

Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Committee Report

Date: Monday, July 21, 2014

Time: 7:00 p.m.

Place: Democratic Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Heaphy and Committee Member Reps. Day, Mitchell, Ryan, Silver and Zelinsky. Absent or excused were Committee Member Reps. Coleman, Doyle and Okun. Also present were President Skigen; Rep. DeLuca; Jane Freeman, Cacace, Tusch & Santagata; Megan Shutes, Rippowam Corp./COC; and Michael Toma, Law Department.

Chair Heaphy opened the meeting at 7:09 p.m.

Item No.	Description	Committee Action
¹ 1. <u>LR29.018</u>	ORDINANCE for public hearing & final adoption; approving a tax abatement agreement between the City, 22 Clinton LLC and Housing Authority of the City of Stamford 05/15/14 – Submitted by Mayor Martin 06/16/14 – No Action Taken 06/30/14 – Approved by Committee 6-0-0 07/07/14 – Approved for publication on Consent Agenda	Approved 5-0-1
2. <u>LR29.019</u>	ORDINANCE for public hearing & final adoption; approving a tax abatement agreement between the City, 18 Quintard LLC and Housing Authority of the City of Stamford 05/15/14 – Submitted by Mayor Martin 06/16/14 – No Action Taken 06/30/14 – Approved by Committee 6-0-0 07/07/14 – Approved for publication on Consent Agenda	Approved 5-0-1

Chair Heaphy opened the public hearings on Item Nos 1 and 2. There were no members of the public wishing to speak and the public hearings were closed.

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In response to questions from the Committee, Ms. Shute stated that

- All units at 22 Clinton are 1-bedroom units
- All units have annual housekeeping and quality control inspections which seek to verify the number of individuals living in a unit
- Currently 22 Clinton is all low income housing, but as the project ages, 50% will be project-voucher low income and 50% will be moderate income. This will happen as a result of attrition. The income qualification would be under 60% of AMI for the local area
- Right now everyone in the building is eligible for Section 8 vouchers.
- At 18 Quintard Terrace, of the 60 units, 11 are studio units, there is one 2 bedroom unit occupied by a pair of sisters and the rest are 1 bedroom units.
- The proposed rent for these units would be \$1100/month, which is the minimum that can be charged to maintain the building without the vouchers.
- They need to make sure that this building remains affordable to individuals at the 60% AMI and do not anticipate increasing the rents.

This is just a technical change to the agreements to add Housing Authority d/b/a COC as a signatory to the agreement.

A motion to approve Item No. 1 was made, seconded and approved by a vote of 5-0-1 (Reps. Heaphy, Day, Ryan, Silver and Zelinsky in favor, Rep. Mitchell abstaining.)

A motion to approve Item No. 2 was made, seconded and approved by a vote of 5-0-1 (Reps. Heaphy, Day, Ryan, Silver and Zelinsky in favor, Rep. Mitchell abstaining.)

²3. <u>LR29.022</u> REVIEW; Purchasing Ordinance (Code Chapter 23, Article II) Committee 6-0-0 06/04/14 – Submitted by Reps. Fedeli, Day, Coppola and Fountain 06/16/14 – No Action Taken

A motion to hold Item No. 3 was made, seconded and approved by unanimous vote (Reps. Heaphy, Day, Mitchell, Ryan, Silver and Zelinsky in favor.)

³4. LR29.023 REVIEW; Planning Board's latest triennial list of Cityowned and City-leased properties (Code §9-4) Committee 6-0-0 06/04/14 – Submitted by Reps. Reeder and Ryan 06/16/14 – No Action Taken

A motion to hold Item No. 4 was made, seconded and approved by unanimous vote (Reps. Heaphy, Day, Mitchell, Ryan, Silver and Zelinsky in favor.)

⁴5. <u>LR29.026</u> RESOLUTION & public hearing; Approving a Lease Addendum between the City of Stamford and the Neighborhood Preservation Foundation, Incorporated concerning the "Lease for Housing for

² Video Time Stamp 00:14:22

³ Video Time Stamp 00:15:20

⁴ Video Time Stamp 00:16:30

the Elderly Site at Willard School" required by HUD due to refinancing of the 2.65 acre parcel. 06/30/14 – Submitted by Mayor Martin 07/01/14 – Approved by Planning Board 07/10/14 – To be considered by Board of Finance

Chair Heaphy opened the public hearings on Item No. 5. There being no members of the public wishing to speak, the public hearings was closed.

Ms. Freeman stated that

- NPFI was formed in 1990 for the purpose of converting the property at the Willard School into housing for the elderly and the disabled.
- There are currently 53 Section 8 units in the premises.
- The original lease was signed in 1990 for a term of 55 years.
- NPFI wishes to refinance its current HUD loan in order to take advantage of current interest rates.
- One of HUD's requirements is that the lease term extend for at least 50 years, to NPNI has asked the City to extend the expiration of the lease term from 2045 to 2065.
- This refinance would produce \$450,000 of new money necessary for repairs and upgrades to the facility.
- The extension of the lease is not contingent on the approval of the refinance.

A motion to approve this resolution was made, seconded and approved by a vote of 6-0-0. (Reps. Heaphy, Day, Mitchell, Ryan, Silver and Zelinsky in favor.)

⁵6. LR29.024 REVIEW; Board of Representatives Website communications policy.
06/13/14 – Submitted by President Skigen

President Skigen that this has come up because of recent disparaging communications the Board office has received and the office is looking for guidance on how to handle these.

Mike Toma stated that the Law Department has tried to come up with guiding principles. Their research focused on First Amendment issues and enunciated the principle that there could be a First Amendment violation if a government official tries to prevent a communication from being disseminated to other officials based on content. The ideal situation is to have no discretion based on content. Allowing all communications presents a problem in the event of defamatory or libelous communications. The best way to proceed is to come up with a process with either no or minimal gatekeeper process, such as having emails automatically forwarded to Board members. The current policy contains subjective words, such as "vulgar."

President Skigen explained that currently, information that comes to the Board office without being addressed to anyone, is distributed to everyone in the weekly communications. He noted that there is a City email policy which prohibits dissemination of certain contents.

Representatives discussed

• Whether the First Amendment would require giving someone a platform for their speech

⁵ Video Time Stamp 00:27:25

- Whether the Board could require someone to identify themselves, although this might present a FOIA issue
- Libel of public officials has a higher standard of proof than libel of regular individuals
- Corporation Counsel needs to come up with a policy that protects the City
- The two extremes would protect the City the most by eliminating all discretion either a hard and fast policy that all communications get to all members and get posted or a policy that no communications will be distributed and any communications to members must be addressed to them individually
- Whether communications should be posted on the website at all Mike Toma stated that there is no need to do so
- That Corporation Counsel should develop a policy based on the discussion, and get back to the committee with any legal ramifications of not posting any communications

Chair Heaphy adjourned the meeting at 8:39 p.m.

Respectfully submitted,

Eileen Heaphy, Chair

This meeting is on video.