



## **Legislative & Rules Committee – Board of Representatives**

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

# **Committee Report**

**Date:** Tuesday, January 25, 2022  
**Time:** 7:00 p.m.  
**Place:** *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Co-Chairs Berns and Nabel, and Committee Member Reps. Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood. Also present were Reps. Adams, Coleman, de la Cruz, Di Costanzo, Fedeli, Morson, STellaSummerville, and Tomas; Cindy Grafstein, Special Assistant to the Mayor; Doug Dalena, Michael Toma and Chris Dellaselva, Law Department; Greg Stackpole and Bill Napoletano, Assessor's Office; Bridget Fox, Chief of Staff; and Tom Cassone, Esq., Sol Kinraich, MLK Real Estate Management; and Justin Goldberg, Navarino Property Group, representing Spruce CT Owner LLC.

| <b>Item No.</b>   | <b>Description</b>   | <b>Committee Action</b> |
|---|--|-------------------------|
| <b><i>Under a suspension of the rules:</i></b>  |  |                         |
| A motion to suspend the rules to take up Item No. 10 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor). |  |                         |
| 10. <a href="#">LR31.001</a>  | ORDINANCE <u>for public hearing and final adoption</u> ;<br>Concerning a Tax Abatement Agreement between the City of Stamford and Spruce CT Owner LLC for 115 Below Marking Units Located at 72 Spruce Street, Stamford, CT.<br>12/08/21 – Submitted by Mayor Simmons<br><b>12/28/21 – Approved by Committee 8-0-1</b> | <b>Approved 8-0-1</b>   |

Co-Chair Berns opened the public hearing. Lila Wallace, Chris Whitley, Earl Murphy, Priscilla Dorsey, Nicle Beckham, Robin Cannon, Aletha Hinton and Lovell Swan all spoke in favor of the proposed ordinance.

A motion to approve Item No. 10 was made, seconded, and approved by a vote of 10-0-1 (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, and Miller in favor; Rep. Sherwood abstaining).

1. [LR31.002](#) RESOLUTION; Approving a Lease Agreement between **Approved 9-0-0**  
the City of Stamford and Domus Kids, Inc. for 83  
Lockwood Avenue, Stamford, CT.  
12/08/21 – Submitted by Mayor Simmons  
09/14/21 – Approved by Planning Board  
11/10/21 – Approved by Board of Finance 4-1-0  
12/28/21 – Public Hearing Held and Approved by  
Committee 6-2-1  
**01/03/22 – Held by Full Board**

Mr. Dellaselva explained the revised provisions of the lease. It was updated to reflect that Mayor Simmons is now the mayor and the term of the lease was changed. The lease is now for a 4 year term retroactive to July 1, 2019 with an additional one year option. There is no evergreen clause. The option to terminate on 60 days' notice remains.

In response to questions from the committee, Mr. Dellaselva and Ms. Grafstein stated:

- Domus has been paying rent on the premises and are current
- This is a codification of what is already happening
- As a community center, they can run educational programs, but this building will primarily be the hub for Domus' administrative offices; opening a school would require authorization from the State
- The City has a staff persons who tracks all city leases to be sure that the Director of Operations is notified when the end of the term is approaching

A motion to approve Item No. 1 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

2. [LR31.014](#) ORDINANCE for publication; Amendment to Code of **Approved 9-0-0**  
Ordinances §220-8, Senior Citizens Tax Abatement.  
01/05/22 – Submitted by Mayor Simmons  
01/13/22 – to be Considered by Board of Finance

Mr. Toma explained that the proposed changes are consistent with the requirements of state law and the existing ordinance.

Mr. Stackpole and Ms. Dennies discussed the proposed changes with the committee as follows:

- The program has not been revised since the 2015 grand list
- Approximatly 1200 taxpayers over 65 are eligible for the program
- Neither the income limits nor the benefit amount have been increased since 2015
- The local program mirrors the State program, which has had 8% growth since 2015
- The recommendation for single applicants is for the lower income applicants benefit to increase from \$2,000 to \$2,250; for the second tier to start at \$43,201 rather than \$40,001 and the benefit to go from \$1,200 to \$1,325; for the third tier to start at \$70,201 rather than \$65,001 and end at \$91,800 rather than \$85,000 and the benefit to go from \$500 to \$625. The income levels are slightly different for married applicants
- With the proposed benefit, the projected cost would be \$2.4 million, but the benefits for all recipients would be adjusted to keep it under the cap
- The Board of Finance recommended a \$2.2 million cap
- The proposed ordinance permits applicants to apply by mail (the City is currently in the process of enabling more items to be handled online)

- How many people apply will depend upon the marketing of the program; the Mayor is strongly in support of promoting this program)
- This is a trial year; if the total benefit is not appropriate, the administration will return next year
- In 2020, only 11 people were initially denied under the program; under the current proposal, 3 of those 11 would receive benefits.

A motion to approve Item No. 2 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

3. [LR31.006](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Remove Reference to Postage Allowance. **Held 99-0-0**  
 12/08/21 – Submitted by Rep. Sherwood  
**12/28/21 – Held by Committee 6-3-0**

Rep. de la Cruz stated that he will be submitting an item to Steering to reinstate the postage allowance.

A motion to hold Item No. 3 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

4. [LR31.008](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section IV.E.3.iii. to Permit a Member of the Public to Speak on a Topic which was the Subject of a Prior Public Hearing if they did not Speak at the Public Hearing. **Held 9-0-0**  
 12/08/21 – Submitted by Rep. Sherwood  
**12/28/21 – Held by Committee 8-1-0**

Rep. Sherwood stated that she introduced Item No. 4 in order to permit individuals who did not speak at a public hearing about an item to speak before the full board on that item.

Co-Chair Nabel noted that she had requested a legal opinion regarding whether or not providing the public with an opportunity to comment on an item that had previously received a mandated public hearing would involve the necessity of renoticing that item and has not yet received that opinion. Mr. Dalena stated he would need to time to provide a legal opinion.

A motion to hold Item No. 4 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

The Committee next took up Item No. 9.

9. [LR31.013](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Permanently Permit the Option of Remote Meetings of the Board of Representatives and Committees Thereof. **Held 9-0-0**  
01/05/22 – Submitted by Reps. Jacobson and Nabel

Rep. Jacobson stated that he put Item No. 9 on the agenda in order to permit committees to meet remotely, because there are benefits to having some meetings be held remotely, particularly public access to public hearings. A [legal opinion](#) was only provided this afternoon.

Mr. Dalena stated that there is work going on at the state level now to create a permanent rule, which may extend the state law past April 30<sup>th</sup>. One of the key provisions in the current law is that a place needs to be provided for members of the public who don't have the opportunity to participate remotely. The law also contains provisions for how to resume the meeting in the event of a technology failure. Any rule change should account for possible changes to the state law and possibly should wait until after April 30<sup>th</sup>.

Co-Chair Nabel pointed out that Amy Livolsi had spearheaded a series of meetings last year regarding the future of public meetings at which best practices for remote meetings were discussed.

A motion to hold Item No. 9 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

5. [LR31.009](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section III B: Steering Committee, to Require Draft Ordinances to be Submitted in Writing Through the Board Office to the Legal Department for Review/Editing prior to Submission to the Steering Committee. **Failed 4-5-0**  
12/08/21 – Submitted by Reps. Miller and Nabel  
**12/28/21 – Held by Committee 9-0-0**

Committee members discussed Item No. 5 at length. Items discussed included:

- The need to leave room for floating ideas
- Legal department opinions might tend to quash an idea before the committee can give its input or come up with other approaches
- This would tend to take away the right of the BOR not to listen to the law department
- There is no provision that an item the Law Department does not agree with can't be placed on the agenda
- Since the Steering Committee should not be reviewing the substance of an item, maybe it would be better to have this later in the process, such as once the item is assigned to a committee or before a public hearing is held

A motion to approve Item No. 5 was made, seconded and failed by a vote of 4-5-0 (Reps. Nabel, Florio, Jacobson and Miller in favor; Reps. Berns, Boeger, Cottrell, Matheny and Sherwood opposed).

6. [LR31.010](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section III B: Steering Committee to Require Members who wish to Add Their Names as Sponsor of an Item to do so Within 48 Hours of the Item Being Placed on the Steering Agenda. **Held 9-0-0**  
12/08/21 – Submitted by Reps. Miller and Nabel  
**12/28/21 – Held by Committee 9-0-0**

Co-Chair Nabel explained that Item No. 6 is an attempt to codify the procedure implemented by the 30<sup>th</sup> Board in order to save time at the Steering Committee meetings. Committee members discussed Item No. 6, including:

- There needs to be some limit on adding names
- Would members be able to add their names after subsequent Steering Committee meetings if an item is on the agenda for more than one month
- Maybe a better cutoff is the first committee meeting
- Maybe the cutoff should be when the item is voted on
- There is a distinction between a sponsor and a supporter

A motion to hold Item No. 6 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

The Committee next took up Item No. 8

8. [LR31.012](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section V: Rules of Procedure to require Representatives participating by computer during a virtual meeting to be visible on screen during any voting procedure and when speaking on an item at either Committee or full Board meetings, with an exemption for Representatives participating by telephone. **Failed 4-5-0**  
12/08/21 – Submitted by Reps. Miller and Nabel  
**12/28/21 – Held by Committee 9-0-0**

Rep. Miller stated that Item No. 8 was placed on the agenda as a compromise position, because they thought members should be on cameral at all times, but from a practical standpoint that doesn't work since some members have technical issues. Co-Chair Nabel added that this relates to transparency and ensuring that the public understands what is going on. Committee members discussed this item at length, including:

- The public benefits from seeing who is saying what
- This tends to provide greater transparency as elected officials
- Cameras don't always work
- What would be the consequence of not being visible
- The City should provide the necessary hardware
- Not everyone has a dedicated private space to be on a meeting
- This can make private matters like home interiors and even family members visible and public

A motion to approve Item No. 8 was made, seconded and failed by a vote of 4-5-0 (Reps. Nabel, Florio, Jacobson, and Miller in favor; Reps. Berns, Boeger, Cottrell, Matheny and Sherwood opposed).

7. [LR31.011](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section V: Rules of Procedure to require all Ordinances and Resolutions Considered and Approved by the Board of Representatives to use Only Non-Gendered Language (based on [Res. No. 3900](#)).  
12/08/21 – Submitted by Reps. Miller and Nabel  
**12/28/21 – Held by Committee 9-0-0** **Approved 9-0-0**

Rep. Nabel stated that Item No. 7 was put on the agenda in order to incorporate Item No. 7 into the Board rules. Committee members discussed that there might be instances in which a resolution or ordinance should not have non-gendered language.

A motion to amend Item No. 7 to change “shall” to “should” was made, seconded and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

A motion to approve Item No. 7 as amended was made, seconded and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

Co-Chair Berns adjourned the meeting at 11:07 p.m.

Respectfully submitted,  
Phil Berns, Co-Chair

This meeting is on [video](#).