



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Tuesday, February 17, 2015

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, Vice Chair Coleman and Committee Member Reps. Day, Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky. Also present were Reps. Buckman, Franzetti and Kolenberg; Tyler Theder, Regulatory Compliance and Administrative Officer, Stormwater Management; Thomas Turk, Traffic & Road Maintenance; Kathy Emmett, Corporation Counsel; Ernie Orgera, Director of Operations; and Thomas Madden, Director of Economic Development.

Chair Heaphy called the meeting to order at 7:08 p.m.

Item No.	Description	Committee Action
¹ 1. LR29.037	ORDINANCE <u>for public hearing and final adoption</u> ; Regarding Regulation of Municipal Separate Storm Sewer System ("MS4"). 01/06/15 – Submitted by Mayor Martin 01/20/15 – Approved by Committee	Approved 7-0-1

Chair Heaphy opened the public hearing. There being no members of the public wishing to speak, the public hearing was closed. In response to questions from the Committee, Thomas Turk explained that the "Authorized Enforcement Agent" reference does not require the hiring of a new employee or the creation of a new position. Tyler Theder, as Regulatory Compliance and Administrative Officer, will fill this role. In addition, other Civil Citation officers can also enforce the ordinance. A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 7-0-1 (Reps. Heaphy, Coleman, Day, Nabel, Okun, Silver and Zelinsky in favor; Rep. Ryan abstaining.)

² 2. LR29.039	ORDINANCE <u>for publication</u> ; Amending Chapter 119, expanding the boundaries of the Energy Improvement District to include all of Stamford. 02/04/15 – Submitted by Mayor Martin	Approved 9-0-0
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Mr. Madden explained that the identical item was submitted to the 28th Board, but died at the end of that term. The district is being expanded because the City has released an RFP to do a

¹ Video Time Stamp 00:00:15

² Video Time Stamp 00:03:13

microgrid and deep energy audits to improve public shelters and schools. The original district did not include schools. Expanding the boundaries would permit the schools and other City properties to be included in an energy performance contract. This would permit the schools to participate in a microgrid project and other energy projects. It would enable the City to prepare for inclement weather and catastrophic events. The microgrid at the Government Center would enable the City to provide energy to the Housing Authority at lower cost. The project would allow performance contracting, so that the energy savings would pay for new equipment, such as boilers, required at the schools. The technology would not only be fuel cells. The combined heat and power fuel cell in the Government Center will also have a gas and diesel redundancy in the event of a failure of one. This will be the first project the district is doing. A motion to approve this ordinance for publication was made, seconded and approved by a vote of 9-0-0. (Reps. Heaphy, Coleman, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor.)

- ³3. LR29.032 REVIEW; Policies and/or Procedures Regarding **Held in**
Electronic/Telephonic Attendance at Meetings of **Committee 9-0-0**
Boards and Commissions.
11/21/14 – Submitted by Mayor Martin
12/10/14 – Held by Committee

Committee members discussed whether or not members should be able to participate without being physically present at a meeting. A motion to hold this item was made, seconded and approve by a vote of 9-0-0. (Reps. Heaphy, Coleman, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor.)

- ⁴4. [LR29.034](#) REVIEW; All litigation settled by the City of **Held in**
Stamford for the past 2 years and a summary of all **Committee 9-0-0**
pending litigation, including the Board of Education.
12/03/14 – Submitted by Rep. Franzetti
12/08/14 – Held at Steering
01/20/15 – Held in Committee

Secondary Committee – Committee of the Whole

Ms. Emmett distributed the attached [handouts](#). Committee members requested additional information from the law department, including a categorization of the types of litigation, the identification of outside counsel and the amount spent on outside counsel. Certain items, such as the WPCA collections and blight foreclosures, are not included in these lists. A motion to hold this item was made, seconded and approve by a vote of 9-0-0. (Reps. Heaphy, Coleman, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor.)

- ⁵5. [LR29.036](#) REVIEW; Proposed Changes to the Board of **Held in**
Representatives Rules of Order. **Committee 9-0-0**
01/06/15 – Submitted by Rep. Buckman
01/20/15 – Held in Committee

The Committee discussed whether or not substantive changes to the rules should be taken up at this time, given how busy the Board is and that the budget season is beginning. The Committee also discussed having a subcommittee work on these proposed changes. A motion

³ Video Time Stamp 00:14:18

⁴ Video Time Stamp 00:22:03

⁵ Video Time Stamp 00:49:22

to hold this item was made, seconded and approve by a vote of 9-0-0. (Reps. Heaphy, Coleman, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor.)

⁶6. LR29.040 ORDINANCE for publication; Establishing a Policy **Held in**
for Private Donations to the City for public **Committee 9-0-0**
employment.
02/05/15 – Submitted by Rep. Heaphy

Rep. Nabel explained that she and Rep. Ryan will review this item as a subcommittee. Committee members discussed the difficulty of reaching a comprehensive policy on gifts as an ordinance. Rep. Ryan suggested that a possible focus might be on disclosure and notice, rather than on substance. A motion to hold this item was made, seconded and approve by a vote of 9-0-0. (Reps. Heaphy, Coleman, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor.)

⁷7. [LR29.041](#) ORDINANCE for publication; Amending Chapter **Approved, as**
214, Article V, Sidewalk Cafes, Section 214-46, **amended, 6-3-0**
Permit Application, concerning permit fees.
02/05/15 – Submitted by Jim Hricay

Secondary Committee: Cost Savings & Revenue Enhancement

Mr. Hricay explained that this increase first came up under a review by the Cost Savings & Revenue Enhancement Committee. Restaurants currently pay an annual fee of \$100 for an application to the Zoning Department for outdoor dining service on public streets. The proposed amendment would add a \$2/ft² to the current fee. Mr. Orgera stated that outdoor dining increases a restaurant's seating capacity. Since there are wide ranges of sizes of the outdoor dining areas on public streets, the square footage fee makes sense. The DSSD does not object to this fee. Mr. Hricay explained that the \$2 fee is consistent with what Norwalk charges.

A motion to increase the application fee to \$500 plus \$2/ft² was made, but not seconded. A motion to increase the application fee to \$250 plus \$2/ft² was made, seconded and failed by a vote of 4-5-0 (Reps Nabel, Ryan, Silver and Zelinsky in favor; Reps. Heaphy, Coleman, Day, Mitchell and Okun opposed).

A motion to increase the proposed amendment to \$3/ft² was made, seconded and approved by a vote of 6-3-0 (Reps Coleman, Mitchell, Nabel, Ryan, Silver and Zelinsky in favor; Reps. Heaphy, Day and Okun opposed).

A motion to increase the \$100 base fee to \$200 was made, seconded and approved by a vote of 6-3-0 (Reps Coleman, Mitchell, Nabel, Ryan, Silver and Zelinsky in favor; Reps. Heaphy, Day and Okun opposed).

A motion to approve the ordinance for publication, as amended, was made, seconded and approved by a vote of 6-3-0 (Reps Coleman, Mitchell, Nabel, Ryan, Silver and Zelinsky in favor; Reps. Heaphy, Day and Okun opposed).

As a Secondary Committee:

⁶ Video Time Stamp 01:01:37

⁷ Video Time Stamp 01:15:20

1. F29.116 REVIEW; Financial Controls, Reporting Requirements and Other Contractual Obligations between the City of Stamford and Funded Third-Party Organizations
06/03/14 – Submitted by Rep. Buckman
06/09/14 – Held at Steering
08/11/14 – Held at Steering
09/29/14 – Report Made & Held in Committee
10/14/14 – Held at Steering
11/17/14 – Held in Committee
12/22/14 – Held in Committee
01/12/15 – Held at Steering

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

Respectfully submitted,

Eileen Heaphy, Chair

This meeting is on [video](#).