



Legislative & Rules Committee – Board of Representatives

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

Committee Report

Date: Tuesday, March 1, 2022
Time: 7:00 p.m.
Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Co-Chair Nabel and Committee Member Reps. Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood. Excused was Co-Chair Berns. Also present were Reps. de la Cruz, Di Costanzo, Fedeli, Morson, Sandford, Stella, Summerville, and Tomas; Michael Toma and Dana Lee, Law Department; and Greg Stackpole Assessor's Office.

Co-Chair Nabel called the meeting to order at 7:00 p.m.

Item No.	Description	Committee Action
1. LR31.014	ORDINANCE <u>for public hearing and final adoption</u> ; Amendment to Code of Ordinances §220-8, Senior Citizens Tax Abatement. 01/05/22 – Submitted by Mayor Simmons 01/18/22 – Referred by Board of Finance 01/25/21 – Approved by Committee 8-0-1	Approved 8-0-0

Co-Chair Nabel opened the public hearing. Kieran Matthew Edmondson spoke about the importance of supporting seniors. There being no further speakers, the public hearing was closed.

Mr. Stackpole stated that the modifications to the current ordinance are increasing the income levels for single and married applicants to mirror the State program, increasing the amounts to be paid out and giving the option to mail in applications until April 15th.

A motion to approve Item No. 1 was made, seconded and approved 8-0-0 (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

2. LR31.018	APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Establish a <u>Postage Mailing Allowance</u> to Facilitate Representatives' Broader Communication with Constituents. 02/09/22 – Submitted by Reps. de la Cruz, Morson and Sherwood	Held, as amended, 8-0-0
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Rep. Morson explained tha the goal of this item is to provide new ways to communicate with constituents. There are approximately 1900 addresses per distict, so the cost for quarterly mailings would be \$130-140,000. Items discussed included:

- The prior postage allowance was \$750 and too low to be used
- The mailing would have to go through the Board office, but could be done with an outside vendor
- Whether the Mayor's office would be willing to fund this
- The mailing could not be used for campaigning
- Would an SMS text service be more effective – people could opt in and items could be linked
- How would this be used to reach visually impaired individuals or those who don't speak English
- The budget has already been submitted for this year
- There is currently no language proposed for a rule

A motion to change the description of Item No. 2 from postage to mailing was made, seconded and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

A motion to hold Item No. 2 was made, seconded and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

3. [LR31.006](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Remove Reference to Postage Allowance. **Held 8-0-0**
 12/08/21 – Submitted by Rep. Sherwood
 12/28/21 – Held by Committee 6-3-0
01/25/22 – Held by Committee 9-0-0

A motion to hold Item No. 3 until Item LR31.018 is resolved was made, seconded and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

4. [LR31.008](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section IV.E.3.iii. to Permit a Member of the Public to Speak on a Topic which was the Subject of a Prior Public Hearing if they did not Speak at the Public Hearing. **Held 8-0-0**
 12/08/21 – Submitted by Rep. Sherwood
 12/28/21 – Held by Committee 8-1-0
01/25/22 – Held by Committee 9-0-0

Mr. Toma reviewed the recent [legal opinion](#) with the Committee members, noting that if a property right would affect the property rights of others, due process rights need to be considered prior to permitting people to speak after a public hearing has concluded. Rep. Sherwood commented that due to the late arrival of Attorney Toma's opinion she would welcome the opportunity to work with the Legal Department to amend the proposal.

A motion to hold Item No. 4 was made, seconded and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

5. [LR31.017](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure Section IV.E.3: Time for Public Comment. 02/09/22 – Submitted by Reps. Boeger, Tomas, Matheny, and Sherwood **Approved, as amended, 8-0-0**

Committee members discussed Item No. 5 at length. Items discussed included

- having an upper limit
- allowing all members of the public who wish to speak to speak
- not reducing the time for people speak too far
- let leadership decide the amount
- the sign-up ends early while meetings are held remotely, but not when meetings are held in person
- encourage people to give comments by email
- the public should understand why members are in opposition to extending the time to speak

A motion to amend the first sentence of proposed subsection 3.a.i as follows “The public comment period shall ~~not exceed~~ ~~be~~ thirty (30) minutes” [the current language] was made, seconded, and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

A motion to hold Item No. 5 was made, seconded and failed by a vote of 4-4-0 (Reps. Nabel, Cottrell, Jacobson and Miller in favor; Reps. Boeger, Florio, Matheny and Sherwood opposed).

A motion to amend the proposed subsection 3.a.i and 3.a.ii as follows:

- i. The public comment period shall not exceed thirty (30) minutes. However, any member may make a motion to extend the public comment period by 15 minutes. The motion must pass by a simple majority vote of members present and voting, without discussion.
- ii. The President shall establish the amount of time allocated per speaker, which shall not exceed three (3) minutes per speaker, ~~nor be less than one and one half (1½) minutes~~.

was made, but did not receive a second.

A motion to amend the proposed language in subsection 3.a.ii, as follows:

- ii. The President shall establish the amount of time allocated per speaker, which shall not exceed three (3) minutes per speaker, ~~nor be less than one and one half (1½) minutes~~.

was made, seconded, and approved by a vote of 7-1-0 (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, and Miller in favor; Rep. Sherwood opposed).

A motion to amend the proposed subsection 3.a.i as follows:

- i. The public comment period shall not exceed thirty (30) minutes. However, any member may make a motion to extend the public comment period. The motion must pass by a simple majority vote of members present and voting, ~~without discussion~~.

was made, seconded, and approved by a vote of 5-3-0 (Reps. Nabel, Boeger, Florio, Jacobson, and Miller in favor; Reps. Cottrell, Matheny, and Sherwood opposed).

A motion to amend the proposed subsection 3.a.i as follows:

- i. The public comment period shall not exceed thirty (30) minutes. However, any member may make a motion to extend the public comment period, provided the total comment period does not exceed 50 minutes. The motion must pass by a simple majority vote of members present and voting.

was made, seconded, and approved by a vote of 5-3-0 (Reps. Boeger, Jacobson, Matheny, Miller, and Sherwood in favor; Reps. Nabel, Cottrell, and Florio opposed).

A motion to approve Item No. 5, as amended, was made, seconded, and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

6. [LR31.010](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section III.B: Steering Committee to Require Members who wish to Add Their Names as Sponsor of an Item to do so Within 48 Hours of the Item Being Placed on the Steering Agenda. **Failed 4-4-0**
12/08/21 – Submitted by Reps. Miller and Nabel
12/28/21 – Held by Committee 9-0-0
01/25/22 – Held by Committee 9-0-0

A motion to approve Item No. 6 was made, seconded, and failed by a vote of 4-4-0 (Reps. Nabel, Cottrell, Jacobson and Miller in favor; Reps. Boeger, Florio, Matheny and Sherwood opposed).

7. [LR31.013](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Permanently Permit the Option of Remote Meetings of the Board of Representatives and Committees Thereof. **Held 8-0-0**
01/05/22 – Submitted by Reps. Jacobson and Nabel
01/25/22 – Held by Committee 9-0-0

A motion to hold Item No. 7, as amended, was made, seconded, and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

8. [LR31.015](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section V.B.5 to remove the Requirement for Approval by the Majority and Minority Leader. **Failed 3-5-0**
02/08/22 – Submitted by Rep. Sandford

Committee members discussed Item No. 8 at length. Items discussed included:

- the goal of this proposed amendment is to have productive and effective meetings
- the default for a motion to limit debate under Robert's is a 2/3 vote
- the current provision permits one person to veto the will of the majority
- this would not be used for every agenda item
- this brings the rules back in line with Robert's Rules of Order

A motion to amend Section V.B.5 to change majority vote to 2/3 vote was made, seconded, and failed by a vote of 3-4-1 (Reps. Nabel, Florio and Jacobson in favor; Reps. Boeger, Matheny, Miller and Sherwood opposed; Rep. Cottrell abstaining).

A motion to approve Item No. 8 was made, seconded, and failed by a vote of 3-5-0 (Reps. Nabel, Florio and Jacobson in favor; Reps. Boeger, Cottrell, Matheny, Miller and Sherwood opposed).

The Committee next considered Item No. 10

10. [LR31.019](#) ~~ORDINANCE for publication~~ REVIEW. Restricting Gas-Powered Leaf Blowers. **Held, as amended, 8-0-0**
02/09/22 – Submitted by Reps. Berns and Mays

Secondary Committee: Land Use/Urban Redevelopment

Mr. Lee stated that other municipalities restrict gas-powered leaf blowers in several ways:

- restricting use during certain times of year;
- restricting use during certain times of day; and
- restricting use on certain days

He is not aware of any total bans. There was an attempt in 2008 to restrict leaf blowers by decibel level which failed in the Board of Representatives. Westport and Greenwich are currently considering ordinances. Greenwich is proposing a ban on Sundays and fining property owners for violations by landscapers.

Committee members discussed

- this could be difficult to enforce
- many people work outside of their homes
- landscapers often work on weekend
- would this be regulated through the noise ordinance or a separate ordinance
- could there be a task force created

A motion to hold Item No. 10 was made, seconded, and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

9. [LR31.016](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure Section IV.A.1 to add new Subsection g. to Vote on the Consent Agenda all at Once. **Held 8-0-0**
02/09/22 – Submitted by Reps. Cottrell and Ley

A motion to hold Item No. 9 was made, seconded, and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

Co-Chair Nabel adjourned the meeting at 11:16 p.m.

Respectfully submitted,
Susan Nabel, Co-Chair

This meeting is on [video](#)