



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Monday, November 16, 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, Silver and Zelinsky. Also present were Reps. de la Cruz, McMullen and Quinones; Sue Greene, Tax Department; Michael Pollard, Chief of Staff; Chris Dellaselva and Mike Toma, Law Department; Ted Jankowski, Director of Public Safety, Health and Welfare; Michael Cacace; Chris Nizolek and approximately 15 members of the public. (See the attached [public hearing sign-in sheet](#)).

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

Item No.	Description	Committee Action
¹ 1. LR29.041	<p>ORDINANCE <u>for public hearing and final adoption</u>; Amending Chapter 214, Article V, Outdoor Dining and Sidewalk Cafes.</p> <p>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 08/31/15 – Held in Committee 09/21/15 – Held in Committee 10/29/15 – Approved by Committee for publication, as amended</p>	APPROVED 8-0-0

Secondary Committee: Cost Savings & Revenue Enhancement

Chair Heaphy called the public hearing to order at 7:06 p.m. John Ruotolo spoke on behalf of the DSSD in favor of the proposed ordinance, noting that the fee increase was reasonable, the accommodations for the disabled would make the restaurants more accessible without being

¹ Video Time Stamp 00:00:31

unduly onerous to restaurant owners, and that it was helpful to have enforcement provisions. There being no other members of the public wishing to speak, Chair Heaphy closed the public hearing at 7:09 p.m.

Committee members discussed that this ordinance would affect all food service establishments with seating areas outside. It was pointed out that all food service establishment have visits as part of the regular food inspection process, during which the outdoor dining section can be inspected.

A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 8-0-0 (Reps. Heaphy, Coleman, Day, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

- ²2. [LR29.059](#) ORDINANCE for public hearing and final adoption; **APPROVED 8-0-0**
amendment of Chapter 220, Article IV of the Code,
Senior Citizens Tax Abatement, to make Pilot
Program permanent.
07/16/15 – Submitted by Rep. Fountain
08/31/15 – Held in Committee
09/21/15 – Held in Committee
10/29/15 – Approved by Committee for publication

Chair Heaphy opened the public hearing at 7:15 p.m. There being no members of the public wishing to speak, the public hearing was closed.

Committee members discussed with Ms. Greene the process for verifying assets of applicants. Applicants fill out a worksheet and sign an affidavit. Ms. Greene noted that if an individual's tax return suggests a discrepancy, she will ask for clarification. Mr. Dellaselva noted that nothing in the ordinance would prevent the City from investigating assets further. Committee members suggested including on the application language reserving the City's right to investigate further.

A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 8-0-0 (Reps. Heaphy, Coleman, Day, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

- ³3. [LR29.060](#) RESOLUTION; Approving Real Estate Sales **APPROVED 8-0-0**
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 – Approved by Board of Finance
08/31/15 – Held in Committee (public hearing held)
09/21/15 – Held in Committee
10/29/15 – Held in Committee

Mr. Dellaselva stated that this item had been held in order to give the neighborhood time to make a proposal to Innis Arden. He understands that these efforts have failed.

Rep. Mitchell read the following statement into the record:

² Video Time Stamp 00:08:05

³ Video Time Stamp 00:16:00

“I spent yesterday going through the emails I have received regarding the sale of 0 Fairfield Ave to Innis Arden, looking for valid reasons to support or not support the sale. The most difficult item for me to overlook was the 1983 court decision upholding the easement and denying the plaintiffs lawsuit. As part of the agreement the residents would not be allowed to pursue in the future directly or indirectly the purchase of the easement. At the same time Innis Arden gave the residents a license, revocable with a 30 day notice, to continue their previous use of the property that could and a stipend of \$3,000.

At the September 17th WC Community meeting, the residents expressed concerns about how Innis Arden would use the property. Innis Arden sent an email October 14th stating six concessions that could be added to the deed from City of Stamford to address those concerns. These concessions were shared with the neighbors.

Then I agreed to hold the item for a second time in order for the neighbors to retain an attorney outside of Stamford to assist them with their legal rights, to this day they have not retained an attorney.

The group met with the Mayor on October 23rd who advised them to negotiate purchasing the easement from Innis Arden, an offer was made on November 11th and rejected by Innis Arden.

At the end of the day, the question to myself "have you been objective", I strongly feel I met that burden and will vote in support of the sale.”

Several representatives spoke in favor of the proposed sale noting that:

- They were sympathetic to the desire of the neighbors to have the land remain undeveloped
- There is no practical way for the land to remain undeveloped because the City would retain liability
- The owner of the easement is the only realistic buyer
- Comments that the likely inhabitants would be “unsuitable” are offensive
- Innis Arden has granted [concessions](#), which Mr. Cacace stated they would abide by

Mr. Dellaselva noted that the property was zoned as residential and intended to be residential. The foreclosure resulted in the loss of tax revenue to the City. This will return the property to revenue production and limit the City’s liability. The property did not belong to the City when the easement was granted.

A motion to approve this resolution was made, seconded and approved by a vote of 8-0-0 (Reps. Heaphy, Coleman, Day, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

4. [LR29.052](#) ORDINANCE, for publication; Amending Chapter 111. Public Safety and Animal Welfare. **APPROVED, AS AMENDED, 7-0-0**
06/02/15 – Submitted by Mayor Martin and Rep. Heaphy
06/15/15 – Held in Committee
07/21/15 – Held in Committee
08/31/15 – Held in Committee
09/21/15 – Held in Committee
10/29/15 – Held in Committee

Secondary Committee: Public Safety & Health

Rep. Zelinsky explained that he needed to leave the meeting at this point. The Committee continued to review this draft ordinance. The Committee

- Changed Section 111-8.C to replace the words “be done in a manner not to disturb the neighbors or the public” with “not create a public nuisance” in subsection (1), eliminate subsection (2) and eliminate the title.
- Discussed the idea of a public nuisance. Mr. Toma explained that a “public nuisance” is usually a condition that is harmful to the public health, well-being or safety, as determined by the Health Director. This would not be something that simply offends the sensibilities of neighbors. Neighbors might have a private right of action although they would not necessarily have a right of action under the animal control ordinance.
- Changed Section 111-10.E to remove the words “rest of the” and delete the words following “community” in order to be more inclusive of who could attend the consultations.
- Changed Section 111-10.F to read “The SACCC shall assure that every animal leaving the shelter for adoption or transfer to an animal welfare agency for adoption or fostering shall be neutered/spayed, vaccinated and microchipped”.
- Reordered Section 111-10.H to place subsection (3) first.

The Committee discussed whether all dogs should be required to have the parvovirus and be microchipped. A motion to add back the last sentence of Section 111-11.B, changing the words “are also encouraged” to “shall” was made, seconded and passed by a vote of 4-2-1 (Reps. Day, Mitchell, Nabel and Okun in favor; Reps. Heaphy and Coleman opposed; Rep. Silver abstaining).

The Committee

- Amended Section 111-11.D(1) to replace the words “in terms of” with “from”.
- Changed references to “litter permit” in Section 111-12 to “breeding permit”.
- Added a new subsection 111-12.A(1) that “Residents of Stamford may breed a pet dog for the first time without any permit.”
- Added the words “more than once” to the new subsection 111-12.A(2) after the words “who wishes to breed a dog”.
- Added a new subsection 111-12.A(6) that “Breeders who have a kennel license from the Stamford Town and City Clerk does not need a breeding permit.”
- Added a new subsection 111-12.B(5) stating than a breeding permit shall not be granted unless “The applicant does not have a history of cruelty to animals, domestic violence, child abuse, or hoarding.”
- Removed the requirement in subsection 111-12.C(1) of 24 hours’ notice.

⁴ Video Time Stamp 00:33:00

- Removed Section 111-12.D(1)
- Changed Section 111-12.D(2) to make the fine “\$100 in addition to paying the \$100 permit fee”.

A motion to approve this ordinance for publication was made, seconded and approved by a vote of 7-0-0 (Reps. Heaphy, Coleman, Day, Mitchell, Nabel, Okun and Silver in favor).

As a Secondary Committee:

1. P29.063 REVIEW; Status of Ethics Training, Records
Maintenance and Ethics Handbook as Required by
Code §19-18.
11/05/15 – Submitted by Rep. McMullen

Chair Heaphy adjourned the meeting at 8:45 p.m.

Respectfully submitted,
Eileen Heaphy, Chair

This meeting is on [video](#).