



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

Benjamin Lee, Chair

Elise Coleman, Vice Chair

# **Committee Report**

**Date:** Tuesday, January 22, 2019

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

**Place:** Democratic Caucus Room, 4<sup>th</sup> Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Lee and Committee Member Reps. Coleman, Fedeli, Jacobson, Lion, Miller, Pia and Zelinsky. Absent or excused was Rep. Nabel. Also present were Reps. McMullen and Sherwood; Ralph Blessing, Land Use Bureau Chief; Bharat Gami, Building Official; Mike Toma, Legal Department; and several members of the public. See public hearing sign-in sheet.

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

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR30.048</a>	ORDINANCE for public hearing and final adoption; Amending Ordinance No. 1243, Concerning Non-Biodegradable Disposable Carryout Bags by amending §6(B) to limit applicability. 10/17/18 - Submitted by Rep. Jacobson 11/13/18 – Moved to Pending <b>12/18/18 – Approved by Committee, as amended, 4-2-0</b>	Approved by Committee 8-0-0

Chair Lee opened the public hearing. Ms. Liebeskind spoke in opposition to expanding the exemptions to include Medicare and Medicaid recipients. Ms. McCann spoke in opposition to expanding the exemptions. Ms. Blumstrom spoke in opposition to expanding the exemptions. There being no further speakers, Chair Lee closed the public hearing.

Representative Jacobson explained that the only change the committee is considering at this point is the addition of the work food in §6(B). Committee members discussed whether it is appropriate to change the ordinance at this point since retailers are currently preparing for it to go into effect.

A motion to approve the ordinance for final adoption was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Pia and Zelinsky in favor).

The Committee next took up Item No. 4.

4. [LR30.046](#) REVIEW; Exterior Lighting Regulations Held by  
07/11/18 - Submitted by Rep. Lion Committee 8-0-0  
08/02/18 – Held in Public Safety Committee  
10/09/18 – Moved from Public Safety Committee  
10/16/18 – Held in Committee 6-0-0  
11/29/18 – Report Made & Held in Committee 5-0-0  
**12/18/18 – Held by Committee 6-0-0**

Mr. Blessing explained that the Land Use Bureau is working with a consultant on light issues and that when the Committee has the text of an ordinance, possibly the language should be sent to the consultant for input.

A motion to hold this item was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Pia and Zelinsky in favor).

2. [LR30.056](#) ORDINANCE for publication; Amending Ordinance No. Approved by  
1243, Concerning Non-Biodegradable Disposable Committee 8-0-0  
Carryout Bags by amending §3(D) to Increase Mil  
Thickness from 2.25 to 12.  
10/17/18 - Submitted by Rep. Zelinsky  
11/13/18 – Moved to Pending  
12/10/18 – Split at Steering

Mr. Egan of BYO Stamford addressed the Committee, noting that the trend is to increase the thickness of acceptable plastic bags.

Committee members discussed

- whether it would be too burdensome on retailers to increase the thickness size at this point, approximately 90 days before the ordinance goes into effect.
- banning plastic bags entirely
- delaying the effectiveness of a total ban or this change
- giving retailers certainty about the ordinance
- there will be a public hearing at which retailers can raise concerns

Mr. Toma pointed out that the State is considering this issue and that a State statute could completely supersede a City ordinance.

A motion to strike “, or durable plastic that is at least 2.25 mils thick” was made, seconded and failed by a vote of 3-5-0 (Reps. Coleman, Jacobson and Miller in favor; Reps. Lee, Fedeli, Lion, Miller, Pia and Zelinsky opposed).

A motion to approve the change of 2.25 to 12 was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Pia and Zelinsky in favor).

3. LR30.054 REVIEW; [Legal Opinion Dated 11/30/18](#) re: Use of Report Made  
Resolutions to Modify the Amount of Fees Charged by  
the City.  
12/05/18 - Submitted by Rep. McMullen  
12/10/18 – Moved to Pending

Mr. Toma reviewed his legal opinion with the Committee. The Board has authority to modify fees by either ordinance or resolution, based on the language of the Charter. In addition, the Board has been in the practice of using resolutions to change fees and other CT cities also use resolutions. Since Connecticut is a home rule state, courts are unlikely to intervene in a solely local matter.

The City could fine for not paying a fee if there is an ordinance permitting a penalty for failing to pay a fee. A new fee can also be passed by resolution. A penalty should be by ordinance because it is punitive.

Chair Lee adjourned the meeting at 8:49 p.m.

Respectfully submitted,  
Benjamin Lee, Chair

This meeting is on [video](#)