



Legislative & Rules Committee – Board of Representatives

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

Committee Report

Date: Tuesday, October 25, 2022
Time: 7:00 p.m.
Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Co-Chairs Berns and Nabel and Committee Member Reps. Boeger, Cottrell, Miller, and Sherwood. Excused were Committee Member Reps. Fedeli, Jacobson, and Matheny. Also present were Reps. de la Cruz; Figueroa, Mays, Morson, Stella, and Tomas; Sandra Dennies, Director of Administration; and Chris Dellaselva and Dana Lee, Office of Corporation Counsel.

Co-Chair Berns called the meeting to order at 7:06 p.m.

Item No.	Description	Committee Action
1. LR31.036	RESOLUTION <u>and Public Hearing</u> ; Approving a Real Estate Purchase and Sale Agreement between City of Stamford and 336-352 Elm Street, LLC, for 384 Elm Street, Stamford CT. 09/14/22 – Submitted by Mayor Simmons 09/27/22 – Approved by Planning Board 10/13/22 – Approved by Board of Finance 6-0-0	Approved 6-0-0

Co-Chair Berns opened the public hearing. Kieran Edmondson spoke in support of selling 384 Elm Street. There being no further speakers, the public hearing was closed.

Ms. Dennies explained that the Board approved this sale at the July meeting with the condition of no zoning changes. The property had been acquired with FTA funds and must be sold under FTA rules. 80% of the sale price will go back to the FTA. The appraisal of the property set the minimum bid as \$860,000. The maximum offer of \$1,275,000 was received from 336-352 Elm Street, LLC, and the property was awarded pursuant to Code §9-5.

Mr. Dellaselva explained that this is an “as is” sale with no contingencies in the agreement. If it is approved by the Board, the closing will take place within 30 days of execution of the agreement by quit claim deed.

Committee members discussed Item No. 1 with the invited guests. Items discussed included the following:

- The purchasers are the adjacent property owners
- 8 individuals looked at the property and 2 bids were received

A motion to approve Item No. 1 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Miller, and Sherwood in favor).

2. [LR31.037](#) RESOLUTION and Public Hearing; Approving a **Approved 6-0-0**
Real Estate Purchase and Sale Agreement
between City of Stamford and 402 Elm St Partners
LLC, for 402 Elm Street, Stamford CT.
09/14/22 – Submitted by Mayor Simmons
09/27/22 – Approved by Planning Board
10/13/22 – Approved by Board of Finance 6-0-0

Co-Chair Berns opened the public hearing. Kieran Edmondson spoke in support of selling 402 Elm Street. There being no further speakers, the public hearing was closed.

Ms. Dennies explained that the Board approved the sale of this parcel at the July meeting. The property had been acquired with FTA funds and must be sold under FTA rules. 80% of the sale price will go back to the FTA. The appraisal of the property was \$120,000. The only bid received was for \$151,000. Because the property is ineligible for curb cuts, it is only attractive to abutting property owners.

Mr. Dellaselva explained that this is an “as is” sale with no contingencies in the agreement. If it is approved by the Board, the closing will take place within 30 days of execution of the agreement by quit claim deed.

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

3. [LR31.033](#) ORDINANCE for publication; Amending [Chapter](#) **Held 6-0-0**
[164 of the Code of Ordinances, Noise](#), including
Restrictions on Gas-Powered Leaf Blowers.
08/03/22 – Submitted by Reps. Nabel, Berns and
Mays
08/23/22 – Held by Committee 7-0-0
09/29/22 – Held by Committee 8-0-0

Mr. Lee explained that this proposed ordinance restricts the use of gas-powered leaf blowers to 8 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 3 p.m. on Saturdays, Sundays and Holidays. City employees are exempted from this provision because of the hours during which employees do leaf collection. The proposal also increases the fine for violation of the ordinance to \$250/hour. This will address situations in which the fine just becomes a cost of doing business and will encourage businesses with outdoor entertainment to self-regulate.

Committee members discussed the proposed ordinance. Items discussed included the following:

- Noise is often fleeting and the ordinance is difficult to enforce,
- Inspectors can get to the site for outdoor entertainment; after an initial warning, violators would get a citation
- This year, outdoor dining permits are conditional upon compliance with the noise ordinance
- The ordinance is enforced by the health department and the civil citation officers
- How would residents who work during these hours clean up their leaves?
- Electric blowers make less noise
- Why is the city allowed to do something which residents are prohibited from doing?
- Sound isn't amplified by traveling over water, but doesn't dissipate; the ordinance should address measuring sound across the water

- This is better than the current ordinance
- Enforcement is an issue

A motion to amend the whereas clauses to include the following language was made and seconded:

WHEREAS, leaf blowers in general, and especially larger ones, blow an inordinate amount of dust into the air to the detriment of the health of the public;

WHEREAS, small gas powered engines, and especially two-stroke gas powered engines, spew a much greater amount of pollution than other and larger gas powered engines;

After extensive discussion regarding the purpose of Whereas clauses (to explain legislative intent), the motion and second were withdrawn.

A motion to hold Item No. 3 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Miller, and Sherwood in favor).

4. [LR31.018](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Establish a Postage Mailing Allowance to Facilitate Representatives' Broader Communication with Constituents. **Held 6-0-0**
 02/09/22 – Submitted by Reps. de la Cruz, Morson, and Sherwood
 03/01/22 – Held by Committee 8-0-0
 03/29/22 – Held by Committee 7-0-0
 04/26/22 – Held by Committee 8-0-0
 06/27/22 – Report Made & Held by Committee 7-0-0
 07/11/22 – Moved to Pending
09/29/22 – Held by Committee 8-0-0

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

5. [LR31.035](#) APPROVAL; Amendment to the BOR Rules of Procedure Section II.A.3 regarding Points of Order made by Parliamentarian. **Approved 6-0-0**
 09/10/22 – Submitted by Rep. Boeger

Rep. Boeger explained that he introduced this proposed amendment to resolve a conflict between Robert's Rules of Order and the Board rules regarding the ability of the Parliamentarian to make motions and vote.

A motion to amend the proposed rule change as follows was made and seconded:

Should a point of order be made in connection with a motion that an individual Parliamentarian has moved, the Parliamentarian that made the original motion may not make an advisement on said point of order for the purpose of avoiding a conflict of interest, unless granted permission by the President (or presiding

Chair, in the case of committee meetings). However, any additional appointed Parliamentarian may advise on the proper procedure if requested.

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

Co-Chair Berns adjourned the meeting at 9:15 p.m.

Respectfully submitted
Phil Berns, Co-Chair

This meeting is on [video](#).