



Operations Committee - Board of Representatives

Joseph Coppola, Jr., Chair

John Zelinsky, Jr., Vice Chair

Committee Report

Date: Tuesday, August 1, 2017

Time: 7:00 p.m.

Place: Republican Caucus Room, 4th Floor, Government Center, 888 Washington Boulevard

The Operations Committee met as indicated above. In attendance were Chair Coppola, Vice Chair Zelinsky, and Committee Member Reps., Giraldo, Liebson, Mahoney and McMullen. Absent or excused were Reps. Adams, Coleman and Jacobson. Also present were: Mike Toma, Law Department; Ernie Orgera, Director of Operations; and William Brink, SWPCA.

Chair Coppola called the meeting to order at 7:05 p.m. Chair Coppola announced that Items 1 and 2 are being held because the invitees could not attend the meeting.

Item No.	Description	Committee Action
1. O29.081	ORDINANCE <u>for publication</u> ; Amendment of Chapter 200, Sewers, Section 200-33 , Regarding the Responsibility for the Maintenance and Repair of Sewer Laterals within the City Right of Way. 03/08/17 – Submitted by Reps. McMullen, Mahoney, McGarry, Jacobson and de la Cruz 04/24/17 – Held in Committee 05/30/17 – Approved by Committee, as amended 06/05/17 – Returned to Committee by Full Board 07/06/17 – Held in Committee	Committee Approved as Amended 4-0-2

Attorney Mike Toma discussed and clarified his revisions. He said he met with the Mayor, Director of Administration and the Operations Department. After acknowledging all concerns from both the Administration and the committee he made his proposed [revisions](#). The language revised in Section L (2) incorporates concerns from both the Administration and the Committee including the following: “There shall be no presumption of negligent or intentional conduct by the property owner, and the City of Stamford shall remain responsible to pay the reasonable costs of necessary repairs as set forth above unless the City can demonstrate to a reasonable degree of certainty that negligent or intentional acts or omissions by the property owner caused the need for the repair”. Attorney Toma also explained he was trying to balance costs between resident and the City.

After a thorough discussion Rep. McMullen made a motion to approve the original ordinance from May 30, 2017 which deleted the 2nd to last sentence that said “*This ordinance does not obviate the property owner’s liability for the property owner’s intentional or negligent damage to any part of the sanitary sewer system*”; said motion was seconded. After continuous discussions on property owners liability Rep. McMullen withdrew his motion. Rep. Mahoney withdrew his second.

The Committee then made a motion to add as the 2nd to last sentence in Section L as follows “*Notwithstanding the above, the property owner shall be responsible for reimbursing the City of Stamford for all costs associated with repair of the lateral line located between the property line and the public sanitary sewer if it is determined that the need for the repair results from the property owner’s negligent or intentional acts or omissions.*” Said motion was seconded and approved by a vote of 6-0-0. (Reps. Coppola, Zelinsky, Giraldo, Liebson, Mahoney and McMullen in favor)

Attorney Toma suggested that Section L (5) from his revisions be added after paragraph L in the original ordinance from May 30, 2017. The section says: “*Nothing herein shall be deemed to place liability on the City of Stamford for any property damage or personal injury that is consequential to a sewer building lateral that falls into disrepair.*”

A motion to add section L (5) from Attorney Toma’s revisions was made, seconded and approved by a vote of 4-0-2. (Reps. Coppola, Giraldo, Mahoney and McMullen in favor; Reps. Liebson and Zelinsky abstained.)

A motion to approve the ordinance, as amended, for publication was made, seconded and approved by a vote of 4-0-2. (Reps. Coppola, Giraldo, Mahoney and McMullen in favor; Reps. Liebson and Zelinsky abstained.)

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| 2. | O29.083 | REVIEW; Outstanding Blight Complaints.
06/05/17 – Submitted by Reps. Coppola and Fedeli
07/06/17 – Held in Committee | Item Held |
| 3. | O29.084 | REVIEW; Compliance with US DEP Order re: Clean Water Act - NDPES Permit #CT0030279 Authorizing Storm Water Discharge via MS4.
06/05/17 – Submitted by Rep. Ryan
07/06/17 – Held in Committee | Item Held |

Chair Coppola adjourned the meeting at 8:15 p.m.

Respectfully submitted,
Joe Coppola, Chair

This meeting is on video ([Pt. 1](#) & [Pt. 2](#))