



Legislative & Rules Committee – Board of Representatives

Phil Berns, Chair

Sean Boeger, Vice-Chair

Committee Report

Date: Tuesday, January 23, 2024
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, Jacobson, Matheny, Miller, Pierre-Louis, and Sherwood. Also present were Reps. Figueroa, Mays, Pollack, Stella, Strain, Summerville, and Tomas; Carmen Hughes, DEI Officer; Izzy Sobkowski, Chief Digital Officer; Tom Cassone, Dana Lee, and Mike Toma, Law Dept.; Honorata Kazmierczak and Phil Magalnick, ADA advocates; and members of the public.

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

| Item No. | Description | Committee Action |
|------------------------------|---|-----------------------------|
| 11. LR31.060 | REVIEW; Potential Ordinance to Stop Loud and Excessive Exhaust Pollution (SLEEP). 09/27/23 – Submitted by Rep. Jacobson 10/24/23 – Held by Committee 11/28/23 – Held by Committee 7-0-0 | Committee Held 9-0-0 |

Rep. Jacobson introduced this item and there was discussion.

There have been many complaints from the public about excessively loud exhaust noise from some car mufflers. The State of CT has an ordinance that might preempt a local ordinance. A legal opinion was requested on this and he would like to hear about that.

Attorney Lee explained the attached [legal opinion](#) he wrote. There is currently a State statute that prohibits the modification of exhaust muffler systems in ways that produce excessive noise. Stamford cannot pass an ordinance that would ban otherwise legal devices. However it can pass an ordinance that would ban devices that would produce noise beyond the State limit. This would not affect devices that are sold in surrounding communities or online purchases.

Enforcement is a big problem. By the time someone calls the police, usually the car has gone.

It is very difficult to find out what shops are selling items that should not be sold., because they are not going to present the illegal items.

It is redundant to create an ordinance that has the same type of rules as the State statute.

A person can put a legal muffler system on a type of car it is not meant for and it can be loud.

¹ Video Time Stamp: 00:00:45

If this is an overwhelming problem in a certain district, perhaps the Representatives should reach out to the Stamford Police Dept. to have extra enforcement of the area.

The Committee discussed putting this item on hold to get feedback from the Stamford Police Dept., Health Dept., and other stakeholders.

A motion to hold Item #1 was made, seconded, and approved by a vote of 9-0-0 (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Matheny, Miller, Pierre-Louis, and Sherwood in favor).

². LR31.064 REVIEW; Possible Requirement that City Post **Report Made**
Transcripts of all Public Meetings.
11/09/23 – Submitted by Tom Cassone and Carmen
Hughes
11/28/23 – Recommitted to Steering by Committee
6-0-0

Director Hughes introduced this item and there was discussion.

Currently all public meetings in the City of Stamford have the videos posted and closed captioning is available. She is asking that in compliance with the Americans with Disabilities Act (ADA) all transcripts of meetings are also posted. This will ensure that the meetings are accessible to individuals with all disability types and will add more inclusion. The technology is available, and some training is needed, but it is very simple to attach transcripts.

Additionally she is asking that when presentations are put up on the screen during a meeting, that the presenter describes what is being presented on the screen.

Rep. Cottrell pointed out that there is no universal standard of minutes for all of the boards and commissions in the City beyond the necessary FOIA requirements. It will help to teach the Committee chairs to be more deliberate in explanations of things in meetings.

Zoom transcripts are often not correct, but it is much better than having no transcript at all. Legal Dept. should provide a disclaimer for the posting of these transcripts because of this issue.

Mr. Magalnick stated that there are two parts to this: 1) do the best everyone can and 2) invest in better infrastructure to help everyone. Every citizen should be able to be part of their government, and this would make a more inclusive government.

Ms. Kazmierczak recently worked an assignment as an ADA Coordinator along with Director Hughes to make sure the City of Stamford is more in compliance. She explained that an often overlooked part of the population in compliance discussions is the neurodivergent community and others with learning disabilities. Transcripts would greatly help them. They would be able to process the information at their own pace. Any form of public facing community needs to be accessible to the maximum extent possible to all participants.

Director Sobkowski the City if currently using Zoom, moving towards Microsoft Teams. Microsoft has acquired a company called Nuance which is the premier company that produces transcripts, so the level of accuracy with Teams transcripts should get much better. He is optimistic that the transcripts will work well in hybrid meetings.

² Video Time Stamp: 00:35:55

³3. LR31.067 REVIEW; Creation of an ADA Commission.
12/06/23 – Submitted by Rep. Stella

Report Made

Rep. Stella introduced this item and there was discussion. After going on a walking tour with Ms. Kazmierczak and Mr. Magalnick, he became aware of many problems within the city for people with disabilities. There should be a group where the sole focus is dealing with this. There are many commissions in the city and there should be one for ADA. There should be a place where people can communicate complaints about accessibility outside of Fix It Stamford.

Mr. Magalnick has been told by officials in New Haven and Norwalk that their ADA Commissions are inefficient and infective. The members would need to know exactly what the ADA is, what the obligations are., etc. Stamford currently has an ADA council. He wants to make sure a commission does not become politicized the way other commissions and committees are in Stamford.

The experts on this, such as Mr. Magalnick and Ms. Kazmierczak and others, should be the ones to decide if a commission should be formed. If they come back to the BOR and say the time is right to form a commission, then it should move forward, but not until then.

Putting a commission in place now is important because there is no guarantee that future administrations will make the ADA a priority as the current administration is doing.

44. [LR31.066](#) APPROVAL; Amendment to the Board of
Representatives Rules of Procedure Section V.C.3 to
add Privileged or Incidental Motions.
12/05/23 – Submitted by Rep. Jacobson

**Recommit to
Steering 3-3-2
(Failed)**

Rep. Jacobson introduced this item and there was discussion. There have been previous discussions that the BOR has been engaging and entertaining motions that are not consistent with its rules. He wants to have avoidance of doubt on whether or not the BOR rules allow for incidental motions.

Rep. Jacobson contacted Shmuel Gerber, one of the authors of Roberts Rules, to review BOR bylaws and give some feedback. Mr. Gerber provided an informal written opinion. His conclusion was that the BOR rules currently allow for incidental motions, requests for information, and parliamentary inquiries.

There was a lengthy discussion. Some of the points made:

It is important for members of the BOR to obtain basic information for items on which they are voting. Members should have the ability to make basic requests for information in order to make informed decisions.

Rep. Boeger previously put an item to the BOR several months ago for this very reason, and it was approved by the Committee but rejected by the full Board. This item seems to be almost the exact same rule change.

This is not a Robert's Rules issue but rather a Board rules issue.

³ Video Time Stamp: 01:20:30

⁴ Video Time Stamp: 01:55:40

Removing this entire section would make things much clearer in meetings.

Rep. Boeger stated said his first preference is to delete this section completely. But if it remains, then it should containing wording that includes “. . . all subsidiary, incidental, and privileged motions . . .”

It was suggested that Reps. Boeger and Jacobson meet at some point to come up with a compromise on this section of the rules and present to the BOR at a future date.

A motion to recommit Item #4 to Steering was made, seconded, and failed by a vote of 3-3-2 (Reps. Cottrell, Fedeli, and Jacobson in favor; Reps. Berns, Matheny, and Sherwood opposed; and Reps. Boeger and Miller abstained).

⁵5. [LR31.068](#) ORDINANCE for publication; Compensation for **Committee**
Acting Mayor under C3-10-4. **Approved 7-2-0**
01/03/24 – Submitted by Rep. Stella

Rep. Stella introduced this item and there was discussion. The Charter states that the acting Mayor should receive compensation but that compensation is not clarified. There have been previous discussions in the BOR that say compensation could be anything, or someone could chose whether or not to request compensation.

Some points discussed:

Often an acting mayor might have to do nothing at all or sign a piece of paper. Is that something which should be compensated?

What should trigger the compensation? If a mayor is simply out of town, that should not trigger the compensation. There should be specific instances in the ordinance on when the compensation triggers. Just because a person is serving as active mayor does not mean they will perform an actual duty during that time.

Even if no duties are performed an acting mayor should be compensated because it is a responsibility and the person has to be available and ready to take action during that time.

The BOR should know exactly what the per diem salary is before passing this ordinance.

Rep. Summerville stated there have been times in the past when an acting Mayor was compensated.

Some Representatives stated the ordinance needs to be every specific.

A motion to approve Item #5 for publication was made, seconded, and approved by a vote of 7-2-0 (Reps. Berns, Boeger, Cottrell, Jacobson, Matheny, Pierre-Louis, and Sherwood in favor; Reps. Fedeli and Miller opposed).

Chair Berns adjourned the meeting at 10:28pm

Respectfully submitted,

⁵ Video Time Stamp: 02:57:25

Phil Berns, Chair

This meeting is on [video](#).