

**CITY OF BRIDGEPORT
MISCELLANEOUS MATTERS
REGULAR MEETING
JUNE 1, 2010**

ATTENDANCE: Thomas McCarthy, Council President; Carlos Silva, Bob Walsh, Manual Ayala, Denise Moye-Taylor (6:44 p.m.); Susan Brannelly (6:44 p.m.)

OTHERS: Council Member Martin McCarthy, Atty. Mark Anastasi, Ann Pappas Philips; Atty. Bill Varese, Greenwood Manor; Council Member Andre Baker, Council Member Angel dePara

CALL TO ORDER

Due to the fact that neither co-chairs were available, Council President McCarthy assumed the chairmanship and called the meeting to order at 6:32 p.m.

APPROVAL OF COMMITTEE MEETING MINUTES OF APRIL 26, 2010.

**** COUNCIL MEMBER SILVA MOVED TO APPROVE THE MINUTES OF APRIL 26, 2010**

**** COUNCIL MEMBER MANUAL AYALA SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF APRIL 26, 2010 PASSED UNANIMOUSLY.**

73-09 Appointment of Anne Pappas Phillips (D) to Planning & Zoning Commission.

Council President McCarthy said that he had just received the paperwork documentation on Ms. Phillips. There was a brief pause while the Commissioners reviewed the paperwork.

Atty. Varese said that he was present on behalf of his client, Greenwood Manor and that he would like to speak about Ms. Phillips appointment.

Atty. Anastasi said that Atty. Varese was here to speak about an issue that was currently in litigation and that he would encourage the Chair not to allow this issue to be addressed tonight. He said that it would be important to let the litigation work itself out in the court.

Council President McCarthy informed Atty. Varese that there is a public speaking portion before the Council Meetings and encouraged him to address any issues to the full Council.

Council Member Moye-Taylor and Brannelly joined the meeting at 6:44 p.m.

**** COUNCIL MEMBER WALSH, MOVED TO ENTER EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Committee moved into Executive Session at 6:45 p.m. The Committee returned to public session at 7:00 p.m.

When asked by the Chair to address the Committee regarding her reasons for wanting to be part of the Planning and Zoning Committee, Ms. Phillips came forward and said that she was a land use attorney and that was her field of specialty. She said that she was pleased to see the City coming along and becoming more and more beautiful. Ms. Phillips said that she had closed her office following her mother's illness in 1997. She said that she had spent two years at the City Courthouse and also in probate. Council President McCarthy asked if Ms. Phillips has maintained her license. Ms. Phillips said that she is a member in good standing for the State of the Connecticut.

Council Member Walsh asked if she was aware of the length of time that an alternate could serve. Ms. Phillips said that when she first appointed to the Commission, that had not yet been part of the ordinances. She was an "at will member" according to the bylaws of the Planning and Zoning. Council Member Walsh said that Atty. Anastasi had not mentioned this in Executive Session. Discussion followed.

Council Member Walsh said that Kayla Torres had written an article about the conflict between the City Ordinance and the P&Z bylaws. He said that he felt it was poor judgment on Ms. Phillips' part to continue to serve under these circumstances.

Council Member Silva asked Atty. Anastasi about the conflict between the bylaws and the ordinances. Atty. Anastasi pointed out Ms. Phillips had been appointed and was not aware of the issue until the litigation was filed. She herself was not responsible for the issue. The legitimate players would be the Mayor's Office, the City Attorney's office and the Council, in a lesser role. He pointed out that Ms. Phillips had voluntarily stepped aside when the issues of the pending litigation came before the Planning and Zoning Commission.

Atty. Varese commented that this going forward without full public disclosure and that he would prefer not to bring it out in the public forum.

Council President McCarthy said that he strongly believed that it was not the job of the various Commission members to be in charge of their terms. It is the responsibility of the Mayor's

Office and the City Attorney's Office. He said that he did not expect the Council to investigate. Council President McCarthy said that he has known Ms. Phillips for a very long time and had great respect for her. He said that all the people who serve on P&Z were very dedicated. Council President McCarthy then mentioned an incident that had occurred in Ms. Phillips past some sixteen years ago that resulted in her being reprimanded by the State.

Ms. Phillips said that she would be happy to answer any questions anyone had about her past.

Council Member Taylor said that she was in agreement with Council President McCarthy's earlier statement. She pointed out that it was the Mayor's Office that fumbled with the issue, not Ms. Phillips.

Council Member Brannelly agreed with the fact that the blame was with the Mayor's Office. She said that it would be important for the Commission to not review the any more Commission appointments until the matter is fully settled. She then asked about the reprimand.

Ms. Phillips then said that her father, a retired judge, had been approached about purchasing some tax liens on Christmas Day sixteen years ago. She said that a member of the owner's family then approached Ms. Phillips, who was working for the Court at the time, and requested that Ms. Phillips convey a request for a loan to purchase the tax lien. She refused. Subsequently, Ms. Phillips said that her parents had come up to Bridgeport to sign the documents, and she had driven them to and from the meeting. A reprimand was issued. At no pointed did she represent her father in the matter. Council Member Brannelly asked for some clarification about this, which Ms. Phillips reviewed.

Council Member McCarthy asked if she handled the foreclosure. Ms. Phillips said that she had handled the tax lien on the subject parcel, but the foreclosure was handled by the bank.

Council Member Walsh asked whether Ms. Phillips had voted on any issues with Planning and Zoning. He said that if she removed herself from discussions about the other property, why didn't she remove herself from the other votes. Atty. Anastasi said that Ms. Phillips had not been advised about this by the City. He said that Ms. Phillips is being represented by two members of the City Attorney's Office.

Council Member Taylor asked about the lawsuit underway. Atty. Anastasi then reviewed the details of the pending suit. The current issue has nothing to do with the reprimand and the Ethics Commission voted to approve her for the position.

Council Member Baker asked about the current pending litigation. Atty. Anastasi reviewed the details of the lawsuit. Council Member Baker said that he had concerns about the perception of

things. Atty. Anastasi pointed out that the lawsuit relates to her role as an alternative Commissioner, not to her appointment as a regular Commissioner.

Council Member Silva then thanked Ms. Phillips for the service that she has already rendered to the City. He said that there was nothing personal, but that he did have a concern about the conflict between the ordinance and the bylaws. He said that he would be in favor of the Committee looking at this issue and then writing a letter to the Mayor.

Atty. Anastasi then pointed out the litigation is not related to this appointment. The vote is on Ms. Phillips' fitness to serve. Council Member Silva said that he objected to the idea that she was being appointed to a permanent position. Atty. Anastasi said that she was not being appointed to a position as alternate, but as a regular member.

Council Member Brannelly said that she would respectfully acknowledge Council Member Walsh's opinion, but felt that this was clouding the issue. She said that the appointment was the issue. She said that the Committee needed to make sure that the Committees and Commissions were in compliance and to remedy the situation. Council Member Brannelly said that she felt it was unfair to block an appointment because of an administrative issue.

Council President McCarthy said that he would schedule a full Council meeting to discuss this issue.

**** COUNCIL MEMBER TAYLOR-MOYE MOVED TO APPROVE AGENDA ITEM 73-09 APPOINTMENT OF ANNE PAPPAS PHILLIPS (D) TO PLANNING & ZONING COMMISSION.**

**** COUNCIL MEMBER BRANNELLY SECONDED.**

**** THE MOTION PASSED WITH FOUR IN FAVOR (TAYLOR-MOYE, BRANNELLY, MCCARTHY AND AYALA) AND TWO OPPOSED (WALSH AND SILVA).**

88-09 Resolution concerning the Private Sale of City Owned Property Below Market Value.

Council President McCarthy said that Council Members Walsh and Baker had sponsored this resolution. Council Member Walsh said that this was the result of articles that were published in the Connecticut Post regarding a piece of property that had been sold by the City to a resident for \$200. However, the addition of the parcel ended up increasing the resident's taxes by \$45,000.

Atty. Anastasi came forward and said this issue involved an discrepancy between two different sets of maps, one from the Tax Assessor's office and one from another office. The subject parcel actually has part of a City road on it. He reminded everyone that the sale of City Owned

Property is approved by the Council. In this particular case, the sale was to an abutter. Atty. Anastasi then reviewed the details of the issue and stated that the problem was being discussed and moving towards a resolution by the Tax Assessor's and the resident.

Council Member Walsh said that he was concerned that the same type of issue may have occurred in the past. He also asked why an appraisal had not been done before the sale. Discussion followed.

Council Member dePara said that he was on the Economic, Community Development and Environment Committee and had reviewed many of these types of sales. The City tries to sell the parcels for the best possible price and they are all non-conforming lots. Council President McCarthy pointed out that there were no prices attached to the listings when the Council votes on them. Atty. Anastasi agreed, but reminded everyone that when the auction begins, there is a starting price assigned to each parcel. Atty. Anastasi then requested that the Committee table the item until he had a chance to speak with Atty. Liskov about them. He added that he would email the information to all the Committee members along with Council Member Martin McCarthy because the issue is in his district. Atty. Anastasi assured everyone that the current issue was well on its way to a resolution.

Council Member Brannelly said that she understood that it was the responsibility of the purchaser to research the amount of taxes. Council Member Baker asked when the paperwork would be available on this parcel. Discussion about the details then followed.

**** COUNCIL MEMBER WALSH MOVED TO TABLE AGENDA ITEM 88-09
RESOLUTION CONCERNING THE PRIVATE SALE OF CITY OWNED PROPERTY
BELOW MARKET VALUE WITH THE UNDERSTANDING THAT A FULL,
DETAILED REPORT WOULD BE ISSUED ON JUNE 2, 2010.**

**** COUNCIL MEMBER TAYLOR-MOYE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

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

**** COUNCIL MEMBER AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:07 p.m.

Respectfully submitted,

Sharon L. Soltes

Telesco Secretarial Services