



Operations Committee - Board of Representatives

Jonathan Jacobson, Chair

John Zelinsky, Jr., Vice Chair

Committee Report

Date: Tuesday, January 29, 2019

Time: 6:30 p.m.

Place: Legislative Chambers, 4th Floor, Government Center, 888 Washington Boulevard

The Operations Committee met as indicated above. In attendance were Chair Jacobson, Vice Chair Zelinsky and Committee Member Reps. Adams, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins. Also present were Education Committee Vice Chair Cottrell; Education Committee Member Reps. de la Cruz and Di Costanzo; Reps. Figueroa, McMullen, Miller, Nabel, Patterson, Pia, Roqueta and Summerville; Mayor Martin, Bharat Gami, Chief Building Official; Mark McGrath, Director of Operations; Jay Fountain, OPM Director; Laura Burwick, Special Assistant to the Mayor; Dan Colleluori, Recycling/Sanitation; Thomas Turk, Road Maintenance; Michael Handler, Director of Administration; Michael Toma, Law Department; and approximately 50 members of the public (See the [public hearing sign-in sheet](#)).

Chair Jacobson called the meeting to order at 6:37 p.m.

Item No.	Description	Committee Action
11. O30.024	RESOLUTION <u>and public hearing</u> ; Concerning Building Permit Fees and grandfather clause if applicable. 10/04/18 – Submitted by Mayor Martin 10/23/18 – Approved by Committee 4-3-0 11/07/18 – Held by Full Board 11/27/18 – Approved by Committee, as Amended, 8-0-0 01/02/19 – Approved by Committee 7-0-0 01/07/19 – Returned to Committee by full Board, as amended, for public hearing	Approved by Committee, as amended, 6-2-0

Chair Jacobson opened the public hearing at 6:40 p.m.

Lawrence Davidoff, a resident of Stamford, spoke on behalf of small developers in opposition to the proposed increase to \$25.

Vincent Tufo, CEO of Charter Oak Communities, read the [attached statement](#) into the record requesting an exemption from the fee increase proposal for affordable housing

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Chris Woodside, a Stamford resident, spoke in support of the \$25 increase.

Deborah Billington, a Stamford resident, spoke in support of the \$25 increase.

Steven Loeb, a Stamford resident, read the [attached statement](#) into the record in support of the \$25 increase.

Paul Senecal, a Stamford resident, spoke in opposition to the \$25 increase

Heather Cavanagh, President of the Stamford Chamber of Commerce and a Stamford resident, read the [attached statement](#) from the Chamber of Commerce into the record in opposition to the \$25 increase.

Allison Cottle, a Stamford resident, read the [attached statement](#) into the record in opposition to the \$25 increase.

William Healy, a resident of Stamford and President of NNI, spoke to request an exemption for affordable housing or allow affordable housing developers to pay residential rates.

Kieran Ryan, a Stamford resident, spoke in opposition to a tiered system and in favor of the proposed \$25 increase.

Charles Epstein, a representative of LMC, a subsidiary of Lenard Corporation, spoke in opposition to the \$25 increase and requested that current projects should be protected from the increase.

Michael Moore, a Stamford resident, and the Vice President of the DSSD, read the [attached statement](#) into the record in opposition to the \$25 increase.

Michael Battinelli, a Stamford resident, spoke in favor of the \$25 increase.

James Ritman, a Stamford resident and manager of a local real estate firm, spoke in opposition to the \$25 increase.

David Michel, a Stamford resident, spoke in favor of the \$25 increase.

Geoff Ringler, a representative of a Stamford developer, spoke in opposition to the \$25 increase.

Jerry Kiley, a Stamford resident, spoke in opposition to the \$25 increase.

Tory Walsh, a former Stamford resident and commercial real estate broker in Stamford, spoke in opposition to the \$25 increase.

Thomas Rich, a Stamford resident, spoke in opposition to the \$25 increase.

Sam Fuller, a Stamford resident, spoke in opposition to the \$25 increase.

There being no further speakers, Chair Jacobson closed the public hearing at 7:40 p.m.

Mr. Toma explained to the Committee that under Connecticut law, there is a general principal that application fees are authorized and intended to cover a municipality's reasonable costs of administering or processing an application. He has not found any

case law in Connecticut invalidating building fees or addressing what would be considered reasonable.

Mayor Martin stated that the administration does not support increasing the fee for commercial projects to \$25. Fees should be in line with the cost structure and should not be used in place of fines or taxes. Much of the time spent by the Building Department is spent on smaller permit applications. If the fee goes above the cost structure, the fee begins to look like a tax.

Rep. Zelinsky made a motion to exempt renovation and replacement projects for affordable housing, which motion did not receive a second.

A motion to amend the resolution to decrease the \$25 increase to \$19 was made and seconded.

Committee members had an extensive discussion (including answers to questions to Mayor Martin and Mr. Gami), stating the following positions:

- The original proposal to raise the building fee did not include a revenue target; that was set by the Board of Representatives, who chose to increase fees on large developers in order to make up the revenue
- The Committee spent a long time collaborating with the Administration to reach a change of \$19
- Business is booming in Stamford and there is appetite on the Board for a \$25 increase
- Developers can afford this increase
- It is “The Great American Lie” that corporations need to do well
- Stamford is booming and developers will continue to come here
- Stamford is currently the 3rd most expensive City in Connecticut based on the revenue/permit ratio and the \$25 increase would make it the 2nd most expensive
- The increase would impact the rent rate and the quality of work developers would do
- The City should not run the City based on building fees; the market is too volatile
- Developers make money when they sell their buildings and should pay their fair share
- Is a fair fee based upon cost or ability to pay?
- The economy in Stamford is fragile and the Board should do no harm
- The cost of this increase will be borne by renters
- Real estate developers are corporate citizens and pay real estate taxes and conveyance taxes
- The City should care more about tax revenue
- Building permits in New Haven often relate to Yale, which doesn’t pay taxes
- Don’t punish middle class families
- Developers have gone bankrupt in the City, which affects the City; the “Hole in the Ground” was the result of a developer going bankrupt
- This large an increase is too sudden and disruptive

The motion to amend \$25 to \$19 was approved by a vote of 5-4-0 (Reps. Jacobson, Coleman, Mahoney, Spadaccini and Watkins in favor; Reps. Zelinsky, Adams, Lee and Sherwood opposed.)

The Committee then discussed grandfathering projects which have already been started. Mayor Martin noted that administration of a grandfathering provision would be

problematic and recommended extending the effective date instead since the fee is set when the application is filed. Mr. Gami noted that an application must be complete for a permit to be issued.

A motion to change the resolution so that the fee schedule will take effect on the 1st of the month at least 60 days after enactment, rather than 30 days, was made, seconded and approved by a vote of 8-1-0 (Reps. Jacobson, Adams, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor; Rep. Zelinsky opposed).

A motion to approve the resolution, as amended, was made, seconded and approved by a vote of 7-2-0 (Reps. Jacobson, Adams, Coleman, Lee, Mahoney, Spadaccini, and Watkins in favor; Reps. Sherwood and Zelinsky opposed).

- ²2. [O30.025](#) ORDINANCE for public hearing and final adoption; **Approved by**
Amending Code §137-10, Tipping Fees. **Committee 7-0-1**
10/04/18 – Submitted by Mayor Martin
10/23/18 – Held by Committee 7-0-0
11/27/18 – Approved by Committee, as Amended,
8-0-0
12/03/18 – Held by Full Board
01/02/19 - Approved by Committee, as Amended,
6-0-0

Chair Jacobson opened the public hearing. Chris Woodside spoke in opposition to this fee increase. There being no other speakers, the public hearing was closed.

A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 7-0-1 (Reps. Jacobson, Zelinsky, Adams, Coleman, Lee, Spadaccini and Watkins in favor; Rep. Sherwood abstaining).

- ³3. [O30.036](#) APPROVAL; AIA Construction Manager as **Approved by**
Constructor Agreement between City of Stamford **Committee 8-1-0**
and Bismark Construction Company, Inc. as
Construction Manager, for Mold Task Force
Investigation re: Construction.
01/07/19 – Submitted by Mold Task Force

Secondary Committee: Education

Mr. Handler discussed this agreement with the Committee as follows:

- This is a cost plus contract with Bismark Construction not to exceed \$500,000 for work at Stark, Newfield, Toquam, Hart, KT Murphy and Westhill schools
- Different phases will be completed at different times
- The City is removing mold growth and repairing the work while school is going on
- He will review the risk management component of the contract to be sure it is correct
- The role of the Mold Task Force is to address immediate needs, develop a long term solution, which includes knowing the source of the problem, and create a mechanism for future maintenance
- The contract is cost plus because they don't know the work to be done

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- The legal department has been very involved in possible claims and putting insurers on notice
- This project is covered under the umbrella bid waiver and is for the immediate restoration after the remediation work is done in schools which are still in process

A motion to approve this contract was made seconded and approved by a vote of 8-1-0 (Reps. Jacobson, Zelinsky, Adams, Coleman, Lee, Mahoney, Spadaccini and Watkins in favor; Rep. Sherwood opposed).

4. O30.035 REVIEW; City of Stamford’s 2019 Leaf Collection Process. **Held by Committee 9-0-0**
01/03/18 – Submitted by Reps. Jacobson and Watkins

A motion to hold this item was made seconded and approved by a vote of 9-0-0 (Reps. Jacobson, Zelinsky, Adams, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor).

- ⁴5. O30.032 REVIEW; City response to November snowstorm **Report Made & Held by Committee 4-1-0**
12/05/18 – Submitted by Rep. Zelinsky
12/10/18 – Moved to Pending

A motion to hold this item was made seconded and failed by a vote of 3-4-0 (Reps. Zelinsky, Mahoney and Sherwood in favor; Reps. Jacobson, Coleman, Lee, and Spadaccini opposed).

Mr. Turk stated that the problem with this storm was that every forecast was for 1-2". The crew was out before it snowed, but the public all came out at the same time and it snowed 6 inches in 3 hours. The Merritt Parkway was closed and commuters had nowhere to go. It was a combination of bad forecasts, too many cars and too much snow coming too fast. Because of the forecast, the public didn't take it seriously. There is nothing that he would have done differently.

A motion to hold this item was made seconded and approved by a vote of 4-1-0 (Reps. Jacobson, Coleman, Sherwood and Spadaccini in favor; Rep. Lee opposed).

Chair Jacobson adjourned the meeting at 11:00 p.m.

Respectfully submitted,
Jonathan Jacobson, Chair

This meeting is on [video](#)

⁴ Video Time Stamp 4:03:34