

PARKS AND RECREATION COMMISSION MEETING
Minutes of the April 15, 2009 Regular Meeting

A meeting of the Parks and Recreation Commission was held on April 15, 2009, 10th Floor Conference Room, Stamford Government Center.

In attendance were:

Commissioners: Thomas Lombardo
 Mark Smith
 Timothy McGuinness

Staff: Mickey Docimo
 Laurie Albano
 Joseph Barbarotta
 Kevin Murray

Guests: Sandy Goldstein – D.S.S.D.

 Lynne Colatrella – D.S.S.D.

 Winsome Black – Birthday Party at Cove Island

 Ellen O’Neill – Keep Stamford Beautiful

 Rob Orlando – Hybrid Athletics

 Mike Lemberger – Soccer Fields

 Bhargavi Ramamurthy – OSHA Stamford

 Shoba Muram – OSHA Stamford

 John DaRosa – Jackie Robinson Park

 Marvin Tyler – N.E.T.A.

Commissioner Martino and Commissioner Cooper did not attend the meeting.

Call to Order

The meeting was called to order at 6:40 p.m. by Thomas Lombardo.

Review of March 18, 2009 Minutes.

Mr. McGuinness made a motion to approve the March 18, 2009 Minutes.

Seconded by Mr. Smith

Unanimously Approved

Staff Reports

Mickey Docimo – Parks & Recreation/Operations

- The Board of Finance cut ¼ of a million dollars out of our accounts.
- Mr. Docimo estimates that there will be 3 or 4 layoffs if we have to take money from the Salary Account. If not, Mr. Docimo will go back to the 3%, 6% and 10%.
- The Board of Representatives will probably make some more cuts.
- The Government Center Account was cut \$ 44,000.
- The official opening of the West Beach Turf Field will take place on April 29, 2009 at 2:00 p.m.
- Because of the extra cold weather the grass at Cummings 1 did not germinate, so opening was delayed for one week.

Laurie Albano – Recreation

- On-line registration schedule will go back on line in early May. Right now it is being re-worked on and re-tested before it goes back on line.
- Softball starts on April 27th, there will be 220 teams. Games at Cummings 1 are being pushed back one week to allow the grass to grow.
- Summer hiring is almost complete.
- Fireworks Bid will be awarded next week. The date for the Fireworks is July 3rd with a rain date of July 5th.
- Summer Camp Bussing Bid opens in a couple of weeks.

- All Summer Camps are pretty much full.
- As of today Barrett Playground only has 34 kids registered, we will have to make a decision within the next 3 weeks to a month to see if it makes sense to keep it open.

Joseph Barbarotta – Parks

- A Bid for Port-o-Johns was put out this year and it was awarded last week. The Port-o-Johns were distributed to the parks yesterday and today. There was a savings of about \$6,000. Last year we spent about \$18,000 on Port-o-Johns, this year the Bid came in at around \$12,000.
- The Bid for the concession was done; we now have a new beach concessionaire. The person that was chosen is from Rye, NY, he has a better menu, he has a full operable trailer that he is going to leave full time at West Beach. He also has some mobile stuff that he wants to use in Cummings. The contract includes the three beaches and the Hockey Rink. It is a three year contract for \$46,000.
- There are all new lights at Cummings. The Parks Department was very successful in moving the parakeets out, they did not come back, but the osprey has come back and they are making a nest on one of the new lights. Mr. Barbarotta has been in contact with the State and he was told that it was fine to take down the osprey nest as long as there are no eggs or birds.
- Mr. Barbarotta stated that they wanted to change the hours of the parks employees from 6:30 a.m. to 2:30 p.m. to 8:00 a.m. to 3:30 p.m., but the Union rejected the request. The Contract technically reads that they can work 7 days a week. They are still in negotiations.

Kevin Murray – Parks

- They are hiring seasonals; they are slowly bringing them back.

Consent Agenda

Tarra Dodaj – Bench Donation in Memory of Her Brother at Cove Island Park.

Approved by Mr. McGuinness.

Seconded by Mr. Smith

Unanimously Approved

Marilyn Brennan – Bench Donation in Memory of Her Daughter at Cove Island Park.

Approved by Mr. McGuinness.

Seconded by Mr. Smith

Unanimously Approved

Captain Tom Wuennemann – Permission to Assemble in Veteran’s Park on May 6, 2009 for Police Parade.

Approved by Mr. McGuinness.

Seconded by Mr. Smith

Unanimously Approved

Special Events

Sandy Goldstein – D.S.S.D. – Request Permission to Charge Admission and Restrict Entrance of Minors at Alive @ 5 Concerts.

- Ms. Goldstein requested approval to charge \$5.00 dollar admission and restrict entrance of minors to Alive @ 5 Concerts.
- Ms. Goldstein stated that as the event has gotten more popular their issues have become more complex. The D.S.S.D. did not just pick these two new rules out of hat; this was a very long and detailed process that started last year. Last year the success of the program lead to real problems. In order to improve this event, every Monday the core team, Police, Traffic and members of the steering group meet to discuss ways to improve the event. The Commission requested that Mr. Docimo or whoever he designates be invited to this meeting. Mr. Docimo stated that he will be happy to attend.
- Ms. Goldstein stated that Lieutenant Montagnese in going over statistics about Police interventions discover that probably 80% of them are from kids under 21.
- Lynne Colatrella from the D.S.S.D. attended a conference in San Diego put on by the National Center for Police Organizational Studies, this conference dealt only with safety and alcohol management of events. The two things that caught her attention were: limit the age, make sure that the event is for 21 year olds primarily and to charge a fee for the event.
- Ms. Goldstein feels that by having these two new rules they will be able to have a better control of the event.
- If anyone under 21 comes to the event before 6:00 p.m. or 6:30 p.m. (time not definite yet) will be allowed to enter the event, they will be stamped with a stamp that says under 21. There will be no admission charge for kids under 12. Nobody under the age of 21 will be allowed to enter the event after this time. If a person under the age of 21 that entered the event before the

designated time leaves, he/she will not be allowed back in the park.

- Ms. Colatrella showed the Commission their plan to change the look of the venue.
- Ongoing concerns about participants consuming wine in the park in violation of City Ordinances were discussed.

Ms. Goldstein advised the Commission that the D.S.S.D. had posted signs in past years warning those who purchased wine that the beverage could not be consumed in Columbus Park. This year there will be a separate Food Tent set up in the public parking lot at West Park Place. Ms. Goldstein will limit the consumption of wine to that area only.

- Ms. Goldstein stated that if the 2 new rules are approved by the Commission, the D.S.S.D. will do a lot of advertisement.
- Alive @ 5 starts on June 25, 2009.
- Ms. Goldstein will come back three weeks after Alive @ 5 starts to give a report to the Commission.

Mr. Smith made a motion to approve a \$5.00 dollar charge at the gate of Alive @ 5 Concert. There will be no underage kids admitted after 6:00 or 6:30 p.m. (D.S.S.D. will come back to the Parks & Recreation Commission with a specific time). Mickey Docimo will be on the Alive @ 5 Board and attend the meetings.

The Commission was satisfied that the special status afforded the D.S.S.D. under state statute and local ordinance was sufficient to preclude precedent being set in the case of charging admission to enter an event in a City park. A copy of the opinion of the Law Department is appended hereto.

Seconded by Mr. McGuinness

Unanimously Approved

April 13, 2009

Ms. Sandra Goldstein
Executive Director
Downtown Special Services District
5 Landmark Square
Stamford, CT 06905

RE: Proposed Restrictions On 'Alive At Five' Concerts

Dear Ms. Goldstein:

This is in response to your request for a legal opinion concerning the manner in which the “Alive at Five” summer concert series sponsored by the Stamford Downtown Special Services District (“DSSD”) in Columbus Park might be more safely conducted in the future. (The research below was performed by Assistant Corporation Counsel John Mullin.)

More specifically, you have made a two-pronged inquiry as to: (1) whether the DSSD can legally limit admission to the “Alive At Five” concerts after 6:00 p.m. to individuals who are age 21 or older, and (2) whether the DSSD can charge a \$5.00 entry fee to concert attendees. It is my opinion that subject to the approval of the Parks Commission, which currently sets the conditions for the DSSD’s permit to utilize Columbus Park, the DSSD can legally take both of these actions in an effort to enhance the safety and welfare of the public.

As you know, pursuant to C6-120-2, the Parks and Recreation Commission is the body that sets rules and regulations for the use and conduct of all parks and public recreation areas, including Columbus Park, subject to the potential for superseding legislation by the Board of Representatives under C6-120-4. Should the Parks and Recreation Commission alter your conditions to accommodate these new use restrictions, for the reasons that follow, you may do so.

With respect to the issue of whether the DSSD can legally prohibit the entry of persons under 21 years of age to the “Alive At Five” concerts after 6:00 p.m., reference must first be made to the provisions of C.G.S. section 7-339n entitled “Powers of Special Services District,” which is the state enabling statute that permits municipalities in Connecticut to establish by local ordinance a Special Services District such as the Stamford DSSD. The provisions of C.G.S. section 7-339n(7) state that a Special Services District is empowered “*to provide, within such district, some or all of the other services which such municipality is authorized to provide therein, except that no such ordinance may confer upon any such district the power to provide elementary or secondary public education services, and provided further no such ordinance may confer upon any such district the power to provide services which are then being provided within any portion of the area included in such district by any multitown body or authority.*” (Emphasis added.)

The Connecticut Municipal Powers Act, C.G.S. section 7-148(c)(6)(C)(ii) further empowers municipalities to “[k]eep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks and public places in the municipality.” This power is also held by the Stamford DSSD within the confines of its established borders (during its scheduled events such as “Alive at Five”), pursuant to section 114-3(8) of the Stamford Code of Ordinances and it can therefore (subject to the overriding jurisdiction of other City

agencies such as the Parks Commission, Health, Police and Fire Departments, etc. .) regulate the use of the streets, sidewalks and other public places within the boundaries of the DSSD established by section 114-4 of the Stamford Code of Ordinances.

Stamford Code of Ordinances Chapter 114 is the local ordinance adopted by the Stamford Board of Representatives to create the Stamford DSSD in 1991. Section 114-3 of the Stamford Code of Ordinances, entitled “Legal Status; Powers” enumerates the various powers of the Stamford DSSD and contains in subsection (8) thereof a corollary to C.G.S. section 7-339n (7) set forth above wherein it states:

“If authorized by the affirmative vote of at least seventy-five percent (75%) of the Commissioners present and voting at a meeting of the Board of Commissioners duly called and held for such purpose, the District may provide services which historically are provided by the city. . . . No such vote is required if the aforementioned permitted activities are incidental to retail promotional and marketing activities in the District.”

And based upon the aforementioned power of the Stamford DSSD to provide services historically provided by the City, including the holding of musical entertainment in the form of concerts, (subject to the approval of any appropriate governing agency such as, in this case, the Parks Commission), the DSSD can cordon off an appropriate area surrounding Columbus Park where the “Alive at Five” concerts have been traditionally held and limit the admission of concert attendees within such an enclosed area in an effort to enhance the safety of the public in attendance through appropriate crowd control measures.

The crowd control measures to be employed can include not just providing limited access to the concert area, but also may lawfully include an age restriction to turn away persons under the age of 21 from the cordoned off concert area after 6:00 p.m. I have been advised that in the past, behavioral problems have occurred at “Alive At Five” concerts as the evening performances progress when crowds of young people arrive during the latter stages of the performances often times engaging in mischievous behavior, sometimes involving alcohol-related issues and sometimes manifesting itself in physical altercations requiring police intervention and running the risk of injury to other members of the public in attendance, including senior citizens and young children.

To employ an age restriction which would permit individuals under 21 years of age to come to a “Alive at Five” concert prior to 6:00 p.m. and be admitted, but to disallow such individuals from admission to such concert after 6:00 p.m. would not infringe on any constitutional “right of association” held by those young individuals who are denied admission after 6:00 p.m. In the case of

City of Dallas v. Stanglin, d/b/a Twilight Skating Rink, 490 U.S. 19, 109 S.Ct. 1591 (1989), the U.S. Supreme Court was faced with a challenge to a local municipal ordinance which limited the use of dance halls to persons between the ages of 14 and 18 and was therefore claimed to have been violative of those persons' constitutional rights of association protected by the First Amendment. The Court held that the municipal ordinance in question did not infringe on the First Amendment right of association and found that the Constitution does not recognize a generalized right of "social association" that includes chance encounters in dance halls. See: Griswold v. Connecticut, 381 U.S. 479, 483, 85 S. Ct. 1678, 1681 (1965). In reaching this holding the Court stated that, "[u]nless laws create suspect classifications or impinge upon constitutionally protected rights, it need only be shown that they bear some rational relationship to a legitimate state [or governmental] purpose" and the dance hall patrons were not deemed to have amounted to a "suspect classification" for purposes of constitutional scrutiny. The Court stated that "[i]t is beyond cavil that dance-hall patrons, who may number 1,000 on any given night, are not engaged in the sort of 'intimate human relationships' that amount to constitutionally protected activity." Dallas, 490 U.S. at 24.

The Dallas Court further found that the local municipal ordinance at issue restricting dance hall admission to persons between 14 and 18 years of age did not violate the Equal Protection Clause of the U.S. Constitution because it found that a rational relationship existed between the age restriction for dance halls and the city's interest in promoting the welfare of teenagers. Under this rational relationship standard of constitutional scrutiny, the Dallas Court found that an age-related classification that has some reasonable basis does not offend the Constitution because it is imperfect. "Here, the city could reasonably conclude that teenagers might be more susceptible to corrupting influences if permitted to frequent dance halls with older persons or that limited dance-hall contacts between adults and teenagers would make less likely illicit or undesirable juvenile involvement with alcohol, illegal drugs or promiscuous sex." Dallas, 490 U.S. at 27.

Applying the foregoing reasoning to the issues at hand facing the DSSD in its operation of the "Alive at Five" concert series, the institution of an age restricted admission policy to the "Alive at Five" concerts to prohibit admission of individuals under 21 years of age after 6:00 p.m. in my view bears a rational relationship to the Stamford DSSD's interests in protecting the public in attendance at such concerts.

Should a challenge be posed to the proposed age restrictions after 6:00 p.m. on the grounds that the "Alive at Five" concerts constitute constitutionally protected speech that may be regulated only in certain circumstances and with sufficient justification, it should be noted that the age restrictions being contemplated for the concert series do not regulate speech on the basis of its content, but merely represents an attempt by the DSSD to confine the

presentation of its outdoor concert series to a venue deemed safe for the public so as to accommodate the secondary effects of concert activity in the form of excessive alcohol consumption and related physical altercations among young concert attendees.

A content-neutral municipal regulation that restricts the permissible time, place and manner of protected speech is constitutional under the First Amendment if the regulation is designed to serve a substantial governmental interest and allows for reasonable avenues of communication. Husti v. Zuckerman Property Enterprises, Ltd., 199 Conn. 575, 581 (1986), *citing* Renton v. Playtime Theatres, Inc., 475 U.S. 41, 50, 106 S. Ct. 925 (1986). Applying this standard, the proposed age restrictions prohibiting persons under 21 from entering into the “Alive at Five” concert area after 6:00 p.m., in my opinion, satisfies both of these criteria. Firstly, the Stamford DSSD has an undeniably important interest in protecting Stamford’s citizenry and in promoting the health, safety and welfare of the public while in attendance at public functions within the Stamford DSSD. The allowance of individuals less than 21 years of age unhindered access to the “Alive at Five” concerts before 6:00 p.m. provides a “reasonable avenue of communication” for these younger concert-goers in that they can still attend the concerts by abiding with the early arrival requirement of arriving prior to 6:00 p.m.

Finally, in response to your inquiry as to whether the DSSD can impose a five (\$5.00) dollar admission charge or entry fee to concert-goers who seek admission to the “Alive at Five” concerts, it is my opinion that the DSSD can charge for such admission. Section 114-3.B(14) of the Stamford Code of Ordinances empowers the Stamford DSSD “*to operate revenue sharing facilities or events and to use the revenues for District purposes.*” (Emphasis added.) This provision of the Code provides ample authority to generate revenue from the “Alive at Five” concert events as long as the revenue is thereafter utilized for Stamford DSSD purposes.

Should you have any additional questions regarding this matter, please do not hesitate to contact this office.

Sincerely yours,

Thomas M. Cassone, Esq.
Director of Legal Affairs

John W. Mullin, Esq.
Assistant Corporation Counsel

Lynn Colatrella – D.S.S.D. Annual Events.

Art in Public Places – Roam Around

Sculpture Exhibit in Stamford Downtown – June – August 2009

Alive @ 5 Outdoor Summer Concerts

Thursday Evenings, June 25 through August 6, 2009 – 5:00 p.m., Columbus Park.

Pops in the Park

Three Wednesdays, Columbus Park – Wednesday Evening, July 15, 22, 29, 2009 – 6:30 p.m.

Arts & Crafts on Bedford

September 12 & 13, 2009 – 11:00 a.m. to 6:00 p.m.

Heights & Lights

Rappelling Santa and Holiday Tree Lighting – Sunday, December 6, 2009 at 4:30 p.m. – Landmark Square.

Mr. McGuinness made a motion to approve.

Seconded by Mr. Smith

Unanimously Approved

Winsome Black – Birthday Party for 16 Year Old at Cove Island Park on May 16, 2009 from 5:00 p.m. to 8:00 p.m. – Tent to be Erected.

The Commission stated that they do not support the request and suggested that Ms. Black rent one of the pavilions from the different parks.

Ellen O'Neill – Keep Stamford Beautiful – Events for 2009.

- Great American Cleanup (neighborhoods throughout the city) – annual cleanup and planting of planters and beds – May 16, 2009 from 8:30 a.m. to 12:00 Noon. There are two new neighborhoods this year, Shippan Point and North Stamford.

Neighborhoods will have dumpsters delivered; Ms. O'Neill will have to get permission from the State to put a dumpster at the commuter parking lot.

- Legg Mason at Cove Island Park – weeding and mulching beds – April 24, 2009.
- Deloitte Impact Day – Cove Island Park – weeding, mulching and planting of the islands – June 5, 2009. (This event is in question at the moment because

their funds have been cut back).

- GE/KT Murphy School – Cove Island Park – weeding, planting and mulching of annual beds in park – June 5, 2009. Will need the pavilion on this date.
- UBS – Executive Project – June 16, 2009 – Cove Island Park – weeding, planting and mulching of islands. Will need the pavilion on this date.
- Price Waterhouse – Cummings Park – weeding, planting and mulching of beds in park. Painting pavilion and concession stand – June 19, 2009.
- Other projects dates TBD include planting of beds at Carwin Park and vegetable gardens at Childcare Learning Center.
- Mayor’s Grant Empowerment Grant is being used to replace trees that have been removed.

Mr. Smith made a motion to approve.

Seconded by Mr. McGuinness

Unanimously Approved

Rob Orlando – Hybrid Athletics – Use of Cove Island Park Pavilion or Kosciuszko Park for Strong Man Contest – Any Saturday in June or July from 7:00 a.m. to 6:00 p.m.

- Commercial use of the park is not permitted.
- Commission suggested that Mr. Orlando check other venues like Sherwood Island or one of the schools.

Mr. McGuinness made a motion to disapprove the request.

Seconded by Mr. Smith

Unanimously Approved

Willy Giraldo – Peruvian American Community Center of Connecticut – 18th Annual Raising of the Flag Ceremony for Peruvian Independence Week – Columbus Park on July 26, 2009 from 12:00 p.m. to 2:00 p.m.

Item tabled to May 2009 Meeting. There was no representative present.

Old Business

Mike Lemberger – Shoreline Adult Soccer League – Permit to Use West Beach Soccer Field Nine Times a Year – Sunday Mornings for Two Hours – Either 9:00 a.m. to 11:00 a.m. or 10:00 a.m. to 12:00 p.m.

- Mr. Lemberger stated that they would like to request the use of West Beach Soccer Field as their Home Field nine times a year on Sunday Mornings for two hours. If West beach is not available they would like any other field that is available.
- Mr. Lombardo that the Committee and the Staff will have to take a look at the moratorium in general, the Commission would not make an immediate decision until that is done.
- The Commission will need a copy of the roster with copies of the players' Driver's Licenses and proof of address such as utility bill.
- Mr. Lemberger stated that in preparation they have managed to play their first games away to give time to the Commission to discuss the probability of lifting of the moratorium.
- Mr. McGuinness made a request to the Commission that since this is the second time that Shoreline Adult Soccer League's request is on the Agenda that Mr. Lemberger be contacted of the decision and not have to come back again.
- Mr. Smith stated that another option for them is to approach the Board of Education for one of their fields.

Item tabled to the May 2009 Commission Meeting. Mr. Lemberger does not have to attend the meeting.

Bhargavi Ramamurthy – Annual ASHA Cricket Tournament – Any Weekend in the Month of July or August 2009.

- Ms. Ramamurthy described to the Commission the ways that ASHA is involved and gives back to the community.
- The Cricket Tournament will have 15 teams and they will only need the field for one weekend.
- Mr. McGuinness requested again that members from ASHA provide the Commission with ideas of how to use the money from the proceedings of the tournament. The Commission would like that part of the proceedings go back to the community. Ms. Ramamurthy stated that they are launching a program called Books for Education in which they will put together kits for kids which consist of backpacks with binders, books, calculators, etc. They will use funds from the tournament to purchase the materials for the kits.

- Mr. Lombardo suggested that they can contact the Board of Education to get a Permit for Stamford High Schools' field.
- Ms. Muram stated that they would like to use Leone Park, a lot of the players from the Cricket League play at their tournament. Mr. Smith stated that if the Cricket League takes a break from their games to let them use Leone Park for their tournament the Commission will approve the tournament. The Commission will need a letter from the League stating that they are willing to take a break to allow for the tournament. ASHA will not be able to use Leone until August.
- If the letter is received from the league, ASHA will be put on the Consent Agenda in the May 2009 Commission Meeting.

New Business

Joe De Lucia – Trailblazers Academy – Earth Day Project – Clean Up Day at Scalzi Park and Stream Area.

No representative was present.

John DaRosa – The Stamford Tree Foundation – Permission to Plant a Tree (Elm) at Jackie Robinson Park on Arbor Day – Friday, April 25, 2009.

- The Stamford Tree Foundation would like to plant a tree “Princeton Elm” at Jackie Robinson Park for Arbor Day.
- Ron Markey approved the location of the tree.

Mr. Smith made a motion to approve.

Seconded by Mr. McGuinness

Unanimously Approved

Mark Titus – Discussion of Open Play on City Fields.

No representative was present. Mr. Titus called to say he was moving out of town.

Andy Robles – Request for Soccer Field.

No representative was present.

Tournaments

Marvin Tyler – The New England Tennis Association (N.E.T.A.) Tennis Tournament – Use of All Twelve of Scalzi Park’s Tennis Courts on

**Saturday, September 12, 2009 and Sunday, September 13, 2009.
Tournament will Begin at 9:00 a.m. on Saturday.**

Mr. Smith made a motion to approve the use of 8 tennis courts and to leave 4 tennis courts open for residents.

Seconded by Mr. McGuinness

Unanimously Approved

Correspondence

Mr. Docimo distributed information regarding the Dog Park.

Motion to adjourn the meeting by Mr. McGuinness

Seconded by Mr. Smith

The meeting adjourned at 9:45 p.m.

Respectfully submitted
Margarita Arenas
April 16, 2009