



CT Supreme Court rules Greenwich libel suit can proceed

By Robert Marchant

GREENWICH — The state Supreme Court has overturned earlier court rulings that a Greenwich woman could not be sued for libel for comments she made about a neighbor six years ago during a Greenwich Planning & Zoning Commission hearing.

The Supreme Court directed the case be sent back to the trial court, presumably Superior Court in Stamford, “for further proceedings according to law.”

Thomas Priore brought the libel suit against Stephanie Haig, his neighbor, after she called him not “trustworthy” and “wrongfully accused” him of having been convicted of a crime, according to court documents. Her statements, made during a 2016 P&Z hearing, were also published on a local news website.

“The Connecticut Supreme Court got it absolutely right,” Eric Grayson, the attorney for Priore, said in an email.

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M&T BANK-PEOPLE'S UNITED

AG makes ‘series of demands’ to rectify merger

By Luther Turmelle

Connecticut Attorney General William Tong met on Monday with the M&T Bank executive who oversees the New England region and made a series of demands he hopes will resolve problems associated with a computer system conversion designed to bring People's United Bank customers in the fold with the Buffalo-based financial institution.

Attorney General William Tong
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Will Greenwich schools add security monitors?

District needs to negotiate with its labor union first

By Ken Borsuk

GREENWICH — The plan to add monitors to check security feeds and patrol the grounds of Greenwich's elementary and middle schools is on hold amid negotiations with a top labor union.

The Board of Estimate and Taxation voted Monday night to defer
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Tyler Sizemore / Hearst Connecticut Media file photo

Greenwich's Board of Finance and Representative Town Meeting approved funding for two school security upgrade initiatives, but new monitors are on hold amid labor union negotiations.



Tyler Sizemore / Hearst Connecticut Media

To help officials create new policies on outdoor dining, which flourished during the COVID-19 pandemic, the town created a survey on outdoor dining in central Greenwich.

How does Greenwich feel about outdoor dining?

Survey shows loss of parking spots is worth it

By Robert Marchant

GREENWICH — The benefits of outdoor dining trump the loss of parking spaces in Greenwich, according to a majority of respondents to a town-sponsored survey on public attitudes on eating on the street.

The town Planning Department initiated a study of outdoor dining to codify and standardize the use of outdoor dining areas that came about in a somewhat

sporadic manner during the COVID-19 pandemic. The goal will be to institute a more formal process for approvals and enforcement around seating outside restaurants.

According to Planning Director Katie DeLuca, more public hearings will be held, and the planning department will eventually determine how many seats a restaurant can maintain, inside and out. The decision on continuing with the outdoor dining “pods” or “nodes” will rest

with the Board of Selectmen.

“The next step is invite participation in public input sessions on a revised zoning regulation to discuss how to proceed. The future of the nodes is up to the Board of Selectmen. The number of seats that a restaurant is permitted to have, both inside and outside, is up to the Planning and Zoning Commission,” DeLuca said.

The survey was taken in a two-week period in August, and some 2,000 re-
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Arora asks court to remove Baldwin

By Ken Dixon

Harry Arora, who, like fellow Republican Bob Stefanowski failed to win a cross endorsement last month from the Independent Party of Connecticut, filed a lawsuit Monday in an attempt to keep the minor party's candidate for state treasurer, Jennifer Baldwin of Guilford, off the Nov. 8 ballot.

Last week a state Superior Court judge rejected Stefanowski's attempt to delete Independent Rob Hotaling from the ballot for governor.

But Arora's lawyer, Proloy K. Das of the Hartford firm of Murtha Cullina LLP, is using a different strategy from Stefanowski's legal team, charging that the Independent Party failed to file its party rules with Secretary of the State Mark Kohler at least 60 days before the controversial party caucus

in Guilford on Aug. 23.

Arora is citing an item in a 2019 state Supreme Court ruling on minor party's resubmitting their party rules each time they receive 1 percent of statewide voting.

“The Independent Party is not legally authorized to nominate candidates for state office in the Nov. 8, 2022, election,” Das wrote in a complaint filed against Kohler. “The Independent Party has not filed bylaws with the Secretary of the State for state offices, and specifically the office of State Treasurer, and is therefore not a ‘minor party’ for the office of State Treasurer.”

Arora, a first-term state representative from Greenwich, is asking the Superior Court to order Kohler to declare that no state treasurer candidate appear on the Independent Party ballot
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Tyler Sizemore / Hearst Connecticut Media

State Rep. Harry Arora filed a lawsuit Monday in an attempt to keep the Independent Party's candidate for state treasurer, Jennifer Baldwin of Guilford, off the Nov. 8 ballot.

Lawmakers might extend Connecticut gas tax break — after the election

DAN HAAR



COMMENTARY

As gasoline prices fall, remember that the state's 25-cent-per-gallon tax at the pump resumes on Dec. 1 — but Democratic leaders say they might consider extending that relief until next spring.

An extension of the gas tax holiday would require a special session of the state legislature and it could also include adding money for home heating assis-

tance this winter. Despite repeated calls by Republicans to boost fuel aid now in an immediate special session, including at least two press conferences on the subject this month, lawmakers will not gather before the Nov. 8 election, top Democrats say.

The reason: A pre-election session would invite all manner of political posturing.

We'd see unsustainable tax cut proposals by Republicans that Democrats would have to reject, and perhaps unwise spending and tax increase proposals by liberals, which moderate Dems and Republicans would have to reject.

Amid a new round of rancor over home heating fuel assistance — is it needed now as
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LIBEL

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“A hearing before the Planning & Zoning Commission ... does not give someone license to say anything they want without any regard for the truth and to use the hearing as a soapbox to defame an upstanding member of the community,” Grayson said.

“‘Comments’ — and I put that in quotation marks — should be directed at the merits, and as long as you speak truthfully and honestly, there are no issues. It’s when you use an open mic as an opportunity to defame someone in this

type of forum then you run afoul of the law,” he said.

The case centered on whether land use commissions are quasi-judicial in nature. Free speech protections are granted at jury trials, a longstanding convention in libel law, and courtroom speech cannot be cited for libel.

While the law grants immunity from litigation in courtrooms and legislative hearings, whether the local P&Z Commission should have the same protocols around speech in place was a question that arose during the litigation.

The initial court ruling in state Superior Court found that Haig had immunity from litigation, but

Priore appealed that decision.

In 2020, the state Appellate Court upheld the decision and ruled that the P&Z Commission was quasi-judicial in nature, and therefore subject to immunity from libel litigation. But Priore appealed again to the state’s highest court.

The Supreme Court’s recent decision found that Priore did indeed have grounds to sue. “We agree with the plaintiff that the public hearing was not quasi-judicial in nature and, accordingly, reverse the judgment of the Appellate Court,” the high court justices said in their decision.

The case stemmed from a property dispute after Priore bought property in the Deer Park Association and was seeking permission to build a new home and sewer system, and in the process, removed some trees. There was discussion involving Priore and his neighbor, Haig, about who would pay for the sewer upgrades, as well as what happened to the trees.

According to court papers, Haig called Priore not “trustworthy” at the P&Z hearing in 2016. “Unfortunately, he does have a criminal past and paid over \$40 million fines,” she said, according to court papers.

The remark was printed in the hyper-local news

website Greenwich Free Press.

But Priore was never convicted of a crime. He sued Haig for libel, and the legal complaint stated her statements caused damage to his “reputation and good name.”

Priore was involved in civil litigation in 2012. He, his firm and affiliated partners agreed to pay \$23.5 million to settle civil fraud charges brought by the Securities and Exchange Commission, which investigated complaints that Priore’s firm misled investors and reaped millions in fees.

As part of the settlement, Priore and his affiliated companies consented,

without admitting or denying the SEC’s allegations, to certain injunctions. He was never charged criminally, his lawyer noted.

A message left with Richard Bowerman, Haig’s attorney, was not returned.

The editor and publisher of Greenwich Free Press, Leslie Yager, said, “Residents often don’t realize, or forget, that when they speak at a P&Z public hearing, reporters are in the room, watching remotely on cable TV or, more recently, via Zoom. They may say something they don’t expect to see in print.”

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DINING

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spondents took part, about 95 percent of them from Greenwich. The survey, which asked a range of broad questions about attitudes about outdoor dining and parking, was also open to non-residents.

According to the survey, 62 percent of respondents said they liked outdoor dining and didn’t mind the loss of parking. Forty-three percent of the survey takers said they liked dining on the sidewalk, on the street and in the nodes.

DeLuca noted that open surveys that invite public input at large aren’t the best way to gauge public support and sentiment, but they can be useful in a limited capacity.

The planning director noted that the survey also revealed a substantial number of violations, mostly restaurants putting out more seating than they were allowed. There were 75 violations recorded. The planning department personnel found 21 restaurants that did not have any town approvals

for outdoor dining areas at all, as required by the department. A planning staffer and two summer interns worked on the project.

According to the review, there are 96 dining establishments in Greenwich that offer outdoor seating of some kind, 41 along the Greenwich Avenue corridor. The survey concentrated on the Greenwich Avenue sector.

Should retail stores have access to the nodes and space on the sidewalk? Seventy percent said “no,” according to the survey results.

On the question of whether a parking garage should be built downtown, DeLuca noted it was a very open-ended question which lacked specifics. Nearly half of the respondents said they liked the idea.

There were also concerns raised by respondents about vermin becoming an issue due to outdoor dining in the downtown area, as well as problems with noise, according to DeLuca.

A larger study will be developed in coming months, the planning director said.



Tyler Sizemore / Hearst Connecticut Media

To help officials create new policies on outdoor dining which flourished during the COVID-19 pandemic, the town created a survey on outdoor dining in central Greenwich.

At a recent workshop on the survey, members of the Planning & Zoning Commission raised the issue of enforcement and making restaurants abide by the regulations.

“Do we have adequate enforcement of our rules?”

asked Commissioner Arnold Welles, “That’s a big question.”

DeLuca noted that the planning department was looking to adopt a more hard-line approach toward outdoor dining violations than during the height of

the pandemic. “We’re trying to work with people,” she said, “But this is serious stuff.”

Some establishments could lose their dining nodes if they did not come into compliance soon, DeLuca said.

ARORA

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line in November. Last week a Hartford Superior Court judge ruled in favor of Hotaling on the deadline day that statewide ballots were to be printed and sent to local election officials throughout the state.

In 2018, Stefanowski received 25,388 votes on the Independent Party ballot line, about 1.8 percent. His fellow Republican, Thad Gray, got 23,074 votes through a similar cross endorsement.

Stefanowski’s case focused on party Chairman Michael Telesca, claiming that he violated Independent Party bylaws when he voted a second time, breaking a 79-79 tie, giving the nomination to Hotaling, a Cheshire banker who was the chosen candidate of the party’s central committee.

Stefanowski’s name will only be on the Republican line, while Gov. Ned Lamont has won cross endorsements from both the Working Families Party and the Griebel-Frank for CT Party.

HAAR

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families budget for the winter and apply for aid, or can it wait? — the gasoline tax question looms.

“We’ll have to gauge what is the pump price at that time,” Martin Looney, D-New Haven, the Senate president pro-tempore, said in a recent interview. “That’s where you get into a discussion on the margins...What is painful? The more above \$3, the more likely we would do it.” The average in Connecticut for a gallon of regular on Monday morning was \$3.46, according to AAA. That was down 13 cents over the prior week, and down 60 cents in the last month. It typically drops in the colder months.

One year ago, AAA reports, the average was \$2.96 a gallon not including the state tax, which was in effect at the time. The General Assembly and Gov. Ned Lamont suspended the tax, along with fares on in-state buses, on April 1, through Nov. 30.

“We’ll see what our members think right after the election,” Looney said.

If the state has such a huge budget surplus — more than \$4 billion for the fiscal year that ended June 30 — why not just suspend the hated gasoline tax, which hits low-income people especially hard, indefinitely?

That might throw the state’s transportation fund, which is used to finance highway and transit work, out of whack, House Speaker Matt Ritter, D-Hartford, said.

And with the new fiscal year just underway, we don’t yet have a read on how the budget is unfolding.

Also, Ritter said, Wall Street likes to see a stable, 5-year revenue source when the state goes to sell transportation bonds. He and Looney both suggested an early spring date for push-



Christian Abraham / Hearst Connecticut Media

As lawmakers debate how to fund CT’s heating fuel assistance, Democrats say they could extend the gas tax break if prices remain above \$3.

ing back the gasoline tax if it were to happen.

At the moment, the fuel assistance budget is the subject of louder rancor. The spending plan Lamont signed does not include about \$112 million that Republicans say could be needed as prices rise, on top of just under \$80 million from the federal government. Lamont and Democratic leaders say there’s a strong chance the Dems will restore earlier cuts, making the extra state spending unnecessary.

“If they don’t act then it might be a good conversation for us to have,” Ritter said — in a special session after the election. He added that he’d also like to address

the profoundly oversubscribed and underfunded pandemic pay issue for frontline workers in a special session.

That’s not a good answer for families wondering now how they’re going to pay for winter heat, the top two Republicans in the legislature said Monday.

“The majority’s response is to wait, wait while we are sitting on resources that can help,” Senate Minority Leader Kevin Kelly, R-Stratford, said at the Capitol.

He said the lowest-income families could lose \$3,000 in aid this year. “Connecticut is better than this.” It’s “completely nonsensical” to say the state’s Low Income Home Energy

Assistance Program, known as LIHEAP, is working smoothly, Rep. Vin Candelora, R-North Branford, the House GOP leader, said Monday.

Some oil dealers are not participating in part because of questions about payments and in part because of a new diesel fuel tax, he said.

“I’m all ears to hear what tax relief they want to provide,” Candelora said, when a reporter asked about extending the gasoline tax break. “I think they should be reducing the income tax too...But we think they should be holding these conversations now, not December or January.” The Republicans submitted

petitions calling for the special session to the Secretary of the State even though the numbers fall short, with no Democratic names.

Looney and Senate Majority Leader Bob Duff, D-Norwalk, reissued a statement they put out on Sept. 1, when the Republicans first called for a special session.

“We wish that the Republicans had expressed this level of interest in budgeting during any of the last four years when they never proposed a budget. Unfortunately, Connecticut Republicans only seem interested in budgets during election season,” the statement read.

“We are hopeful the fed-

eral government will infuse this program with more funding and we encourage Connecticut Republicans to contact Congressional Republicans who were opposed to giving Connecticut the very money they are trying to allocate.” A special session before the election is not going to happen. The hope is that no needy families lose heating aid this winter.

This standoff, with families in the crossfire, is one of the many ways a non-functioning U.S. Congress hurts states. This being election season, we’re seeing the two parties’ inability to work out problems bleed into gantel Connecticut. Election Day is coming.