



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

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

# **Committee Report**

**Date:** Monday, December 15, 2014

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

**Place:** Democratic Caucus Room, 4<sup>th</sup> Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Heaphy, Vice Chair Coleman, and Committee Member Reps. Day, Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky. Also present were Reps. Coppola, Di Costanzo, Fedeli, Fountain, Franzetti and McMullen; Kathryn Emmett and Dana Lee, Law Department; Sue Greene, Tax Department, and several members of the public.

Chair Heaphy opened the meeting at 7:05 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
<sup>1</sup> 2. <a href="#">LR29.035</a>	ORDINANCE <u>for public hearing and final adoption</u> ; Regarding the Liability of the City of Stamford for Ice and Snow on Public Sidewalks. 12/04/14 – Submitted by Mayor Martin	<b>No Action Taken</b>

The Committee first considered Item No. 2. Ms. Emmett explained that in response to questions raised by the Committee at the last meeting, she spoke with insurance agents and was told that claims against homeowners would be covered by insurance. In addition, she was informed by CCM that Bridgeport, Watertown and Middletown have had similar ordinances for a long while. There have been few claims against the City, probably because in order to succeed, one must show that the City's action is the sole, proximate cause of the injury. The City was responsible in one instance where the City failed to repair water flow on to the sidewalk which then froze.

Chair Heaphy opened the public hearing at 7:15 p.m. Several members of the public spoke in opposition to the proposed ordinance. (See attached [sign-in sheet](#).) Issues raised included lack of coverage by insurance; sidewalks being recovered by snow by City and State plows, the availability of a remedy for a failure to remove snow or ice, people shoveling snow from cars onto sidewalks, having no place to put the snow from the sidewalk; that only some residents would bear this burden and the rejection of this issue by the Board over 20 years ago. Chair Heaphy closed the public hearing at 7:35 p.m.

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<sup>1</sup> Video Time Stamp 00:00:20

Committee members expressed concerns about this ordinance, including the burden and cost to a homeowner to defend a claim, the shifting of the liability to homeowners from the City, lack of fairness and the City plows putting snow back on the sidewalk.

No motion to approve this item was made.

- <sup>2</sup>1. [LR29.029](#) ORDINANCE for public hearing and final adoption; **Approved 9-0-0**  
Amendment of Chapter 220, Article IV of the Code,  
Senior Citizens Tax Abatement  
10/08/14 – Submitted by Rep. Fountain  
10/27/14 - Approved by Committee for publication  
11/13/14 – Recommended by Board of Finance as  
amended  
11/24/14 – Approved by Committee  
12/05/14 – Returned to Committee, as amended

*Secondary Committee: Fiscal*

Chair Heaphy opened the public hearing for Item No. 1. There being no members of the public wishing to speak, the public hearing was closed. Ms. Greene reviewed the [local option analysis](#), which compares the recipients of the abatement to the general population by area; the [projected costs](#) of the pilot program, based upon last year's recipients, which is about \$1M greater than the current cost of the abatement program (this projection is \$70,000 less than the projection before the latest reduction in the benefits); and [samples of worksheets](#) for the pilot program, using information provided by last year's applicants.

A motion to approve the Ordinance for final adoption was made, seconded and approved by unanimous vote. (Reps. Heaphy, Coleman, Day, Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky in favor.)

- <sup>3</sup>3. LR29.023 REVIEW; Planning Board's latest triennial list of City-owned and City-leased properties (Code §9-4) **Held in Committee 9-0-0**  
06/04/14 – Submitted by Reps. Reeder and Ryan  
06/16/14 – No Action Taken  
07/21/14 – Held by Committee  
08/11/14 – Held at Steering  
09/08/14 – Held at Steering  
10/14/14 – Held at Steering  
11/24/14 – Held by Committee

Chair Heaphy stated that Mr. Handler said this report would be available in February or March. A motion to hold this item was made, seconded and approved by unanimous vote. (Reps. Heaphy, Coleman, Day, Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky in favor.)

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<sup>2</sup> Video Time Stamp 00:57:10

<sup>3</sup> Video Time Stamp 01:47:00

<sup>4</sup>4. LR29.033 REVIEW; City Legal Obligations, if any, for the Defense or Indemnification of Municipal and/or BOE Officers/Employees Charged with Allegations of Violation(s) of CT General Statutes Sections 17a-101 through 17a-103, inclusive.  
12/03/14 – Submitted by Rep. Ryan

**Report Made**

Ms. Emmet stated that under the reporting statute, where a person who is in the union representing the Certified members of the school system is arrested, receives accelerated rehabilitation and where the charges ultimately are dismissed, under Art. 16 §A of the collective bargaining agreement, it becomes the responsibility of the Board of Education to reimburse their reasonable legal expenses upon the ultimate dismissal of the charges. These employees would be indemnified for conduct that is not wanton, reckless or malicious.

An employment contract may provide employees not in the union, such as a Superintendent, with the protections available under the collective bargaining agreement. Chair Heaphy asked Ms. Emmett to confirm that such employees' contracts do give them such protection.

Members of the Board of Education are not employees and would not be covered by the collective bargaining agreement

Chair Heaphy adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Eileen Heaphy, Chair

This meeting is on [video](#).

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<sup>4</sup> Video Time Stamp 01:47:54