

**CITY OF BRIDGEPORT
MISCELLANEOUS MATTERS COMMITTEE
REGULAR MEETING
SEPTEMBER 26, 2016**

ATTENDANCE: Co-Chair AmyMarie Vizzo-Paniccia; Denese Taylor-Moye,
Anthony Paoletto, Nessah Smith, John Olson

*Richard Salter, Sr. (Co-Chair) joined the meeting at 6:05.
Jeanette Herron joined the meeting at 6:05.
Milta Feliciano joined the meeting at 6:30.*

STAFF: James Holloway, Council Member
Eneida Martinez, Council Member
Tom Gaudett, Mayor's Office

CALL TO ORDER

Co-Chair Vizzo-Paniccia called the meeting to order at 6:00 PM.

She reviewed the procedures of the meeting to all those present.

AGENDA

APPROVAL OF COMMITTEE MEETING MINUTES OF AUGUST 22, 2016

** COUNCIL MEMBER PAOLETTO MOVED TO APPROVE COMMITTEE
MEETING MINUTES OF AUGUST 22, 2016.
** COUNCIL MEMBER SMITH SECONDED.
** THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF COMMITTEE MEETING MINUTES OF SEPTEMBER 6, 2016

** COUNCIL MEMBER PAOLETTO MOVED TO APPROVE COMMITTEE
MEETING MINUTES OF SEPTEMBER 6, 2016
** COUNCIL MEMBER SMITH SECONDED.
** THE MOTION PASSED UNANIMOUSLY.

ITEM 70-15

**APPOINTMENT OF CLEMENT YOUNG (D) TO THE WATER POLLUTION
CONTROL AUTHORITY.**

Co-Chair Vizzo-Paniccia stated that, due to incomplete paperwork, this item will be tabled.

- ** COUNCIL MEMBER PAOLETTO MOVED TO TABLE ITEM 70-15, APPOINTMENT OF CLEMENT YOUNG (D) TO THE WATER POLLUTION CONTROL AUTHORITY.
- ** COUNCIL MEMBER SMITH SECONDED.
- ** THE MOTION PASSED UNANIMOUSLY.

ITEM 84-15
APPOINTMENT OF KRISTEN ALVANSON (D) TO THE STRATFIELD HISTORIC DISTRICT COMMISSION

Co-Chair Vizzo-Paniccia stated that, due to incomplete paperwork, this item will be tabled.

- ** COUNCIL MEMBER PAOLETTO MOVED TO TABLE ITEM 84-15, APPOINTMENT OF CLEMENT YOUNG (D) TO THE WATER POLLUTION CONTROL AUTHORITY.
- ** COUNCIL MEMBER SMITH SECONDED.
- ** THE MOTION PASSED UNANIMOUSLY.

ITEM 175-15
PROPOSED RESOLUTION REQUESTING THAT WRITTEN NOTICE BE SENT TO ALL ABUTTING PROPERTY OWNERS AT LEAST 10 DAYS PRIOR TO THE PUBLIC HEARING BY APPLICANTS CONCERNING THE ZONING BOARD

Mr. Holloway, the Council Member who proposed this resolution, came forward to speak about the issue. He stated that, in the past, the Zoning Board used to travel together to go out and look at properties, but he said that, now, the only process that happens is the petitioner is given a placard which the petitioner then attaches somewhere on the property, e.g. a fence or a tree, and that is it. Co-Chair Vizzo-Paniccia interjected with an explanation of the placard to which Mr. Holloway referred, saying that the placard is a blue notice which is affixed to the properties in question and which is provided by Zoning. She said they are about 8½ x 11 and they are for public notice from the Zoning Board to notify residents that a hearing will be held and anyone interested in attending can do so.

Mr. Holloway stated that the notice is put in the paper in the legal section in very small print, but he believes a lot of people these days do not go to the legal section. He stated that what he is proposing is what a lot of other cities do which is to place the burden on the petitioner and not on the Zoning Board, whereby the petitioner would send out letters to the abutting property owners in the neighborhood to specify that a meeting about this will be held on “xyz” day at a certain time. Mr. Holloway is requesting that a notice goes out from the petitioner to the abutting property owners and the neighborhood about what is planned for the property in question. Council Member Olson called this “transparency” and Mr. Holloway agreed.

Mr. Gaudett also came forward to speak on this issue, saying that he is not an expert on this matter and is neither in favor nor against the issue, but is at the meeting since he often serves as the liaison between the administration, the departments and the Council. Mr. Gaudett stated that he was notified earlier that day by Tom Gill and by a zoning official that they did not even know this was on the agenda until Friday, learning about the meeting only when they happened to read the agenda. Mr. Gaudett stated that Mr. Gill and the zoning official asked Mr. Gaudett to relate

to this Committee that they would like the opportunity to come and speak on this. Mr. Gaudett stated that neither Mr. Gill nor the zoning official are opposed to this resolution, but they told Mr. Gaudett that they have concerns about additional burdens that would be placed on people that are developing properties.

Mr. Holloway addressed Mr. Gaudett's statement that the meeting notice had not been received by Mr. Gill or the zoning official, saying that he could not believe that the City Clerk's Office had not sent the notice. He said, in fact, that he did not believe it, remarking that they should have received a first-hand notice of this, and he cannot believe that they only received it on Friday when the resolution had been submitted by him over a month ago. Co-Chair Vizzo-Paniccia addressed Mr. Holloway's statement, saying that they never received her product copy unless it was just generic mail for every city employee and, pointing to the written meeting agenda, she noted that they did not get an electronic copy. She said no one from Zoning or Public Facilities was copied on the email and read down the list of all the copied recipients.

Mr. Holloway returned to the agenda topic, saying that the individuals in the neighborhood need to know what is going on in that district or on that block, they need to be notified and the abutting owners have to be mailed a certified letter. Co-Chair Vizzo-Paniccia stated that, in the past and supposedly it is still being done, any abutting owners of properties in question are supposed to get a certified, return-receipt notification from either the developer or the City. Mr. Holloway stated that it is not being done and Co-Chair Vizzo-Paniccia said again that it was done like that in the past. Mr. Holloway said that if it were being done, why would he be submitting this resolution, stating that all that is being done now is the notice in the legal section and the placard that is put up somewhere on the property in question. Co-Chair Vizzo-Paniccia asked Mr. Holloway if he had confirmed that no owners have received letters to which Mr. Holloway answered that, to his knowledge, no owners received letters.

Council Member Taylor-Moye commented on Mr. Holloway's resolution, saying that it needs to be done. She talked about a situation on Washington Terrace where they had the same problem when a 40-bed facility had been planned, but the abutting owners had no knowledge of the situation. She stated that she and Jack had to fight for a year and a half to get information from all the people involved with the facility. She stated that Mr. Holloway is definitely correct and the abutting properties should know who is taking over the property. She said all it is letting the abutting owners know what is planned in their neighborhood and that there is a meeting where they can speak out if they have a problem or they do not have to attend if they do not have a problem with the plan. Mr. Holloway agreed that is all that is being asked, adding that the Zoning Department is worried about the cost to the petitioner. Mr. Holloway said that is not the problem – the problem is that the individuals in the neighborhood or community should be notified no matter the cost, since they are the ones who will be affected, adding that the Zoning Department have “no marbles in the ring” and that it is not the job of the Zoning Department to worry about the cost to the petitioner.

Council Member Martinez joined the meeting at 6:11 to let Co-Chair Vizzo-Paniccia know that she was there for Item 192-15, but was at City Hall for another meeting also and asked if someone would come and get her when Item 192-15 was addressed to which Co-Chair Vizzo-Paniccia agreed.

Returning to the agenda topic, Council Member Paoletto stated that, recently, there had been a

zoning problem in his district, but Mr. Paoletto said that the abutting owners had received certified letters about what was going on. Mr. Holloway wanted to know who sent the letters to which Council Member Paoletto answered that it was the Zoning Board and Zoning Department. Co-Chair Vizzo-Paniccia said that it is the petitioner who is supposed to send the certified letter and Council Member Holloway agreed, with Co-Chair Vizzo-Paniccia stating, as before, that it has been done that way at least since the 1970s.

Council Member Olson stated that, as he understands it, this is a new thing because the abutting owners, as far as he knows, are not receiving letters. He asked who is responsible for finding out who the abutting property owners are and sending them a letter to which Mr. Holloway answered that it is the petitioner. Council Member Olson said, then, that it should be stated as such in the ordinance to which Co-Chair Vizzo-Paniccia remarked that it is not an ordinance, but is just the rules of what is supposed to be done in the Zoning Department. She continued that there is a checklist that the Zoning Department has to have, and the petitioner or property owner or developer, is supposed to provide to the Zoning Department the green return-receipt card which was returned to them by the Post Office when they sent the certified return-receipt letter, proving to the Zoning Department that they had notified the abutting property owners. Council Member Olson said that it is still not clear who is supposed to send the letters. Mr. Holloway said that the original resolution states that it is the petitioner, with Co-Chair Vizzo-Paniccia adding that they need to look at the original resolution, have the Zoning Department come to speak to the Committee, and have the City attorneys present at the meeting also. Council Member Olson said he supported the whole concept, but his concern is that, unless it is specifically stated as to who is going to send out the letters, Mr. Holloway's request is probably not going to happen. Co-Chair Vizzo-Paniccia said that it is probably on the checklist, but is not being enforced.

Mr. Holloway thanked the Committee and Co-Chair Vizzo-Paniccia thanked him.

Co-Chair Vizzo-Paniccia stated that there is need for some research and further information, saying that the situation should be looked into because it might not even be a Council matter.

Mr. Holloway referred to Mr. Gaudett's statement that Zoning was worried about the cost to the petitioner, saying that if Zoning is worried, then they know about the letters, his point being that there is no question as to who is supposed to send the letters. Mr. Gaudett stated that what he was told was that there is State law on the matter, and that the City of Bridgeport goes beyond the State law requirements, and he reiterated the message from Tom Gill and the zoning official that all they want to do is have the opportunity to be heard on the matter, repeating also that they are not opposed to the resolution.

Council Member Taylor-Moye spoke again about the problem on Washington Terrace in the 131st district, saying that the attorneys were coming up in front of Zoning and Planning and they were speaking about how they were going to all these things, etc., but she said that when the facility began moving in, no one let the abutting property owners know what the intended facility was. She stated that the facility owners were from New Haven and that it took forever to get them into court, and at the end of the situation, the residents did not mind. She said that it was just the idea that they were never informed that the facility was going to be a twenty, or thirty or forty-bed facility which would house people with all forms of addictions – mental, drug, alcohol, addictions of that nature, although she stated that, in the end, that everything worked out well for all involved..

Co-Chair Vizzo-Paniccia interjected by reading a message she had just received from a City attorney which quoted the State Statute and Bridgeport Local Zoning Regulations governing petitioner and abutting properties. Co-Chair Vizzo-Paniccia continued to read the message which stated that this matter is not subject to the City Council, and it also confirmed that, under Zoning Rules, the applicant (petitioner) has to send letters to all abutters listed in the tax assessor's records.

Council Member Olson commented that it is specifically stated, but is not being done. Co-Chair Vizzo-Paniccia said that they need to look into why it is not being done.

- ** **COUNCIL MEMBER OLSON MOVED TO TABLE ITEM 175-15, PROPOSED RESOLUTION REQUESTING THAT WRITTEN NOTICE BE SENT TO ALL ABUTTING PROPERTY OWNERS AT LEAST 10 DAYS PRIOR TO THE PUBLIC HEARING BY APPLICANTS CONCERNING THE ZONING BOARD.**
- ** **COUNCIL MEMBER PAOLETTO SECONDED.**
- ** **THE MOTION PASSED UNANIMOUSLY.**

Mr. Gaudett asked if it was the Committee's request that they have someone from Zoning at the next meeting to answer questions, bring the checklist, bring whatever the statute requires to which Co-Chair Vizzo-Paniccia answered in the affirmative.

ITEM 126-15
PROPOSED RESOLUTION REGARDING THE RECONSTITUTION
LIBRARY BOARD DIRECTORS

Co-Chair Vizzo-Paniccia stated that she has not heard from the maker of this resolution or anyone else, adding that this resolution has been tabled once or twice prior to this meeting. Council Member Casco's name was mentioned in relation to this resolution and Council Member Smith stated that she had told Council Member Casco that they were meeting on September 26. Co-Chair Vizzo-Paniccia said that everyone gets the notices, but Council Member Smith stated that she has found that his phone is full, everything gets rejected and he needs to clear his box. Council Member Smith surmised that possibly he is not getting his mail, but Co-Chair Vizzo-Paniccia stated that she had not received any rejections that day. Council Member Taylor-Moye asked how many times this resolution can be tabled to which Co-Chair Vizzo-Paniccia stated that it is up to the Committee, but that it does not look professional if it is tabled again and again. Co-Chair Vizzo-Paniccia stated that the Committee can deny the resolution, take it off, and then it can be re-submitted.

Co-Chair Vizzo-Paniccia stated that she wanted to read some information from the City Attorney regarding the Library Board. She read, "The make-up of the Library Board and its authority are established by Bridgeport Charter and State Statute and, thus, not subject to the jurisdiction of the City Council. The Library Board has, just within this past week, forwarded appointees to the City Council for approval." Council Member Olson stated that they had all gotten the email about this.

- ** **COUNCIL MEMBER OLSON MOVED TO DENY ITEM 126-15, PROPOSED RESOLUTION REGARDING THE RECONSTITUTION LIBRARY BOARD**

DIRECTORS.

- ** **COUNCIL MEMBER PAOLETTO SECONDED.**
- ** **THE MOTION PASSED.**

4 IN FAVOR
1 OPPOSED (R. SALTER, SR.)

Council Member Feliciano joined the meeting at 6:30.

ITEM 192-15

**PROPOSED REQUEST THAT THE TABLE OF ORGANIZATION OF LIEUTENANTS
IN THE BRIDGEPORT POLICE DEPARTMENT BE INCREASED FROM TWENTY
ONE (21) TO TWENTY TWO (22) POSITIONS IN THE CLASSIFIED SERVICE**

Co-Chair Vizzo-Paniccia stated there was no one present from the Chief's Office or the Administration or the Attorney's Office to speak on the resolution, but said she was going to provide some information from one of the City Attorneys, reading as follows: "This item should be tabled or referred to the Police Chief. This matter is subject to pending litigation and is a matter that is only within the jurisdiction of the City Council upon referral to it by the Chief and Civil Service Commission." Co-Chair Vizzo-Paniccia stated that Attorney Bohannon was not present; therefore, they could not proceed any further with this.

Council Member Olson moved to table the item, but Council Member Feliciano asked if she could say something before they moved to table and Co-Chair Vizzo-Paniccia agreed to Council Member Feliciano's request.

Council Member Feliciano asked the committee whether there are a few questions they could send to the attorneys to get answered before the item comes back to Committee, and Co-Chair Vizzo-Paniccia answered in the affirmative, saying that she would do what she could to facilitate this. Council Member Feliciano's then asked three questions:

1. She said she knows that this is not the first time this has been done, and she wants to know if it went through the proper procedures in the past when coming to this Committee for approval.
2. She wants to know if this has to go to the Budget Committee as well to see if the money is in the budget to fund the position.
3. She stated that, if this has not been done properly in the past, she wants to know now how it gets corrected or if it should be corrected.

Co-Chair Vizzo-Paniccia, responding to Council Member Feliciano's questions, stated that it never came to the Miscellaneous Matters Committee, but was always a police matter. Council Member Feliciano said, however, that according to the ordinance, it is supposed to come to the Committee, adding that according to the ordinance they have through Civil Service, anything done to increase or decrease numbers is supposed to come in front of the Council for approval. She said, furthermore, that they are first supposed to check that the money is available in the budget before sending it to the Committee, and that was why she was asking the questions. Council Member Feliciano stated she wanted the entire Committee to hear the questions, since things are being done properly now, and she wants the procedure to be reviewed and done

correctly.

Council Member Martinez came forward to speak about this item, saying she wanted to make the Committee aware of the information and research she had on hand which was submitted by the Chief on September 12, 2016 to the President of the Council Tom McCarthy to Table of Organizations for Lieutenants, request date January 25, 2010, he respectfully requested that you act upon this matter with immediacy. So, she said, the Chief is well aware that his request has been requested to this matter and she said they also have documentation which is all for the Committee and nothing for them to move on, from the then Chief of Police, Joseph Gaudett, authorizing the making of a resolution that the Table of Organizations of Lieutenants be increased from twenty-one to twenty-two. She stated that the fact there is a legal issue with this, should not prevent this issue from moving forward, saying it is not just about the legal issue. Council Member Martinez said that things continuously get done by the Council whether the money is in the budget or not, saying that was her concern.

- ** COUNCIL MEMBER OLSON MOVED TO TABLE ITEM 192-15, PROPOSED REQUEST THAT THE TABLE OF ORGANIZATION OF LIEUTENANTS IN THE BRIDEPOROT POLICE DEPARTMENT BE INCREASED FROM TWENTY ONE (21) TO TWENTY TWO (22) POSITIONS IN THE CLASSIFIED SERVICE.**
- ** COUNCIL MEMBER TAYLOR-MOYE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Council Member Olson commented that his move to table the item was not based on negative or positive feelings, saying he does not know enough about it and that they should follow their Chairperson. Council Member Taylor-Moye added that she is in total agreement with Council Member Olson, since some council members had done their research and, therefore, all members should humbly look at what they are saying.

Council Member Feliciano stated that if resolutions are going to be placed on agendas, then they need to ensure that the people putting the items on the agendas are present, noting that the members take their time to attend the meetings and that it is unprofessional when no one shows up.

- ** COUNCIL MEMBER FELICIANO MOVED TO GO INTO EXECUTIVE SESSION.**
- ** COUNCIL MEMBER SMITH SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

At 6:45, the Committee went into Executive Session.

At 7:20, the meeting resumed.

ITEM 188-15
PROPOSED SETTLEMENT OF PENDING LITIGATION
WITH MIGUEL RIVERA

- ** COUNCIL MEMBER FELICIANO MOVED TO APPROVE ITEM 188-15,
PROPOSED SETTLEMENT OF PENDING LITIGATION
WITH MIGUEL RIVERA.
** COUNCIL MEMBER SMITH SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM 189-15
PROPOSED SETTLEMENT OF PENDING LITIGATION
WITH JAMES FRANCOEUR

- ** COUNCIL MEMBER FELICIANO MOVED TO APPROVE ITEM 189-15,
PROPOSED SETTLEMENT OF PENDING LITIGATION WITH JAMES
FRANCOEUR.
** COUNCIL MEMBER SALTER, SR. SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM 190-15
PROPOSED SETTLEMENT OF PENDING LITIGATION WITH THE
STATE OF CONNECTICUT

- ** COUNCIL MEMBER FELICIANO MOVED TO APPROVE ITEM 190-15,
PROPOSED SETTLEMENT OF PENDING LITIGATION WITH THE
STATE OF CONNECTICUT.
** COUNCIL MEMBER PAOLETTO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

- ** COUNCIL MEMBER PAOLETTO MOVED TO ADJOURN THE MEETING.
** COUNCIL MEMBER FELICIANO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

Co-Chair Vizzo-Paniccia adjourned the meeting at 7:23 PM.

Respectfully submitted,

Nerina Kagan

Telesco Secretarial Services