



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

Benjamin Lee, Chair

Elise Coleman, Vice Chair

# **Committee Report**

**Date:** Tuesday December 18, 2018

**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 Lee, and Committee Member Reps. Jacobson, Lion, Miller, Nabel and Zelinsky. Absent or excused were Reps. Coleman and Pia. Also present were Reps. McMullen, Roqueta, and Sherwood; Ralph Blessing, Land Use Bureau Chief; Burt Rosenberg, Asst. Corporation Counsel; Megan Shutes, Charter Oak Communities; and two members of the public.

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

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
<sup>1</sup> 1. <a href="#">LR30.050</a>	ORDINANCE <u>for public hearing and final adoption</u> ; Concerning a Tax Abatement with Charter Oak Communities for Lawnhill Terrace 3. 10/08/18 - Submitted by Mayor Martin 11/29/18 – Approved by Committee 6-0-0	<b>Approved 5-0-0</b>

Chair Lee opened the public hearing. There being no members of the public present wishing to speak, the public hearing was closed. A motion to approve this ordinance for public hearing and final adoption was made, seconded and approved by a vote of 5-0-0 (Reps. Lee, Jacobson, Lion, Miller and Nabel in favor).

<sup>2</sup> 3. <a href="#">LR30.048</a>	ORDINANCE <u>for publication</u> ; Amending Ordinance No. 1243, Concerning Non-Biodegradable Disposable Carryout Bags by amending §6(B) to limit applicability. 10/17/18 - Submitted by Rep. Jacobson 11/13/18 – Moved to Pending	<b>Approved, as amended, 4-2-0</b>
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This item was taken up out of order. Chair Lee mentioned emails received from [BYO](#) and [WOW](#) speaking against the proposed change, and he allowed one of the letter writers in attendance to speak briefly.

Rep Jacobson explained the word “food” is imperative because there are many different types of governmental assistance programs that have nothing to do with food.

<sup>3</sup>Rep. Roqueta discussed his reasons for wanting the various language changes in the Ordinance:

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<sup>1</sup> Video Time Stamp 00:00:53

<sup>2</sup> Video Time Stamp 00:02:14

- There are people not eligible for SNAP who still struggle to pay for food.
- Consumers should not have to bear the extra cost while retailers are getting reduction in expenses
- It is not reasonable to expect people to carry bags on them all the time
- It would best to start with the least restrictive language then move on from that.

<sup>4</sup>The item discussion was divided into two parts, the first part being to amend §6(B) to add the word “food” in the language. There was a brief discussion.

A motion to add the word “food” to §6(B) was made, seconded and approved by a vote of 6-0-0 (Reps. Lee, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

<sup>5</sup>The Committee discussed the second part of the item.

- There could be an embarrassment factor of having to prove status at the check-out
- There are groups who will be getting drop off/pick up areas for used bags
- Will this have any effect on the loss of recycling revenue for Stamford
- Having all seniors on Medicare in Stamford exempt from paying the 10 cents undermines the purpose of the Ordinance
- It is not necessary to have “COBRA” in the language

A motion to strike “COBRA” from the proposed language in §6(B) was made, seconded and approved by a vote of 6-0-0 (Reps. Lee, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

There was discussion on striking both “Medicare” and “Medicaid” from the proposed language:

- There are young disabled people on Medicare; could there be Medicare disability and not Medicare retirement in the exemption?
- Large municipalities who have this type of ordinance do not have the exemption clause.
- There would not be a high cost incurred to citizens from this ordinance.
- Should all exemptions be removed from the proposed language, since the environment is everyone’s responsibility?
- There are several Board members who are concerned about the 10 cent charge.
- The point of the Ordinance is to get everyone to use reuseable bags.

A motion to strike “Medicare” from the proposed language in §6(B) was made, seconded and approved by a vote of 6-0-0 (Reps. Lee, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

A motion was made to strike “Medicaid” from the proposed language in §6(B). There was discussion:

- There needs to be sensitivity to the issues of people receiving aid.
- How would “reasonable evidence” be determined at the check-out?
- The majority of people on Medicaid are also on SNAP, so removing Medicaid would not eliminate a large amount of people from the exemption.

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<sup>5</sup> Video Time Stamp: 00:25:53

A revised motion to strike the second part of the sentence in section §6(B) from the proposed language was made, seconded and approved by a vote of 4-2-0 (Reps. Lee, Jacobson, Lion and Miller in favor; Reps. Nabel and Zelinsky opposed).

A motion to approve the item as amended to read: “*The charge reflected in Section 5 of this Chapter shall not apply to any retail sale or use of disposable carryout bags that are used to carry items purchased pursuant to the Supplemental Nutritional Assistance Program or a similar governmental food assistance program*” was made, seconded and approved by a vote of 4-2-0 (Reps. Lee, Jacobson, Lion and Miller in favor; Reps. Nabel and Zelinsky opposed).

<sup>6</sup>2. [LR30.046](#) REVIEW; Exterior Lighting Regulations **Held 6-0-0**  
07/11/18 - Submitted by Rep. Lion  
08/02/18 – Held in Public Safety Committee  
10/09/18 – Moved from Public Safety Committee  
10/16/18 – Held in Committee 6-0-0  
11/29/18 – Report Made & Held in Committee 5-0-0

**Secondary Committee: Public Safety & Health**

Rep. Lion explained his reason for proposing this Ordinance is so there can be a framework for dealing with lighting issues in the same way that noise issues are dealt with in the City.

Mr. Blessing, Mr. Rosenberg, and the Committee discussed the item:

- An ordinance would set a standard for lighting in the City.
- Currently light plans are reviewed in conjunction with site plans that are submitted, and recommendations are given.
- For effectual enforcement, standards need to be set.
- Several municipalities have lighting ordinances which have withstood legal challenges.
- City Land Use Attorney Jim Minor believes the BOR would be exceeding its authority to dictate these standards to the Zoning Board.
- BOR would determine who would be authorized to enforce the ordinance.
- Should lighting be regulated the same as noise, or should an ordinance be used more as guidance for projects and permits moving forward?
- Should we create an ordinance that cannot be enforced?
- Currently there are some lighting regulations but they fall within the signage rules.
- There should be a standard so residents have recourse with lighting issues.

Mr. Rosenberg will get the Board 1) an opinion from Corporation Counsel on the BOR powers concerning this issue, and 2) samples of lighting ordinances from other municipalities.

A motion to hold this item was made, seconded and approved by a vote of 6-0-0 (Reps. Lee, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

<sup>7</sup>4. [LR30.047](#) RESOLUTION; increasing the Mayor's Ability to Accept **Failed 1-5-0**  
Gifts from \$5,000 to \$10,000 (Amending Resolution 2459).  
10/12/18 - Submitted by Rep. McMullen  
11/29/18 – Held in Committee 5-0-0

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<sup>6</sup> Video Time Stamp: 01:12:08

<sup>7</sup> Video Time Stamp: 01:55:33

Rep. McMullen explained his reason for this item is to update the dollar amount since the current ordinance is 20 years old. The BOR should not have to review items under \$10,000 and the Mayor's administration can make that decision.

Chair Lee referenced the [statement](#) from the Mayor's office that was received in the BOR office.

Committee members discussed this item:

- The Board Office does not receive gift reports unless requested.
- It makes sense to increase the dollar amount since the ordinance is 20 years old.
- It should be a recurring item on the L&R Agenda to review gifts received.
- It is better to have more, and not less, transparency and discussions over what may or may not be accepted.

The Board Office will request a report of all gifts approved by the Mayor in the past three years.

A motion to approve this item was made, seconded and failed by a vote of 1-5-0 (Rep. Nabel in favor; Reps. Lee, Jacobson, Lion, Miller and Zelinsky opposed).

- <sup>8</sup>5. LR30.051 APPROVAL; Amendment to §IV.E.3 of the [Board of Representatives Rules of Order](#) to make Public Participation Sessions for the Board of Reps Meetings permanent. **Approved 4-2-0**  
12/04/18 - Submitted by Communications Committee and Rep. Cottrell

***Secondary Committee: Communications***

The Committee discussed this item:

- The amount of people speaking during public time to comment will vary from month to month, but it should remain permanent.
- Unlike the BOF and BOE, the BOR has specific representatives for each district whom residents can call and public time to comment is not necessary.
- It allows the public an opportunity to address the entire Board at once.
- It should be limited to items on the current Agenda that have not been the subject of a public hearing, so the representatives have some background on the topic.

A motion to strike §IV.E.3.c was made, seconded and approved by a vote of 4-2-0 (Reps. Lee, Lion, Nabel, and Zelinsky in favor; Reps. Miller and Jacobson opposed).

Chair Lee adjourned the meeting at 9:29 p.m.

Respectfully submitted,  
Benjamin Lee, Chair

This meeting is on [video](#).

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<sup>8</sup> Video Time Stamp: 02:09:14