. Hazzard introduced herself to the Committee and stated that she is the President and CEO of The Center for Women and Families, a nonprofit located in Bridgeport. She stated that she had met with members of the Council years ago about this matter and that the Center has been paying taxes for the last two years. Following a meeting with the Mayor, Mr. O'Brien and other City officials some eight months ago, Ms. Hazzard was told that the issue would be resolved, but it has not been. Therefore, she has been forced to file suit against the City on this matter. Ms. Hazzard also commented that when her organization files their paperwork with the City, they do not receive any kind of notification or documentation that the City has accepted and approved their nonprofit status. The only time that they are notified is when they have not been approved.

Mr. Dwyer introduced himself to the Committee and stated that he is the President and CEO of the CCC YMCA. Mr. Dwyer stated that this ordinance deals with a very narrow segment of nonprofits. He explained that the YMCA runs a child care center in the Women's Center and therefore is a leasee. He also stated that the YMCA owns the Colby Center and leases part of it to the Bridge Academy. These events occurred before Mr. O'Brien began as Tax Assessor.

A copy of the proposed Amendment was distributed to the Member of the Committee. Atty. Howlett stated that she had not been aware of this document and that she would review it with Atty. Anastasi promptly. When the question as to whether Bridgeport was the only municipality that has this type of ordinance, Ms. Hazzard stated that her organization had contacted a group of pro bono lawyers in Westchester when the issue

first arose. The lawyers had done a search on this and concluded that Bridgeport was in fact, the only municipality that had this type of legislation at the time.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE 145-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, AMEND SECTION 3.16.030 - TAX EXEMPTION - NONPROFIT ORGANIZATIONS.**

**** COUNCIL MEMBER LYONS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

204-05 Proposed Amendment to Municipal Code, addition to Title 8 Health and Safety relative to restrictions on use of outdoor cooking/heating devices.

Chief Rooney introduced himself and reviewed the circumstances around a fire that occurred last summer that destroyed nineteen units in a condo complex. He stated that the Fire Department had initiated the investigation, but that the insurance company had taken it over and was still working on it. Chief Rooney explained that the Fire Department believes the fire was started by a gas grill left unattended on a balcony. The proposed amendment would prohibit the use of any type of outdoor cooking or heating device within ten feet of a multiple family dwelling. Fire Marshall Cosgrove stated that currently there are different ordinances that govern the use of grills and other outdoor cooking devices, which depend on the type of device used. By having an overriding ordinance which covers all the various types of devices (hibachis, gas fired grills, charcoal grills, etc.) it settles the matter.

Council President Ayala stated that while he understood the concerns expressed by the Fire Department, he also had to comment that he felt this might be an infringement on the rights of the residents. Council Member Colon agreed. She said that she would want to check with her constituents before voting for this amendment. Council Member Lyons commented that the fire had taken place in her district and she would also have to check with her constituents on this proposal. Council President Ayala pointed out that this proposal would affect most of the residents of the City, who live in multiple family dwellings rather than single-family dwellings.

Chief Rooney suggested that perhaps having a common area in the condo units where the residents could grill safely might be the answer. Fire Marshall Cosgrove stated that by the very fact that the residents had propane tanks on their balconies, State Law had been violated because it forbids bringing any amount over a one-pound camping stove propane bottle into a building. Therefore, just transporting the propane canister from the car to the balcony leaves the resident in violation.

Following the discussion on this matter, Chairman Walsh indicated that there was a member of the public present who wished to speak. Mr. Rio identified himself as a member of the Board of Directors from Foxledge Condominiums. Chairman Walsh

explained that it was not the regular procedure to allow members of the public to speak but if the Committee wished to do so, he was willing to allow it.

**** COUNCIL MEMBER SILVA MOVED TO SUSPEND THE RULES ALLOW MR. RIO TO SPEAK TO THE COMMITTEE ON THIS ISSUE.**

**** COUNCIL MEMBER LYONS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Rio explained that while their condo association has rules against charcoal grills, gas grills are allowed. He stated that he was speaking not as a Board Member but on behalf of the residents. Mr. Rio pointed out that each unit in the condo complex has indoor cooking devices and that these were gas. He also pointed out that his next-door neighbor had a grease fire on his stove recently. Mr. Rio felt that this ordinance would infringe on the rights of the condo residents, although he respectfully acknowledged the Fire Department's concerns.

Chairman Walsh stated that his place of employment sells gas grills which run upward around \$2,000 - \$3,000 dollars and for some people, their gas grills are significant financial investments. Fire Marshall Cosgrove reiterated his point about having the propane tanks in the buildings. Council Member Curwen stated that he was happy that the Fire Department was being proactive on this issue but also that he would stand with his colleagues in not supporting this proposed amendment.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE 204-05 PROPOSED AMENDMENT TO MUNICIPAL CODE, ADDITION TO TITLE 8 HEALTH AND SAFETY RELATIVE TO RESTRICTIONS ON USE OF OUTDOOR COOKING/HEATING DEVICES.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

256-05 Proposed Amendment to the language regarding minority contractors.

Atty. Howlett explained that Atty. Pacacha had received a handwritten document regarding this issue, but that it was not ready for presentation at this time.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE 256-05 PROPOSED AMENDMENT TO THE LANGUAGE REGARDING MINORITY CONTRACTORS.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN.**

**** COUNCIL MEMBER LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:37 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
PUBLIC HEARING
OCTOBER 2, 2006**

ATTENDANCE: Thomas McCarthy, Chairman, Michele Lyons, Johnnie Dye,
Robert Curwen

CALL TO ORDER

Chairman McCarthy called the meeting to order at 6:57 p.m.

84-05 Proposed amendment to Municipal Code of Ordinances: Chapter 10.24 Impoundment of Vehicles, amend Section 10.24.030 Immobilization and Impoundment subsections A and B, and add a new subsection C.

Chairman McCarthy opened the public hearing on 84-05 at 6:57 p.m.

He then asked if there was any member of the public present to speak for the matter. When there was no response, he repeated the question two more times. Chairman McCarthy then asked if there was any member of the public present to speak against the matter. When there was no response, he repeated the question two more times.

Seeing that there was no member of the public to speak for or against the matter, Chairman McCarthy closed the public hearing on the Proposed amendment to Municipal Code of Ordinances: Chapter 10.24 Impoundment of Vehicles, amend Section 10.24.030 Immobilization and Impoundment subsections A and B, and add a new subsection C at 6:59 p.m.

**** COUNCIL MEMBER LYONS MOVED TO CLOSE THE PUBLIC HEARING ON 84-05 PROPOSED AMENDMENT TO MUNICIPAL CODE OF ORDINANCES: CHAPTER 10.24 IMPOUNDMENT OF VEHICLES, AMEND SECTION 10.24.030 IMMOBILIZATION AND IMPOUNDMENT SUBSECTIONS A AND B, AND ADD A NEW SUBSECTION C.**

**** COUNCIL MEMBER DYE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN.**

**** COUNCIL MEMBER DYE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Chairman McCarthy adjourned the meeting at 7:00 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
TUESDAY - OCTOBER 24, 2006**

ATTENDANCE: Council members: McCarthy, Curwen, Dye, Silva, Walsh

OTHER COUNCILMEMBERS: Ayala, Curran, DePara, Rodgerson

OTHERS(s): City Attorney Anastasi, Associate City Attorney Liskov,
B. O'Brien, Tax Assessor

Council member McCarthy called the meeting to order at 6:21 p.m.

Approval of Committee Minutes of September 26, 2006

** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

Approval of Committee Minutes of October 2, 2006

** COUNCIL MEMBER SILVA MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY

145-05 Proposed Amendment to Municipal Code, Chapter 3.16 Property Taxes, amend
Section 3.16.030 – Tax exemption – Nonprofit organization.

Council member McCarthy distributed copies of a draft for informational purposes.

Mr. O'Brien stated that he was neither opposing nor proposing the matter. He said he was present to address the current ordinance and wording. He said he was asked to participate in composing the wording to clarify the existing ordinance, to be more definitive with respect to the intention of it and to prevent any abuse of it. So his participation related to the possibility of changing the ordinance.

Council member McCarthy asked what the issue was at play, in terms of non-profit organizations. Mr. O'Brien said there was a local ordinance based upon the adaptation of the CT State Statute 1281-58. The current ordinance arose as to the Assessor's interpretation as to exclusive use and users who may not meet the current ordinance.

Council member McCarthy asked him if he was talking about non-profits that have a tax exemption and are leasing space to other non-profits, which then opens them up to taxation. Mr. O'Brien said that was correct, noting that the current ordinance allows them to lease on the basis of the current property, but alternatives were devised to address partial property leasing.

Council member McCarthy asked if there was a threshold to go from partial to full taxation. Mr. O'Brien said it wasn't a question of purpose or intent, but more a question of the rental of the structure or property. He went on to say that the state statute allows for a local option, but the wording doesn't relate to that. It currently reads that the property must be used entirely by a non-profit or other charitable organization.

Council member McCarthy asked if this then put some non-profits in a quandary if they are taxed and leasing to other non-profits. Mr. O'Brien said yes, that situation may occur.

Council member McCarthy asked based on the request, what was the thumbnail on Alternative-1 and Alternative-2. Mr. O'Brien reviewed Alternative-1 that leaves the authority with the Tax Assessor with legislature in place. Alternative-2 pushes the responsibility or authority to the city council, which is okay, but this will enable legislation to be done at the state level, so it's a matter of timing and other factors.

Council member McCarthy asked what the process would be for Alternative-1 if the authority is left up to the Tax Assessor. Mr. O'Brien said it allows up to a 50% threshold to provide an incentive for total acquisition. And it precludes non-profits for the purposes of renting out space. Council member McCarthy asked how much more than 50% does it have to be. Mr. O'Brien said the lessee makes the filing and then shows the lease to indicate they are not renting more than 50%, but once it goes over that, it becomes taxable.

Council member Walsh asked about Alternative-1 and if what is meant is if it's a building and a non-profit that owns for a period of time, and they have mothballed 55% of the building until they grow into it, before it is fully taxed. Mr. O'Brien said yes.

Council member Walsh stated he wanted to present an alternative amendment.

Council member Curwen asked who the maker of the alternatives was. Mr. O'Brien said he was. Council member Curwen said if he composed them, why did he state that he wasn't here to advocate them. Mr. O'Brien said he was present because he had experience dealing with the issue.

Council member Curwen asked how he decided what's assessed and what isn't. Mr. O'Brien said he did the assessments, but it wasn't his intention to be strictly difficult in a situation. He said he would look at either the net or the gross and if it became a question of being on the line, then he would give the benefit of the doubt and go with the exemption.

Council member Curwen questioned if they could add an excerpt to allow the city council to decide where flexibility should be. Mr. O'Brien said they could do that.

Council member Curwen asked how the city council could provide influence to help him make the decisions. Mr. O'Brien explained what he attempted to do with the 50% consideration. He noted that these types of situations competed in the marketplace, sometimes unfairly. For example, if an

organization is allowed to rent at a low market rate. But the city council can do what they want with respect to that.

Council member Curran questioned if rent is being collected and if it's considered more of a user fee for a minimal requirement to keep the space running. Mr. O'Brien said that was correct. And in cases such as this, the court considers it rent with respect to exemptions and allowance thereof. Although they recognize one non-profit can't allow another non-profit to economically rent a space without paying rent.

Council member Curran said so this allows user fees **not** to be considered rent. Mr. O'Brien said that was correct.

Council member McCarthy asked what the user fees consisted of. Mr. O'Brien said they couldn't say for instance that they will pay heat and a light management fee of 50%; that wouldn't be acceptable. The purpose is to avoid taxation to allow exemption.

Council member McCarthy asked if a non-profit A rented under 50% to non-profit B and they were paying heat etc., this will not be considered a lease payment. Mr. O'Brien said that was correct.

Council member McCarthy asked what happens if a non-profit owes a mortgage payment, such as a prorated share, would they be exempt. Mr. O'Brien said no.

Council member Walsh recalled what was on the books originally was convoluted language that led many to believe the language was incorrectly written in to meet the circumstance to benefit one non-profit and in a case where the lease will be tax exempt. But the confusion is if they leased to anyone and didn't meet the requirement. Attorney Liskov said there wasn't an ordinance on the books until the current ordinance was passed.

City Attorney Anastasi addressed the old ordinance. He said it wasn't intended to be geared to one entity. It applied to subsidiaries of a company, the point being that it was all one entity to limit liability. But what they are doing now will open it up to broaden the scope to share space with other non-profits, but not become landlords.

Council member Walsh questioned the people present that were representing a non-profit organization. He asked them when the ordinance was changed, did they start getting taxed. The response was yes.

Council member Walsh distributed copies of his substitute amendment *and read it into the record as follows:*

3.16.030 Tax exemption-Nonprofit organization.

Pursuant to the authority set forth in Section 12-81 (58) of the General Statutes of Connecticut, as amended, real property shall be exempt from property tax provided all of the following requirements are met:

- A. The real property is owned by a charitable, religious or nonprofit organization, exempt from federal income tax;
- B. The real property, **or a portion thereof**, is leased to a charitable, religious or nonprofit organization, exempt from federal income tax (the "lessee");
- C. The **portion of the** real property **that is leased to the lessee** is used exclusively for the purposes of the lessee;
- D. The tax assessor shall provide the council with a report every six months stating the impact to the city from this tax exemption. (Ord. dated 9/3/02: Ord. dated 5/21/90: prior code § 28-5)

Council member Walsh clarified that only new language was added in bold type and none of the old language was stricken. He further stated that 50% was an arbitrary amount to allow, because he felt it artificially manipulated the market place. City Attorney Anastasi disagreed with the statement. Council member Walsh stated that if they restricted it at 50%, it may force non-profits into buildings for profit.

Council member McCarthy asked for clarification on Council member Walsh's amendment and if it entailed that if it is a non-profit organization, they could rent to another non-profit organization. Council member Walsh said that was correct.

Council member Walsh thought the new language proposed by Mr. O'Brien was an effort to limit non-profits who can benefit. He noted that he researched other towns and he didn't find any indication of a 50% limit. Council member McCarthy asked if he looked at the City of New Haven or Hartford. Council member Walsh said he only did a general research, not specific towns. Mr. O'Brien said that New Haven didn't exercise the ordinance at all; but they do tax non-profits if a non-profit rents from another non-profit.

Council member Walsh didn't think New Haven was a good comparison, due to Yale University being the biggest landowner. City Attorney Anastasi stated that Yale was also on a PILOT.

Council member Walsh said he stood by his substitute amendment.

Council member Curwen thought there should be limitations due to the fact that Bridgeport is in the high 40% percentile that is nontaxable. He thought there needed to be some limitations, although he agreed that some nonprofits needed protection, but there are others that are just doing this for the purpose of self-benefit.

Council member Walsh commented that what is nontaxable is not tax exempt.

Council member Curwen suggested the language change be titled Alternative-3 to include Council member Walsh's amendment. He asked Mr. O'Brien his thoughts about the new language. Mr. O'Brien said there should be some prohibition to provide an incentive.

Council member McCarthy asked if there were any nonprofits paying now that wouldn't if they went with Council member Walsh's amendment. City Attorney Anastasi said that would be reflective of today's and the future impact. Mr. O'Brien said time would tell, but based on what is currently in the City of Bridgeport

marketplace with respect to the desire to acquire property, he thought there might be a significant impact.

Council member McCarthy asked if there was any nonprofit paying now, who would cease to pay if they approved the ordinance. Mr. O'Brien said the impact may be substantial if they based it on future revenues.

**** COUNCIL MEMBER WALSH MOVED TO APPROVE 3.16.030 TAX EXEMPTION-NONPROFIT ORGANIZATION.**

Pursuant to the authority set forth in Section 12-81 (58) of the General Statutes of Connecticut, as amended, real property shall be exempt from property tax provided all of the following requirements are met:

- A. The real property is owned by a charitable, religious or nonprofit organization, exempt from federal income tax;
- B. The real property, **or a portion thereof**, is leased to a charitable, religious or nonprofit organization, exempt from federal income tax (the "lessee");
- C. The **portion of the** real property **that is leased to the lessee** is used exclusively for the purposes of the lessee;
- D. The tax assessor shall provide the council with a report every six months stating the impact to the city from this tax exemption. (Ord. dated 9/3/02: Ord. dated 5/21/90: prior code § 28-5)

-There was no second to the motion-

Council member Dye how much of a financial difference there was between Alternative-1 and Council member Walsh's amendment. Mr. O'Brien said he wasn't sure. Council member Curwen commented that there has to be some impact.

Council member Curwen asked how many nonprofits would be impacted if Alternative-1 was in place. Mr. O'Brien said one (1) organization would be affected.

Council member Ayala stated they needed to look at the intrinsic value of nonprofits and the services they provide. He mentioned that we don't see high rise centers going into 90-acre plots of land. But what he does encounter during Economic Development meetings is trying to divvy up money to go towards nonprofits so they can continue the services they provide that the city doesn't. He further expressed he had some difficulty accepting the idea that people are coming into Bridgeport to run a nonprofit. Although they have plenty of nonprofits, again, they are providing more than their fair share of services. He further stated that they needed to provide a balance to measure what's better, i.e., if they put 50% into the ordinance to get the tax dollars, then for those they push, they need to question whether they are doing a service or disservice.

Council member DePara questioned if the issue involved just a few nonprofits. Mr. O'Brien said yes, noting that it wouldn't be an issue if they could put them into the PILOT, but they can't.

City Attorney Anastasi stated there was a way to recognize the contribution of nonprofits if they occupy space for their own use, then they are exempt. But the question is if they are renting out to

another nonprofit.

Council member Curran asked if it was helpful to increase the percentage to 60%. Mr. O'Brien said that wouldn't address the issue on Kossuth Street. Again, there is no such ordinance in New Haven and they seem to work with it. However, the ratio of 50% is to discourage an investment of real property for income purposes.

Council member McCarthy stated this issue has been discussed for a while now, so there was a question if they were comfortable making a decision tonight.

Council member Walsh stated there were two or three lawsuits pending due to the interpretation of the ordinance. Attorney Liskov said those cases will be tried and the judge will decide the interpretation. He noted there was only one tax appeal for the YMCA. But he stood corrected when the representative from Center for Women and Families said they were also up on a tax appeal.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE FOR THE PURPOSE OF WAITING FOR THE OUTCOME OF THE LAWSUITS SETTLEMENTS**

City Attorney Anastasi asked if they adopted Alternative-1, would it moot out both pieces of litigation. Mr. O'Brien said it wouldn't for the YMCA, but it would cover the other three nonprofits.

Council member Curran stated that if the ordinance was amended or not, it could give breathing room and avoid the time and trouble of a lawsuit. She thought Mr. O'Brien was trying to ameliorate the process; she questioned why they should let the court settle it.

Council member McCarthy agreed that if there should be taxation, then they should wait until the lawsuits are resolved and then make a decision based upon that.

Council member DePara asked if they would be able to see in writing, the impact the ordinance might have. Mr. O'Brien said probably not, because it's based on the future.

Council member Walsh suggested an amendment to the amendment *to read:*

"MORE THAN 20% OF REAL PROPERTY IS BEING USED EXCLUSIVELY BY THE LESSOR FOR EXEMPT PURPOSES AS OUTLINED IN THE LESSOR'S FILING BY THE TAX ASSESSOR"

i.e., they are allowing up to 80% to be used by a nonprofit.

Mr. O'Brien returned to Council member Curwen's previous question and stated there was an indication of other nonprofits to find locations with this type of ordinance.

Council member Dye asked what the amendment would mean. Mr. O'Brien said then the YMCA would off the list.

Council member McCarthy asked if they took the new amendment and in six months, the matter

could be reviewed. And if changes were found, then they will react to them at that time.

Attorney Liskov questioned the effect this would have to appeal the ordinance if it was reduced by estoppel, especially if they relied upon the ordinance being there.

Council member McCarthy said if they gave 20% they wouldn't be able to go back and repeal and they may have a claim against them, because essentially they forbade them from buying the property.

City Attorney Anastasi suggested the language could be reviewed periodically and they could reserve the right to amend it as deemed necessary (*he noted he would draft the language*).

**** COUNCIL MEMBER CURWEN MOVED TO AMEND THE ORDINANCE WITH THE CITY ATTORNEY'S LANGUAGE TO BE INCORPORATED. THE LANGUAGE SHOULD BE SUBMITTED BEFORE THE NEXT SCHEDULED CITY COUNCIL MEETING**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

198-05 Proposed Amendment to Municipal Code, Section 2.36.010 Officers' and unaffiliated employee salaries, amend to add new subsection B.

Council member Walsh stated that Sub-section B involved take home vehicles per drug/alcohol testing as it pertained to the Committee on Reform. He said they added additional language relative to take home vehicles. It was clarified they were amending the ordinance by substituting the document for the prior document.

**** COUNCIL MEMBER WALSH MOVED TO TABLE**

**** COUNCIL MEMBER CURWEN SECONDED**

Council member Curwen said he wanted to address the aspect to include the police and fire departments. Council member Walsh said he wasn't sure if they were considered a taxable benefit. Attorney Anastasi said if it's a marked police vehicle it's not.

Council member Curwen further stated they needed to make it mandatory if screening is refused that that will be considered an admission of guilt. City Attorney Anastasi said that was covered under the State statute. He said he would research the matter and lay it out in the amendment.

**** MOTION PASSED UNANIMOUSLY**

286-05 Proposed Amendment to Municipal Code, amend to add new Chapter 2.121 Bridgeport Democracy Fund.

Council member Rodgeron stated that the State of Connecticut approved a PILOT for three municipalities to engage public financed elections and the state delegation voted to approve it, but they were never informed of its existence. However, there are a couple of components to the program and they need to enact an ordinance. And the City of New Haven will be involved in the

program but it's a complicated process to apply. He explained that it establishes a funding threshold for mayoral elections that will eliminate PACT money. *Council member Rodgerson noted the ordinance was submitted to the city clerk's office. Attorney Anastasi stated he hasn't seen the document yet*

Council member Rodgerson went on to say they have a qualifying mechanism that consists of four candidates and they put out an RFP every four years and there is an administrator to oversee the process. It was noted that it was locally funded as it's structured now.

Council member Curwen questioned if it's a state PILOT, why the need for municipal funding.

Council member DePara asked where the funding was coming from. Council member Rodgerson said it comes out of the budget at a cost of \$200k that would be appropriated annually. He stressed this would eliminate PACT money entirely from the mayoral race and it will allow matching donations. The amendment would include a requirement to raise hundreds in contributions, but it will take undue influence out of the entire electoral process. So although the cost is \$200k per year, it will alleviate the question of how many favors to a mayor would cost. Overall, it gives people that have the least an even threshold with those that have more.

Council member Rodgerson gave more details of the process and he said the system was in place in New York, but each municipality decides to make adjustments as needed.

Council member Walsh questioned if they should exclude politically active people and those from the Ethics Committee. He said maximum contributions should also be researched. And if they want to get it in for the next election cycle, then they should change what New Haven does, and maybe there should be a smaller pool by making less money available.

Council member Rodgerson pointed out the matter came to committee because times was of the essence. Again, he expressed that he was disappointed they weren't made aware of the program, noting he expected the state legislative to inform them. So although it's not perfect and he wasn't urging the committee to pass it tonight, he repeated that time was of the essence.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE UNTIL THE NEXT SCHEDULED ORDINANCE MEETING**

**** COUNCIL MEMBER DYE SECONDED**

**** MOTION PASSED UNANIMOUSLY**

290-05 Proposed Amendment to Municipal Code, Chapter 2.06 Common Council, amend Section 2.06.020 Regular meetings

Council member Rodgerson said this item pertained to amending Section 262 of the Code of Ordinance that governs when the city council can and can not convene. He explained that currently they can move meetings predicated on holidays, but that Jewish and Muslim holidays weren't recognized. So he added four words to the ordinance stating that *"they will be able to observe holidays in the community to attend religious functions"*. City Attorney Anastasi stated this would

be contingent upon how the meetings are scheduled in the city clerk's office. Council member Rodgerson asked if meetings were scheduled by the city clerk.

Council member Walsh questioned the definition of a legal holiday. Council member Rodgerson stated it would mean widely reserved holidays such as Yom Kippur and Ramadan. Attorney Anastasi suggested the committee decide which holidays they wanted to include.

Council member Rodgerson stated that they needed to look at what groups constituted the audience at city council meetings, for instance, he thought it was in poor taste to hold business on Yom Kippur, especially when there is a large Jewish faith population in the city. Overall, he thought this was a problem. He recalled one agenda matter was addressed on Ramadan and he didn't feel it was appropriate to call the respondent in on his holiday. He reiterated that it was inappropriate to hold meetings on Jewish holidays since there are two Jewish council members.

City Attorney Anastasi said what they should follow is the secular national holiday standard. He stressed that by legislating beyond that was akin to mixing church and state and picking preferences by religious affiliation.

Council member DePara stated he saw the point, but he agreed with Attorney Anastasi that if they recognize a holiday for one religion, they should do it for all. Council member Rodgerson said if a group of Buddhists called the clerk's office and expressed they wanted to attend a meeting, but due to a holiday they couldn't, then yes there should be concessions made.

Council member Dye thought that more research should be done to find out how other municipalities handle it.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE PENDING A LEGAL OPINION**

Council member Walsh agreed there should be some way to deal with the issue, but he thought it should be researched further to find how to formulate it legally.

***** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

ADJOURNED

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN
** COUNCIL MEMBER DYE SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,
Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
of the CITY COUNCIL
MONDAY - NOVEMBER 6, 2006**

ATTENDANCE: Council members: McCarthy, Curwen, Silva, Walsh

ABSENT: Council members: Holloway, Lyons, Dye

OTHER COUNCIL MEMBER: Ayala

I. CALL TO ORDER

Council member McCarthy called the meeting to order at 6:14 p.m.

Proposed amendment to Municipal Code of Ordinances: Chapter 3.16 Property Taxes, amend Section 3.16.030 Tax exemption – Nonprofit organization (145-05)

The Chair asked if there was anyone to speak in favor of the amendment

- Mr. Tim Dutton, Director of Bridge Academy stated he was in support of the amendment due to the fact that the rent they pay is currently paying off the debt for the building on Kossuth Street. He pointed out that the tax increase was miniscule compared to the operating costs for Bridge Academy and if they are forced to close, they will face a big financial hurdle. He invited the council members to visit Bridge Academy, noting that they will continue to provide the services needed.

Council member Walsh asked the number of students that attended. Mr. Dutton said there (250) students expanded from (108) students this past summer.

- Ms. Cynthia Aurora, of the Colby Center stated they have provided child care at 401 Kossuth Street in conjunction with the YMCA. She said that all families require child care subsidies and tuition rates are well below market rate. They have forty full time employees that all Bridgeport residents, noting that the benefits are provided by the YMCA.
- Ms. Kristine Hazzard, President Center for Women & Families stated they have been in existence for 111 years and for the past 9 years they established the center. She felt it has been déjà vu due to the fact that the center has been occupying the building located on Fairfield Avenue since 1981. She explained that since the building was large, they envisioned having other services there and that has been the case. Since 1999, they have never been tax assessed, but recently they received a tax bill for \$9,700.00 that needs to be paid for two years. They subsequently requested that the ordinance be amended and

as a result, they were deemed tax exempt. But in February 2006, they found out they weren't fully tax exempt, so they requested that the ordinance be amended once again. She pointed out the tax was over \$15,000 and they made a payment of 1% of that, but since they didn't prevail over the matter, they eventually filed a lawsuit. She expressed that the center provides help to over 2,800 people and they rely on grants. They have a staff of fifty-one persons and resources are needed to pay salaries etc. so if they continue to be taxed, this will greatly affect their ability to sustain the center. She ended in encouraging approval of the amendment.

- Mr. Wilfredo Motos stated he was a resident of Bridgeport and Pastor of Aspeda Inc. He stated that four years ago, they had to determine whether or not they should continue to be tax exempt. After submitting a package and being told they met all the requirements, they were told they were tax exempt. But a year ago, they received a tax bill, so they met with the Tax Assessor and the Mayor and he thought they reached an agreement that if they were taxed, it would be on the amount they receive for rent that is meager compared to their budget; but this wasn't the case. Then they received a bill for 50% of the tax assessed. He further questioned whether there was a conflict between federal and local law as to which should prevail. Again, they thought they would be taxed on the amount of rent generated compared to the general ledger. He further explained when they acquired the building, they wanted to be able to generate funds through rentals to make up the difference from grants etc. because there is never enough to cover all the administrative costs. He stressed that was why so many non-profits are constantly operating at a deficit. He said they considered moving out due to the new tax and he felt that nonprofits are being weeded out. Overall, they provide essential services that are needed. But the city has taken a wrong approach and he felt the matter should be looked at case by case.

- State Representative Felipe Reinoso stated he was present on behalf of Bridge Academy. He said there have been (250) kids for the last eight years and over 90% of them attended college and there is only a 2% dropout rate, so the success of the school should be continued. He said that although charter schools don't bring in money like private schools, he would like to see them operate for a long time. He pleaded that the committee reconsider this when they are preparing the ordinance.

The Chair asked if there was anyone to speak against the amendment
The public hearing was closed

** COUNCIL MEMBER SILVA MOVED TO CLOSE THE PUBLIC HEARING
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY

ADJOURNED

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

CITY OF BRIDGEPORT
JOINT COMMITTEE on ECONOMIC and COMMUNITY DEVELOPMENT
& ENVIRONMENT and ORDINANCE
of the CITY COUNCIL
MONDAY - NOVEMBER 6, 2006

ATTENDANCE

ECDE COMMITTEE: Council members: Paoletto, Dye, McCarthy, Mulligan

ABSENT: Council members: dePara, Valle, Holloway

ORDINANCE COMMITTEE: Council members: McCarthy, Walsh, Dye, Curwen, Silva

ABSENT: Council members: Holloway, Lyons

I. CALL TO ORDER

Council member McCarthy called the meeting to order at 6:32 p.m.

Proposed amendment to Municipal Code of Ordinances: New Chapter 3.79 East End Neighborhood Revitalization Zone (280-05A)

The Chair asked if there was anyone to speak in favor of the amendment

- Ms. Angie Soltaro stated she was from the office of NRZ. She said she was present to recommend approval of the amendment. She expressed that a lot of time and energy went into the plan and she hoped for approval.
- Mr. Kenneth Moales Jr. stated he was the chairperson for the NRZ. He expressed that they spend two years on the plan, noting that they anticipated businesses coming in for profit, as well as non –profit enterprises. He said that a great deal of time has been spent with city officials on developing the plan. It was well thought that involved a lot of dialogue and input resulting in a comprehensive and detailed plan. He said it was his belief that the east end of Bridgeport has been overlooked to a great extent from a business owner perspective. So they were looking to be part of the renaissance as a whole. He urged approval of the amendment.
- Mr. Charles Coviello encouraged approval of the amendment, pointing out that hard work had gone into the plan. He asked that when proposals come before the council related to the NRZ that they encourage the zoning board to listen carefully to the NRZ members.
- Pastor Griffith stated he was a homeowner on the east end. He said he has been a resident for 14 years and he relocated from Boston. He applauded the committee for consideration on the plan, noting that they had the same type of development potential in

Boston where a lot of revitalization and rebuilding took place. He further expressed that this resulted in people becoming more comfortable in their environment. He agreed that a lot of time and thought went into putting the plan together. And he concurred that the east end has been overlooked for a long time. He further pointed out other areas that have experienced rebuilding, but again, the east end has been neglected. He stressed approval of the plan that he said was vital to help better Bridgeport. Overall, he said he would like to see new businesses and encourage new opportunities as was evidenced by Magic Johnson's visit recently. He pointed out that Bridgeport was voted the No. 3 city for redevelopment opportunities. He urged approval of the amendment.

- Mr. Ted Meekins of the East End Community Council and a member of the NRZ Planning Committee stated that from its inception, he played a part in bringing the plan to fruition. And under the leadership of Kenneth Moales Jr. the plan finally came to light. He urged approval of the amendment and he hoped the plan would encourage numerous business ventures that will serve the east end as was done in the past.
- Mr. Mike Jordan stated he was an east end resident and a business owner. He asked for approval of the amendment in its entirety. He pointed out that Bridgeport will gain more economic taxes and he addressed pulling the neighborhood together. He stated that he has invested in properties on the east end, but the plan will benefit everyone. He urged approval.
- Ms. Yvonne Elcarte stated she was a member of the NRZ. She said they have worked since 2004 on developing the plan, although there have been differences of opinion. She hoped that they would vote favorably on the plan, although there is more work to do, they are willing to better the area.
- Mr. Cecil Young stated he was 100% in support of the NRZ plan. He urged approval stressing that the area had been crime ridden for a long time. But the neighborhood has a lot of potential. He repeated that he hoped the plan would be approved.
- Mr. Steve Williams said he was a member of the Town Committee. He expressed that with the Mayor's plan in process to get on the move, he asked that the plan for the east end be approved, so they could also get on the move!

The Chair asked if there was anyone to speak against the amendment
The public hearing was closed

** COUNCIL MEMBER PAOLETTO MOVED TO CLOSE THE PUBLIC HEARING
** COUNCIL MEMBER MULLIGAN SECONDED
** MOTION PASSED UNANIMOUSLY

ADJOURNED

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services