



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

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

# **Committee Report**

**Date:** Monday, August 31, 2015

**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, Okun, Ryan, Silver and Zelinsky. Absent or excused was Committee Member Rep. Nabel. Also present were Reps. de la Cruz, Fedeli, Fountain and McMullen; Vikki Cooper and Mike Toma, Law Department; Michael Pollard, Chief of Staff, Michael Cacace and Michael Nemec, Cacace, Tusch & Santagata; and approximately 20 members of the public (see the [attached Public Hearing sign-in sheet](#)).

Chair Heaphy called the meeting to order at 7:05.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR29.054</a>	ORDINANCE <u>for public hearing and final adoption</u> ; Amending Chapter 6, Authorities, Boards and Commissions, Article II, Social Services Commission. 07/08/15 – Submitted by Vikki Cooper 07/21/15 – Approved by Committee	<b>Approved 7-0-0</b>
2. <a href="#">LR29.055</a>	ORDINANCE <u>for public hearing and final adoption</u> ; Amending Chapter 47, Personnel, Article IV, Labor Standards and Responsibilities, Section 47-15, Compliance with Provisions. 07/08/15 – Submitted by Vikki Cooper 07/21/15 – Approved by Committee	<b>Approved 7-0-0</b>
3. <a href="#">LR29.056</a>	ORDINANCE <u>for public hearing and final adoption</u> ; Amending Chapter 47, Personnel, Article VII, Discrimination, Section 47-23, Policy Declared. 07/08/15 – Submitted by Vikki Cooper 07/21/15 – Approved by Committee	<b>Approved 7-0-0</b>

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<sup>1</sup> Video Time Stamp Part 1 - 00:00:18

Chair Heaphy opened the public hearing on Item Nos. 1 through 3 simultaneously. There being no members of the public wishing to speak, the public hearings were closed.

A motion to approve LR29.054 was made, seconded and approved by unanimous vote (Reps. Heaphy, Coleman, Day, Mitchell, Okun, Ryan and Silver in favor).

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- <sup>2</sup>4. [LR29.058](#) ORDINANCE for public hearing and final adoption; **Approved 7-0-1**  
Amendment to Chapter 23, Finances, to Add Article  
VII Appropriation of Funds to Nonprofit Agencies.  
07/08/15 – Submitted by Mike Toma  
07/21/15 – Approved by Committee

Chair Heaphy opened the public hearing on Item LR29.058. There being no members of the public wishing to speak, the public hearings were closed.

Rep. McMullen stated that he would like to include values received by non-profits in addition to funding. Rep. Fountain stated that he was not in favor of this. The purpose of this ordinance is to address agencies receiving over \$50,000 in funding and adding other values would make it too complicated to administer.

Rep. Zelinsky made a motion to decrease the amount in §23-31 from \$50,000 to \$25,000. This motion was not seconded.

A motion to approve LR29.058 was made, seconded and approved by a vote of 7-0-1 (Reps. Heaphy, Coleman, Day, Mitchell, Okun, Ryan and Silver in favor; Rep. Zelinsky abstaining).

- <sup>3</sup>5. [LR29.060](#) RESOLUTION and public hearing; **Held 8-0-0**  
Approving Real Estate Sales Agreement Between the City of  
Stamford and The Innis Arden Golf Club (0 Fairfield  
Avenue).  
07/17/15 – Submitted by Mayor Martin  
08/11/15 – Approved by [Planning Board](#)  
08/13/15 – To be considered by Board of Finance

Chair Heaphy opened the public hearing on Item No. LR29.060 at 7:17 p.m. Mr. Cacace stated that he was the attorney for Innis Arden Golf Club. He stated that the property being sold was privately owned and encumbered by easements. In 1982, the owner sought to have the easements terminated, but the Court did not terminate the easement owned by Innis Arden, which is for ingress and egress. In 1992, the property was foreclosed upon by the City and is now owned by the City subject to the easement. The City is therefore currently liable for the property and receives no tax income from it. Innis Arden does not want to use the property for ingress or egress, but wants to build a single family home on the lot to house Innis Arden staff.

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<sup>2</sup> Video Time Stamp Part 1- 00:03:30

<sup>3</sup> Video Time Stamp Part 1 - 00:09:26

Innis Arden is willing to include a condition in the agreement that no heavy equipment will be used or stored on the property.

Kevin and Pam Costello spoke requesting more time to voice their concerns over this development. Maria DeMott explained that the property is currently used as a green space by the community in the area. John and Audrey Iscaro expressed concerns that the property will be used for 30 or 40 people. Jose Mujica stated that there is a great sense of community and there is already a connection to Fairfield Ave. Chris Nizolek expressed concerns about Innis Arden as a neighbor, noting that they had put up plastic fencing and neglected the maintenance of the border. Althea Brown stated that there needed to be green space in the neighborhood. Geogeann Vitti Saint expressed concerns that the property backs onto other homes and the number of people living there and whether it will be used as a storage area. Elizabeth Kumak expressed concern that the people living there will be transients.

There being no further members of the public wishing to speak, Chair Heaphy closed the public hearing at 7:40 p.m.

Committee members discussed with Mr. Toma and Mr. Pollard (and Mr. Cacace upon the request of Mr. Toma and Mr. Pollard) that:

- the City received an appraisal of the property on May 1, 2015, concluding that the property would be worth \$220,000 if it were unencumbered but the easement reduces its value to the City of Stamford to \$110,000
- the parcel is not subdivided and is zoned for a residence for 1 family or 4 unrelated people
- The intent is not to remove the wooded area, but to put the house near the street
- The agreement is currently silent as to heavy equipment; Innis Arden would be glad to incorporate restrictions regarding heavy equipment in the agreement
- If a child is injured on the property, the City could be liable
- The easement is a permanent easement for ingress and egress of vehicles and pedestrians
- The City can't turn the property into a park, because of the easement

A motion to hold this item was made, seconded and approved by unanimous vote (Reps. Heaphy, Coleman, Day, Mitchell, Okun, Ryan, Silver and Zelinsky in favor).

6. [LR29.041](#)      ORDINANCE for publication; Amending Chapter      **Held 8-0-0**  
214, Article V, Sidewalk Cafes, Section 214-46,  
Permit Application, concerning permit fees.  
02/05/15 – Submitted by Jim Hricay  
02/17/15 – Approved by Committee, as amended  
03/23/15 – Approved by Committee, as amended  
04/29/15 – Public Hearing Held; Failed in  
Committee, as amended  
05/06/15 – Returned to Committee by full Board  
05/19/15 – Held in Committee  
06/15/15 – Held in Committee  
07/21/15 – Held in Committee

*Secondary Committee: Cost Savings & Revenue Enhancement*

A motion to hold this item was made, seconded and approved by unanimous vote (Reps. Heaphy, Coleman, Day, Mitchell, Okun, Ryan, Silver and Zelinsky in favor).

47. [LR29.052](#)      ORDINANCE, for publication; Amending Chapter      **Held 8-0-0**  
111. Public Safety and Animal Welfare.  
06/02/15 – Submitted by Mayor Martin and Rep.  
Heaphy  
06/15/15 – Held in Committee  
07/21/15 – Held in Committee

*Secondary Committee: Public Safety & Health*

Committee members discussed various changes to the draft ordinance, including changes to make the language and format consistent. A motion to strike the 6<sup>th</sup> Whereas Clause was made, seconded and failed by a vote of 2-6-0 (Reps. Ryan and Zelinsky in favor; Reps. Heaphy, Coleman, Day, Mitchell, Okun and Silver opposed). The review covered Sections 111-1 through 111-6. Changes discussed included:

- changing the phrases owner, keeper or custodian to owner/keeper throughout
- clarifying that Sec.111-4.B should apply to animals on leashes
- Changing Dog Warden to Animal Control Officer
- Clarifying that Sec. 111-6.B. applies only to dogs
- Eliminating titles in subsections
- Changing dangerous dogs to dangerous/vicious dogs
- Clarifying that Property of another does not include the property of a dog owner/keeper.

A motion to hold the item to continue the review of the remaining sections was made, seconded and approved by unanimous vote (Reps. Heaphy, Coleman, Day, Mitchell, Okun, Ryan, Silver and Zelinsky in favor).

8. LR29.059      ORDINANCE for publication; amendment of      **Held 8-0-0**  
Chapter 220, Article IV of the Code, Senior Citizens  
Tax Abatement, to make Pilot Program permanent.  
07/16/15 – Submitted by Rep. Fountain

A motion to hold this item was made, seconded and approved by unanimous vote (Reps. Heaphy, Coleman, Day, Mitchell, Okun, Ryan, Silver and Zelinsky in favor).

9. [LR29.053](#)      APPROVAL; Agreement with Sustainable      **No action needed**  
Strategies DC LLC for Federal Lobbying Services.  
07/06/15 – Submitted by Mayor Martin  
07/21/15 – Approved by Committee 6-0-0 (**no  
further action needed**)  
08/13/15 – Approved by Board of Finance

*Secondary Committee: State & Commerce*

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

Respectfully submitted,

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<sup>4</sup> Video Time Stamp Part 2 – 00:00:01

Eileen Heaphy, Chair

This meeting is on video ([Part 1](#) & [Part 2](#))