



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Arthur Layton, Vice Chair

Committee Report

Date: Monday, November 22, 2010
Time: 7:00 p.m.
Place: Democratic Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee will meet as indicated above. Present were Chair Heaphy, and Committee Member Reps. Day, Fountain, Merritt, Mitchell, Rauh, and Zelinsky. Absent or excused were Vice Chair Layton and Rep. Uva. Also present were Robert DeMarco, Building Department; Michael Larobina, Corporation Counsel; and Anne Fountain and Robert Murray, Health Department.

Chair Heaphy called the meeting to order at 7:05 p.m.

Item No.	Description	Committee Action
1. LR28.005	PROPOSED ORDINANCE; for final adoption ; amending Section 123-5 Fees Assessed, to provide for fines/penalties for violations of regulations related to certificate of occupancy certificates and certain building permits.	Committee Approved, as amended 6-0-0

Mr. DeMarco explained that in light of committee concerns regarding public notice of the fees in the ordinance, the Building Department will require homeowners to complete the attached form as part of the package to obtain a building permit. This process is similar to the process currently in place for pool fences. Members of the committee recommended changes be made to the form, such as including a signature date line. A motion was made to amend the effective date of the proposed ordinance to April 1, 2011, which was seconded and approved by unanimous vote. (Chair Heaphy, and Committee Member Reps. Day, Fountain, Merritt, Rauh, and Zelinsky in favor.) A motion to approve the ordinance was made, seconded and approved by unanimous vote. (Chair Heaphy, and Committee Member Reps. Day, Fountain, Merritt, Rauh, and Zelinsky in favor.) In response to a request from the committee, Mr. DeMarco stated that he will provide the committee with statistical information on outstanding permits.

2. LR28.018	PROPOSED ORDINANCE; for publication ; requiring the City of Stamford to offer testing of well water.	Held in Committee 7-0-0
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Ms. Fountain stated that she had been at a previous meeting at which she had presented the committee with the attached information regarding the cost of providing in-house testing versus contracting out. In response to questions from the committee, she explained that there are approximately 5,000 residential wells in Stamford, and that the wells should be tested more frequently than once every two years. Her sense is that the purpose of this ordinance is to make it convenient for residents to have testing done and to encourage residents to have their wells tested. There is no mandate for people to have their wells tested. She stated that there is currently no money in the budget to provide this testing. Mr. Murray explained that performing the testing in-house would limit the number of samples tested to 5 per day. Ms. Fountain agreed that the ordinance should specify that the testing results will be available to the City. There is no provision in the ordinance regarding the City's responsibilities in the event of a positive result. She knows of no other city that provides this testing. Committee members expressed concern over whether subsidizing the testing is appropriate. There was also concern that the proposed ordinance seemed open-ended, rather than a two year program. Clarification would be needed. A motion to hold this item was made, seconded and approved by unanimous vote. (Chair Heaphy, and Committee Member Reps. Day, Fountain, Merritt, Mitchell, Rauh, and Zelinsky in favor.)

3. [LR28.020](#) APPROVAL; of a contract with The Ferguson Group, LLC Held in Committee
for lobbying services. 7-0-0

Chair Heaphy stated that she has been told that this contract is being renegotiated and that the Administration has requested it be held. A motion to hold this item was made, seconded and approved by unanimous vote. (Chair Heaphy, and Committee Member Reps. Day, Fountain, Merritt, Mitchell, Rauh, and Zelinsky in favor.)

4. LR28.022 REVIEW; role and responsibilities of Board of Held in Committee
Representatives in the event of the finding of an ethics 7-0-0
violation.

Mr. Larobina explained that the requirements for impeachment in the event of a finding of an ethics violation by an elected official are found in the Charter, particularly C1-90-1. He noted that a finding of an ethics violation would be a basis for impeachment, and that the only penalty the Board may impose would be to impeach. Otherwise the Board could issue a Sense of the Board resolution. The Board would be required to provide notice of the charges and the hearing and an opportunity to be heard. The item would go through Steering Committee and might be assigned to a committee of the whole. Mr. Larobina stated that he will have his office research in McQuillan's guide to municipal law to see if it provides any guidance on impeachment. . A motion to hold this item was made, seconded and approved by unanimous vote. (Chair Heaphy, and Committee Member Reps. Day, Fountain, Merritt, Mitchell, Rauh, and Zelinsky in favor.)

5. LR28.023 PROPOSED ORDINANCE; **for publication**; amending Held in Committee
the Ethics Ordinance to address complaints against 7-0-0
members of the Board of Ethics.

A motion to hold this item so the committee and Mr. Larobina can work on a draft. (Chair Heaphy, and Committee Member Reps. Day, Fountain, Merritt, Mitchell, Rauh, and Zelinsky in favor.)

Chair Heaphy adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Eileen Heaphy, Chair