



Legislative & Rules Committee – Board of Representatives

Benjamin Lee, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Thursday, March 22, 2018

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 Lee, Vice Chair Coleman and Committee Member Reps. Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky. Also present were Reps. Cottrell and Matherne; Jim Lunney, Zoning Enforcement Officer; Michael Toma, Law Department; Dan Colleluori; Recycling and Sanitation Supervisory; Frank Mercede, Phillip Magalnich and Honorata Szymczyk, Stamford A4A; Deborah Billington, Patricia Liotte and Alicia Birgham.

Chair Lee called the meeting to order at 7:01 p.m.

Item No.	Description	Committee Action
1. LR30.032	ORDINANCE <u>for public hearing and final adoption</u> ; Amending Chapter 248, Article I of the Code of Ordinances; Penalties for Violations of Zoning Regulations. 02/07/18 – Submitted by Mayor Martin and President Quinones 02/28/18 – Approved by Committee 7-0-1	APPROVED, AS AMENDED 8-0-0

Chair Lee opened the public hearing.

- Ms. Billington spoke in opposition to certain aspects of the proposed amendment and recommended changes, including not decreasing the fine, making the fine non-waivable for repeat offenders, individuals who impersonate property owners and those who perform work without a permit; and adding a time limit for extensions
- Ms. Liotte spoke in opposition to the addition of a penalty for those who file false claims

There being no further members of the public wishing to speak, the public hearing was closed.

Mr. Lunney discussed the proposed ordinance with the Committee:

- The fee change corresponds to the fee charged under the anti-blight ordinance
- Most people are willing to comply with requested changes
- The Zoning Officer has the discretion to waive fees
- A state statute currently being considered may increase fees for repeat offenders

A motion to amend §248-8 ¶3 to change “shall” to “may” was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor). A motion to amend the third sentence of §248-8 ¶3 to change “waive all” to “waive some or all” was made, seconded and approved by a vote of 5-3-0 (Reps. Lee, Coleman, Lion, Miller and Nabel in favor; Reps. Fedeli, Jacobson and Zelinsky opposed).

A motion to amend the third sentence of §248-8 ¶3 to change “an extension of time” to “an extension of a reasonable amount of time” was made, seconded and approved by a vote of 6-2-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion and Nabel in favor; Reps. Miller and Zelinsky opposed).

A motion to approve the ordinance for final adoption, as amended, was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

The Committee next took up Item No. 3

3. [LR30.035](#) REVIEW; Amending [Chapter 214, Article V](#), Outdoor Dining. **REPORT MADE**
02/16/18 – Submitted by Rep. Zelinsky

Rep. Zelinsky explained that he put this on the agenda in response to a constituent complaint regarding enforcement of the ordinance. Chair Lee noted that the item on the agenda for the Committee's mandate is to consider possible changes to the ordinance. The Committee discussed the ordinance with Mr. Lunney:

- Mr. Lunney stated that the norm is not a large number of violations
- Restaurant owners tend to be unaware of violations and fix them when told
- The bigger problem is a lack of understanding of the ordinance
- Certain physical measures to enforce the ordinance, such as putting pins in the sidewalk, have been considered; however, pins would create holes that would fill with water and freeze in the winter, thus damaging the sidewalk.
- The ordinance was passed in December, 2015; there have been no citations issued to date.

Committee members discussed further review, either in this Committee or in Operations with respect to enforcement issues, after the outdoor dining season this year.

2. [LR30.019](#) REVIEW; Restricting Single-Use Plastic Shopping Bags in Stamford. **REPORT MADE AND HELD**
12/07/17 – Submitted by Rep. Zelinsky
01/24/18 – Held in Committee
02/28/18 – Held in Committee

Committee members discussed that there are currently two proposed ordinances with two different approaches: a complete ban of plastic bags and the imposition of a fee

Mr. Toma explained that a fee that is remitted to the City would constitute an unauthorized tax. No Connecticut court has ruled on the legality of a fee that the retailer retains.

Chair Lee stated that there are several questions the Committee must address:

- Whether to restrict the use of plastic bags; the general consensus was that this is a valuable aim
- Whether the restriction should be an outright ban or a fee
- Identifying the stakeholders affected by this type of restriction
- What information the Committee needs to make a decision
- What should the wording of the ordinance be

Committee members discussed:

- One group of important stakeholders are those who can't put cloth bags into the back of a car to go shopping
- A fee based system would disproportionately affect lower income people or might require store owners to use more expensive bags

- The Committee needs to address how to mitigate the effects of banning plastic bags on those for whom it presents a hardship
- Plastic bags are bad for the environment and don't get recycled (although they currently can be in Stamford)
- Biodegradable bags might be advantageous; do they still present problems
- People reuse plastic bags for animal waste
- A fee could be waived for people using food stamps or reusing plastic bags
- The committee needs public input on how this will affect their lives
- The cost of not using plastic bags will be passed on to the consumers
- Produce bags are not included
- Greenwich has passed an ordinance, but did not pass a provision for a charge on paper bags and included a sunset provision of 3 years
- The stakeholders are consumers, business owners and the City (e.g. recycling, the Parks Department, the Harbor Management Commission)
- The Committee needs to determine if these deterrents would work
- Who would enforce this ordinance

Chair Lee stated he would request a formal opinion from the Law Department as to whether the City can implement a charge going to the retailer and the ability of the City to tax. For the next meeting, the Stamford Chamber of Commerce and the Stamford DSSD should be invited to give their input.

4. [LR30.036](#) APPROVAL; Amendment to [Board of Representatives](#) HELD 5-4-0
[Rules of Procedure](#) to add a public participation session.
 03/07/18 – Submitted by Rep. Cottrell, Sherwood, Zelinsky,
 Lutz, Aquila, Summerville and Matherne

Secondary Committee: Communications

Rep. Cottrell stated that her proposed language is based upon the [Board of Education](#) and [Board of Finance](#) rules. Rep. Nabel submitted [proposed changes](#) to the language. Committee members discussed:

- Needing to have a time limit for each individual speaker
- Limiting the speaker to a topic on the agenda
- Creating a procedure in the event of a disruption
- The procedure for answering questions
- Board members being more accessible than members of the Board of Education or the Board of Finance and having more structure for public hearings
- Having public forums instead
- The public having an opportunity to speak to the Board as a whole and see the Board as a whole

A motion to hold this item was made, seconded and approved by a vote of 5-4-0 (Reps. Lee, Coleman, Lion, Jacobson, Pia and Zelinsky in favor; Reps. Fedeli, Lion, Miller and Nabel opposed).

Chair Lee adjourned the meeting at 9:38 p.m.

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