



## ***Fiscal Committee - Board of Representatives***

Monica Di Costanzo, Chair

Frank Cerasoli, Vice Chair

# **Committee Report**

**Date:** Monday, August 29, 2016

**Time:** 7:00 p.m.

**Place:** Democratic Caucus Room, 888 Washington Boulevard, Stamford, CT 06905-2098

The Fiscal Committee met as indicated above. In attendance were Chair Di Costanzo, Vice Chair Cerasoli, and Committee member Reps. Day, Fedeli, Figueroa, Miller, Mitchell, Quinones, and Silver. Also in attendance were: Rep. Kieran Ryan; Jay Fountain, OPM; Bill Brink, WPCA; Prakash Chakravarti, WPCA; Bill Napoletano, Tax Department; Bill Jessa; Deputy Assessor; Karen Cammarota, Grants; Clemon Williams, HR; and Cheryl Bader, Ethics Board.

Chair Di Costanzo called the meeting to order at 7:00 pm

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
<sup>1</sup> 1. <a href="#">F29.426</a> \$7,500.00	ADDITIONAL APPROPRIATION (Operating Budget); Board of Ethics/Professional Legal Services; Reinstate funds cut from FY16/17 budget to allow Board of Ethics to initiate investigations. 05/27/16 – Submitted by Mayor Martin 06/09/16 – Approved by Board of Finance 06/27/16 – Held by Committee 9-0-0 07/25/16 – Failed in Committee 4-4-0 08/01/16 – Held by Board of Representatives	<b>Failed 1-8-0</b>

Cheryl Bader discussed the request for this appropriation with the Committee:

- When the Board receives a complaint, the Chair assigns a panel of 3 members to act as an investigating panel (similar to a prosecutor/law enforcement role); that group determines if there is probable cause to move forward
- If the Board moves forward, the person charged with the ethics violation is then entitled to a hearing where evidence is heard; 3 other members of the Board then serve as the hearing panel
- Often when someone is being investigated, they hire a lawyer, but there is no lawyer to represent the investigating panel or the other members of the board conducting the hearing.
- While the Board may be represented by Corporation Counsel, the Board had the situation several years ago during which the person charged with the violation had an attorney, but Corporation Counsel had a conflict and could not represent

---

<sup>1</sup> Video time stamp 00:00:18

the Board (Corporation Counsel has indicated that they may often have a conflict because someone may have sought their advice or they may know of certain conduct or been told of conduct). At that time the hearing panel sought outside counsel to help with the legal aspects of a hearing that did not violate due process. The investigating panel did not have an attorney

- Ms. Bader is an attorney, but has no role as an attorney for the Board of Ethics and does not have the background to fill that role.
- In another case, the investigating panel did hire legal counsel and was able to settle a complaint as a role.
- It is conceivable that Corporation Counsel could be conflicted in the future, and this money is to be available in that circumstance. The appropriation is being requested so that funds are in place if they are needed.
- In the second instance, when the investigatory panel did come before the Board of Finance to get the appropriation for the lawyer, a person on the Board of Finance had appeared before the Board of Ethics, and there was an issue as to whether that person could be involved in the decision to award the funds.
- She has been advised to request the funds as part of the budget. In the past, the Board of Ethics has gotten appropriations for legal funds which they have not used and the money has gone back to the City.
- She does not recall the costs of these attorneys. She believes the fee for the person who helped the hearing panel was \$10,000. She does not know if the person who helped the Board was working pro bono.
- Without the money in the budget, it can sometimes be difficult to get an emergency appropriation because of the political situation or the need to jump through additional hoops
- This is a budget philosophy question which the Committee needs to make. There is no guarantee that this money will be available. For example, if a person on the Board of Finance is being investigated, the money may not be approved, or people may simply question why they can't get along without the money, since the Chair is a lawyer (without this type of background)
- There are a few potential times when the Board needs counsel - during the investigation, when there is a question of law or when the investigatory panel is presenting the evidence and there is a lawyer on the other side, or possibly to draft up a settlement
- The \$10,000 amount is a guess; it can be difficult to determine how much money will be needed for legal counsel for a case.
- It was discussed by the Committee that in the past it was decided to have contingency funds available if needed, not have the funds available in advance. Vice Chair Cerasoli handed out a legal services budget analysis ([attached](#)), and discussed.
- Without a significant allocation, the funds would probably not cover a case that went to hearing. Director Fountain noted that \$2500 would pay for approximately 8 hours of legal time

Rep. Cerasoli reviewed the account for the last 15 years, and only found expenditures in 2011-12. \$108,000 were budgeted over the past 15 years, and \$25,000 was spent in 2011-12. He believes this is an overcharge to the taxpayers of \$80,000. Either way, this amount is the wrong amount. He believes the \$2,500 is an adequate placeholder for this amount, because the Board would have to come back.

Rep. Mitchell stated that the Ethics Board should have the money available to do their job. Attorneys' fees have increased since 2001. They will not abuse it and it will be returned to the City if not used. An emergency allocation will take time.

Rep. Silver stated that the Board of Ethics is a different animal and believes that the money should be there just in case. He believes the money should be a placeholder. If the Board of Ethics comes before the Fiscal Committee and the Committee ensures that it will get the funds, then \$2500 is sufficient.

Rep. Cerasoli stated he is concerned about the inertia in certain budget lines. He would rather keep this money in contingency for now.

Rep. Fedeli stated that this was already discussed during the budget process and she objects to the Administration coming back for this money with no cause. She would never stand in the way of funding the ethics process.

Rep. Day stated that the Committee needed to review history in making budget decisions and that members would absolutely vote funds out of contingency for an ethics case.

Rep. Figueroa states that this money would be appropriated out of contingency in the event it was needed.

Ms. Bader stated that the investigations she has been involved in take substantial time. The Board has 2 months to complete an investigation unless the Board gives extra time.

Mr. Fountain stated that the funds for an investigation would come from this account, unless Corporation Counsel could do the work. He is not sure if the funds would be charged back to the Board of Ethics budget if the work is done by Corporation Counsel

A motion to approve this appropriation was made, seconded, and failed by a vote of 1-8-0 (Reps. Mitchell in favor; Reps. Di Costanzo, Cerasoli, Day, Fedeli, Figueroa, Miller, Quinones, and Silver opposed).

<p><sup>2</sup>. <a href="#">F29.438</a> \$15,375.00</p>	<p>ADDITIONAL APPROPRIATION (Grants Budget); Police Department – Speed Enforcement/Overtime; Highway Safety Program Award to reduce crashes, injuries and fatalities from speed. (100% grant funded; 25% cost share required from existing Police Overtime Account). 08/03/16 – Submitted by Mayor Martin 08/11/16 – Approved by Board of Finance</p>	<p><b>Approved 8-0-1</b></p>
--	---	------------------------------

Karen Cammarota said that this grant is coming from the State of Connecticut. A motion to approve this item was made, seconded and approved by a vote of 8-0-1 (Reps. Di Costanzo, Cerasoli, Day, Fedeli, Miller, Mitchell, Quinones, and Silver in favor; Rep. Figueroa abstaining).

---

<sup>2</sup> Video time stamp 00:34:46

<sup>3</sup>3. [F29.440](#)      ADDITIONAL APPROPRIATION (Capital Budget);      **Approved 9-0-0**  
\$2,500,000.00      WPCA – Major Replacement; Repairs of Tanks and  
Equipment Associated with the Treatment Of  
Wastewater Including Pumps, Clarifiers, Solids  
Handling Equipment, Etc. Ongoing Capital  
Expenditure.  
08/03/16 – Submitted by Mayor Martin  
08/09/16 - Approved by [Planning Board](#)  
08/11/16 – Approved by Board of Finance

4. [F29.439](#)      RESOLUTION; Amending the Capital Budget for      **Approved 9-0-0**  
\$2,500,000.00      Fiscal Year 2016-2017 for WPCA Projects for  
Project CP6904; WPCA – Major Replacement.  
08/03/16 – Submitted by Mayor Martin  
08/11/16 – Approved by Board of Finance

Items # 3 and # 4 were discussed together. Bill Brink said that last year it was estimated what the projects would cost. Costs have gone up because temporary bypass pumping facilities will need to be put in during the project. These projects are going out to bid. This group of projects will improve the wastewater treatment.

A motion to approve Item 3 was made, seconded and approved by a vote of 9-0-0 (Reps. Di Costanzo, Cerasoli, Day, Fedeli, Figueroa, Miller, Mitchell, Quinones and Silver in favor).

A motion to approve Item 4 was made, seconded and approved by a vote of 9-0-0 (Reps. Di Costanzo, Cerasoli, Day, Fedeli, Figueroa, Miller, Mitchell, Quinones and Silver in favor).

<sup>4</sup>5. [F29.441](#)      ADDITIONAL APPROPRIATION (Operating      **Approved 7-0-2**  
\$3,274,268.00      Budget); To fund the Police Wage Increase  
obligations for FY 16/17 a recent contract  
settlement.  
08/03/16 – Submitted by Mayor Martin  
08/11/16 – Approved by Board of Finance

The item description was changed to: “To fund the Police Wage Increase obligations for FY 16/17 a recent contract settlement”. Clemon Williams explained that this amount is for eight years; the four years of FY 11/12, 12/13, 13/14, and 14/15 all came from fund balances already in the budget. This item includes regular earnings, and estimated overtime.

A motion to approve this item was made, seconded and approved by a vote of 7-0-2 (Reps. Di Costanzo, Day, Fedeli, Miller, Mitchell, Quinones and Silver in favor; Reps. Cerasoli and Figueroa abstaining).

---

<sup>3</sup> Video time stamp 00:37:14

<sup>4</sup> Video time stamp 00:45:45

<sup>5</sup>6. [F29.442](#)  
\$334,975.00

ADDITIONAL APPROPRIATION (Operating Budget); Tax Assessment/Collection & Billing Software System Proposal from Quality Data Services to replace existing applications.  
08/03/16 – Submitted by Mayor Martin  
08/11/16 – Approved by Board of Finance

**Approved 9-0-0**

Bill Jessa discussed that the City has been using HTE to value motor vehicles; HTE was bought out by another company, and this company is getting rid of the application that values older vehicles. The assessor's office looked for a replacement application. The most feasible is Quality Data Service, which handles 91% of all the municipalities in Connecticut. Jay Fountain stated \$350,000 has been set aside in contingency funds, this amount of \$334,975.00 is the appropriation. Bill Napoletano discussed that the new system will streamline the process, resulting in cost savings.

A motion to approve this item was made, seconded and approved by a vote of 9-0-0 (Reps. Di Costanzo, Cerasoli, Day, Fedeli, Figueroa, Miller, Mitchell, Quinones and Silver in favor).

Chair Di Costanzo adjourned the meeting at 8:00pm.

Respectfully submitted,  
Monica Di Costanzo, Chair

This meeting is on [video](#).

---

<sup>5</sup> Video time stamp 00:50:34