



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

Phil Berns, Chair

Sean Boeger, Vice Chair

# **Committee Report**

**Date:** Tuesday, April 25, 2023

**Time:** 7:00 p.m.

**Place:** *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Chair Berns, Vice Chair Boeger, and Committee Member Reps. Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood. Absent or excused was Rep. Jacobson. Also present were Reps. de la Cruz, Mays, Stella, and Walston; and Tom Casson, Dana Lee, and Mike Toma, Law Department.

Chair Berns called the meeting to order at 7:00 p.m.

| <b>Item No.</b>             | <b>Description</b>  | <b>Committee Action</b> |
|-----------------------------|---|-------------------------|
| 1. <a href="#">LR31.033</a> | <p>ORDINANCE <u>for public hearing and final adoption</u>;<br/>Amending <a href="#">Chapter 164 of the Code of Ordinances, Noise</a>, § 164-3, Definitions and Proposed §164-6a, Restrictions on Gas-Powered Leaf Blowers.<br/>08/03/22 – Submitted by Reps. Nabel, Berns and Mays<br/>08/23/22 – Held by Committee 7-0-0<br/>09/29/22 –Held by Committee 8-0-0<br/>10/25/22 – Report Made &amp; Held by Committee 6-0-0<br/>11/29/22 – Held by Committee 8-0-0<br/>12/19/22 – Held by Committee 6-0-0<br/>01/24/23 – Approved by Committee 5-3-0<br/>02/28/23 – Public Hearing Held &amp; Held by Committee 8-1-0<br/><b>03/29/23 – Approved by Committee, as amended, 5-0-0</b><br/><b>04/03/23 – Approved for public hearing by full Board</b></p> | <b>Approved 8-0-0</b>   |

Chair Berns opened the public hearing. The [attached public comments](#) submitted via Google Forms were read into the record. Mike Papa and John Wilson spoke in support of restricting gas powered leaf blowers. There being no further speakers the public hearing was closed.

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

- Is this version too watered down?
- This does limit the use of gas powered leaf blowers
- A stronger ordinance would not pass; this ordinance is a compromise

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

2. [LR31.042](#)      ORDINANCE for public hearing and final adoption;      **Approved 8-0-0**  
Amending [Chapter 164 of the Code of Ordinances, Noise](#), §164-5.E, Violations and Penalties – Exemptions and Special Conditions; Subsections 1 and 5, and other miscellaneous changes to §§ 164-3, Definitions; 164-4, Noise Level Measurement Procedures; 164-6, Prohibited Noise Activities; and 164-9, Inspections. [Split from [LR31.033](#)]  
12/07/22 – Submitted by Reps. Nabel, Berns and Mays  
12/19/22 – Held by Committee 6-0-0  
01/24/23 – Held by Committee 8-0-0  
02/28/23 –Recommitted to Steering by Committee 8-0-0  
**03/29/23 – Approved by Committee, as amended, 6-0-0**

Chair Berns opened the public hearing. The [attached public comments](#) submitted via Google Forms were read into the record.. There being no further speakers the public hearing was closed.

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

3. [LR31.041](#)      ORDINANCE; Amending [Chapter 164 of the Code of Ordinances, Noise](#), §164-10, Violations and Penalties.      **No Action Taken**  
[Split from [LR31.033](#)]  
12/07/22 – Submitted by Reps. Nabel, Berns and Mays  
12/19/22 – Held by Committee 6-0-0  
01/24/23 – Approved by Committee, as amended, 8-0-0  
02/28/23 – Public Hearing Held & Recommitted to Steering by Committee 8-0-0  
**03/29/23 – Approved by Committee 5-0-0**  
**04/03/23 – Postponed by full Board**

Item No. 3 was previously approved by the Committee and was postponed by the full Board so that Items 1, 2, and 3 could be taken up together for final adoption.

4. [LR31.045](#)      ORDINANCE for publication; Amending Code of Ordinances, [Chapter 6, Article XVII, Appointments Commission, §6-122](#), Membership of the Commission      **Approved 8-0-0, as amended**  
01/04/23 – Submitted by Rep. Stella  
01/24/23 – Held by Committee 8-0-0  
02/28/23 –Held by Committee 8-0-0  
**03/29/23 – Recommitted to Steering 6-0-0**

***As a Secondary Committee: Appointments***

Rep. Stella explained that the Appointments Commission has 2 members of the Board of Representatives who are unable to vote, which gives the members less authority than on other boards or commissions. Committee members discussed Item No. 4. Items discussed included the following:

- Is it appropriate for members of the Board to vote on applicants who will ultimately come before the Board?
- People on other boards and commissions do vote on items that come before the Board which were considered by the board or commission
- The Charter vests nominating authority in the Mayor; this is an advisory committee
- The Board members could advise applicants on what the appointments process

A motion to amend Item No. 4 as follows was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

**Sec. 6-122. - Membership of the Commission.**

The Commission shall consist of ~~nine (9) members, in which There shall be~~ seven (7) voting members ~~are~~ appointed by the Mayor and approved by the Board of Representatives. ~~There shall also be Two (2) voting members of from the Board of Representatives, no more than one (1) from any political party, appointed by the President of the Board of Representatives. As to the seven (7) members appointed by the Mayor, n~~No more than three (3) members shall be from any one political party. The members must be residents of the City of Stamford. Initially, two (2) members of the Commission shall be appointed for one (1) year; two (2) members shall be appointed for two (2) years; and three (3) members shall be appointed for three (3) years. Thereafter, each appointment shall be for a term of three (3) years unless a member is appointed to fill a vacancy on the Commission. Any Mayor-appointed member may be removed by the Mayor for the failure to attend three (3) or more meetings of the Commission, without reasonable excuse, within a calendar year. The Commission shall also include the Mayor, or the Mayor's designee as an following ex officio members who may fully participate in meetings of the Commission, but without being counted towards quorum requirements and without the right to vote:

~~A. The Mayor or the Mayor's designee;~~

~~B. Two (2) members of the Board of Representatives, no more than one (1) from any political party, appointed by the President of the Board of Representatives.~~

A motion to approve Item No. 4, as amended, was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

A motion to suspend the rules to take up Item No. 10 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

10. LR31.050      APPROVAL; Amendment to the Board of Representatives Rules of Procedure re: the Possibility of the Board of Representatives not Holding Committee Meetings During the Months of July and August and the last week of December; this would not include the Monthly Meeting of the Full Board.  
03/08/23 – Submitted by Reps. Stella, Moore, and Cottrell  
03/13/23 – Held at Steering      **Report Made**

Committee members discussed Item No. 10. Items discussed included the following:

- The Fiscal Committee would most likely not be able to take a break
- It might not be necessary to have a rule if chairs can be encouraged to take a break
- If there is a pressing matter a committee would need to meet; not having a rule would allow this flexibility

5. [LR31.046](#)      ORDINANCE for publication; Banning Gasoline Powered Landscaping Maintenance Equipment in the Interests of Equity and Preservation of the Environment Pursuant to the Climate Emergency Recognized in Board [Resolution Number 4130](#).  
02/08/23 – Submitted by Rep. de la Cruz  
02/13/23 – Held at Steering  
**03/29/23 – Recommitted to Steering 6-0-0**      **Failed 3-5-0**

Committee members discussed Item No. 5. Items discussed included the following:

- This might be better to come from the State
- It might be better to ban sales, rather than punish users
- This should be phased in
- Passing this now, at the same time as Item 1, might confuse residents
- This probably would not pass
- Given the climate emergency, there is no time to waste
- Does the City have the power to ban the sale of leaf blowers?

A motion to recommit Item No. 5 to Steering was made, seconded and failed by a vote of 3-5-0 (Reps. Berns, Cottrell, and Pierre-Louis in favor; Reps. Boeger, Fedeli, Matheny, Miller, and Sherwood opposed)

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

6. [LR31.051](#)      ORDINANCE for publication; Amending Code of Ordinances, §§ 37-1 and 47-37 to Correct a Scrivener's Error and Inconsistency re: the Juneteenth Holiday.  
03/20/23 – Submitted by Corporation Counsel      **Approved 8-0-0**

Mr. Toma explained that this ordinance corrects a scrivener's error due to the adoption of the Juneteenth ordinance and makes it consistent with the general holiday ordinance and removes language incorrectly left in the code.

A motion to amend Item No. 6 to include Juneteenth in the list of holidays was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

A motion to approve Item No. 6, as amended, was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

7. LR31.044      REVIEW; Overview of Office of Legal Affairs.      **Report Made**  
01/04/23 – Submitted by Rep. Cottrell  
01/09/23 – Held at Steering  
02/28/23 – Report Made & Held by Committee 8-0-0  
**03/29/23 – Recommitted to Steering 6-0-0**

Mr. Cassone noted that the office has 8 Assistant Corporation Counsels, 1 Deputy Corporation Counsel, 1 Executive Assistant and 4 paralegals. The office handles whatever comes in the door. The major differences since the last time he held this office are remote work and remote hearings, peoples' ability to go off screen make it more difficult to reach a compromise, and the increased specialization which requires more outside counsel.

8. LR31.048      APPROVAL; Amending the Rules of the Board to      **Recommitted to**  
Allow the Public Comment Period prior to the Filling of      **Steering 8-0-0**  
a Vacancy.  
02/09/23 – Submitted by Rep. Sherwood  
**03/29/23 – Recommitted to Steering 6-0-0**

A motion to recommit Item No. 8 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

9. [LR31.040](#)      APPROVAL; Amendment to the Board of      **Recommitted to**  
Representatives Rules of Procedure re: Use of Virtual      **Steering 8-0-0**  
Meeting Licenses by Representatives.  
11/29/22 – Submitted by Rep. Cottrell  
12/12/22 – Moved to Pending  
**03/29/23 – Recommitted to Steering 6-0-0**

Clerk Cottrell stated that she had met with Bridget Fox and members of IT to discuss the ability for Board members to get Zoom licenses in order to meet with experts, run their own meetings, and run town halls. She would like to discuss this with legal, so it is not ready to be voted on.

A motion to recommit Item No. 9 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

Chair Berns adjourned the meeting at 10:13 p.m.

Respectfully submitted,  
Phil Berns, Chair

This meeting is on [video](#).