



Operations Committee - Board of Representatives

Jonathan Jacobson, Chair

John Zelinsky, Jr., Vice Chair

Committee Report

Date: Tuesday, November 27, 2018

Time: 6:30 p.m.

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

The Operations Committee met as indicated above. In attendance were Chair Jacobson, Vice Chair Zelinsky and Committee Member Reps. Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins. Absent or excused was Rep. Lee. Also present were Rep. McMullen; Mayor Martin; Jay Fountain, OPM Director; Mark McGrath, Director of Operations; Dan Colleluori, Solid Waste; Mike Toma, Law Department; Laura Burwick, Special Assistant to the Mayor; and Bharat Gami, Building Department.

Chair Jacobson called the meeting to order at 6:33 p.m.

Item No.	Description	Committee Action
1. O30.023	REVIEW; To Determine the City's Ability to Reasonably Provide Reusable Bags to Residents. 10/02/18 – Submitted by Reps. Jacobson, Lutz, Lee, Sherwood, Kolenberg, Morson and Lion 10/23/18 – Held in Committee	REPORT MADE

Mr. Colleluori and Mayor Martin discussed this item with the Committee as follows:

- He has been working with the Board of Ed to have a design contest for bags and hopefully find a corporate donation to buy 10,000 bags to be distributed at the Recycling Center and Swap Shop
- BYO Stamford has ideas such as the Government Center, the Library, schools and other community centers as pick-up places for bags; he will discuss this with the schools
- The City should not get into corporate sponsorship. This should be taken up by BYO Stamford
- It would cost the City approximately \$1.00 to \$1.25 per bag with a custom logo
- The City would be willing to do a small kick-off program
- Rather than distributing bags to every household, maybe the supermarkets could distribute them

- ¹2. [O30.024](#) RESOLUTION and approval of public hearing; **APPROVED, AS
AMENDED, 8-0-0**
Concerning Building Permit Fees.
10/04/18 – Submitted by Mayor Martin
10/23/18 – Approved by Committee 4-3-0
11/07/18 – Held by Full Board

Rep. McMullen noted that there has been a request for a legal opinion as to whether fees can be approved by resolution. Mr. Toma noted that this opinion is currently being worked on. He further noted that the Charter permits the Board of Representatives to set fees, in a provision separate from the provision re: ordinances; and past practice has fees set by resolution. There is the expectation that fees will change, which may make a resolution more appropriate. The research is heading in the direction that it is not inappropriate for a fee to be set by resolution (unlike fines) although a new fee probably needs to be created by ordinance. He noted that an opinion would have to be approved by Director Emmett.

A motion to hold this item was made and seconded.

The Committee took a recess from 7:20 to 7:25 in order to reach out to Director Emmett.

Mr. Toma stated that he spoke with Ms. Emmett, who authorized him to give a verbal legal opinion that, in the Law Department's opinion, it is appropriate to pass fee for City services by resolution. This does not extend to fines or fees that have not previously been created. It applies to changes in the amounts of fees. The basis for this is the Charter, which does not require fees to be passed by ordinance and the separate section in the Charter that discusses ordinances.

Committee members discussed that it has been past practice to pass fees by resolution, and the absence of any negative court decisions on this question and the cost to the City of failing to increase these fees. These fees were passed by resolution previously

The motion to hold this item failed by a vote of 3-5-0 (Reps. Zelinsky, Mahoney and Spadaccini in favor; Reps. Jacobson, Coleman, Lee, Sherwood and Watkins opposed).

Mayor Martin stated that these fees are based on the costs of providing these permits

Committee members discussed whether there should be a \$100 permit fee for residents.

A motion to amend the proposed resolution to delete the provision for "\$100 per permit" for Building Permits-Residential, was made seconded and approved by a vote of 8-0-0 (Reps. Jacobson, Zelinsky, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor)

A motion to amend the proposed resolution to increase the fee for Building Permits-Commercial from \$18.00 to \$18.50, was made and seconded. Committee members discussed whether this would make up for the revenue lost by the previous amendment and whether the fee should be increased on the larger commercial projects; whether the software can handle bifurcation of the fees and whether people would underestimate on their costs. The Mayor suggested having one fee for the costs up to the first \$1 million

¹ Video Time Stamp 00:25:15 (Video Pt. 1)

Committee members then discussed who is permitted to use the City dump. Committee members expressed confusion about the multiple draft ordinances. Mayor Martin stated that the changes to all of Section 137-11 are addressed by Item O30.028

A motion to hold this item was made, seconded and then withdrawn.

A motion to table this item to take up Item O30.028 was made, seconded and approved by a vote of 8-0-0 (Reps. Jacobson, Zelinsky, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor) .

The Committee then took up Item O30.028

- ³5. [O30.028](#) ORDINANCE for publication; Amending Chapter 137, Articles I And IV Concerning Tipping Fees For Municipal Waste And Recyclable Materials To Allow Qualified Residents The Ability To Dispose Of A Reasonable Amount Of Refuse And Recycling Materials. **APPROVED, AS AMENDED, 8-0-0 (Subsequently incorporated into Item O30.025)**
11/07/18 – Submitted by Mayor Martin

Mayor Martin stated that this is in response to questions raised by Rep. McMullen last month regarding §137-11. This creates a definition of Qualified Resident in §137-1 and then sets out in §137-11 that Qualified Residents are subject to the same tipping fees as everyone else except they get 200 lbs for free. (The requirement for a license in §137-11.A(1) should have been deleted.) It is hard to enforce this provision. The 200 lb limits is intended to apply so that an owner can only bring in 200 lbs per day, regardless of how many units are owned.

Committee members questions why the definition of Qualified Resident is in both §137-1 and §137-11.A (2).

A motion to amend the ordinance by deleting all of the words following “within the city” in “§137-1 and deleting the words “defined as an individual who resides within the City of Stamford, or owns a residential property within the city, and” in §137-11.A(2) (and eliminating the colon and number 2) was made, seconded and approved by a vote of 8-0-0 (Reps. Jacobson, Zelinsky, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor) .

Committee members discussed whether this should apply to owners of multiple properties

A motion to approve the ordinance, as amended, was made, seconded and approved by a vote of 8-0-0 (Reps. Jacobson, Zelinsky, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor).

The Committee then returned to Item No. 3.

³ Video Time Stamp 02:05:13 (Video Part 2)

A motion to incorporate item O30.028, as amended, into Item O30.025 was made, seconded and approved by a vote of 8-0-0 (Reps. Jacobson, Zelinsky, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor)

Based upon the prior motion, a determination was made, that it is no longer necessary to move forward with Item 5.

A motion to amend §137-10.B.a to reinstate the language “shall notify the Board of Finance and the Board of Representatives” was made, seconded and approved by a vote of 8-0-0 (Reps. Jacobson, Zelinsky, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor)

Committee members discussed whether these fees should be approved by resolution or ordinance, since the voting requirements are different. Mayor Martin stated that given the modifications being made, these fees probably won't be changed often and that given the size of these fees, it might make sense to change these fees by ordinance.

A motion to amend §137-10.B(b) and §137-32.1C. to eliminate the provisions permitting the fees to be modified by resolution was made, seconded and approved by a vote of 6-2-0 (Reps. Jacobson, Coleman, Mahoney, Sherwood, Spadaccini and Watkins in favor; Reps. Lee and Zelinsky opposed).

A motion to approve this item, as amended, was made, seconded and approved by a vote of 8-0-0 (Reps. Jacobson, Zelinsky, Coleman, Lee, Mahoney, Sherwood, Spadaccini and Watkins in favor)

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| 4. O30.026 | RESOLUTION <u>and approval of public hearing</u> ;
Establishing Tipping Fees.
10/04/18 – Submitted by Mayor Martin
10/23/18 – Held by Committee 7-0-0 | NO ACTION TAKEN |
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Chair Jacobson adjourned the meeting at 10:10 p.m.

Respectfully submitted,
Jonathan Jacobson, Chair

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