



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

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

# **Committee Report**

**Date:** Tuesday, November 29, 2022

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

**Place:** *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Co-Chairs Berns and Nabel and Committee Member Reps. Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood. Also present were Reps. de la Cruz, Mays, Summerville, Tomas, and Walston; Doug Dalena, Dana Lee and Michael Toma, Law Department; and Carmen Hughes, Director of Diversity, Equity, and Inclusion. Co-Chair Berns left the meeting at 9:19 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR31.033</a>	ORDINANCE for publication; Amending <a href="#">Chapter 164 of the Code of Ordinances, Noise</a> , including Restrictions on Gas-Powered Leaf Blowers. 08/03/22 – Submitted by Reps. Nabel, Berns and Mays 08/23/22 – Held by Committee 7-0-0 09/29/22 –Held by Committee 8-0-0 10/25/22 – Report Made & Held by Committee 6-0-0	<b>Held 8-0-0</b>

Mr. Lee stated that the two proposed changes are primarily to add a section which restricts the use of gas-powered leaf blowers by day and time and an increase in the fine for violation of the ordinance to \$250/hour. The other changes are language changes.

Committee members discussed the proposed ordinance with Mr. Lee. Items discussed included the following:

- The starting time for exemption for construction and demolition activities are changing from 7 a.m. to 8 a.m.
- A total ban on gas leaf blowers would have to be researched.
- The increase of the fine to \$250/hr is consistent with State statutory restrictions – normally it is \$250/violation. With noise, there is a question as to what time period is a violation
- The change in the exemption time would make it consistent with the definition of daytime hours which are normally described as 8:00 am to 8:00 p.m.
- The change in the exemption time to start later is harmful to workers who start an hour later, and to the construction industry. This is particularly an issue during this time of year when it gets dark early
- Can Saturday and Sunday be made consistent, i.e. start time 10:00 a.m.?
- Police officers won't want to issue a violation with such a high fine
- Utility work/street paving will be hampered by changing the start time to 8 a.m.
- 3 p.m. is too early for weekends, since some people work on weekends

- Can police enforce this as an infraction at this rate of \$250/hour
- Currently the use of domestic powered equipment is restricted to daylight hours; the proposed ordinance only restricts gas powered ordinances to before 3 p.m. on weekend
- The reason for the fine increase is to create a deterrent to those for whom the current fine is simply “a cost of doing business”
- Who will enforce this? Who is trained to use the noise meter?
- The police have a role when it is time sensitive, and if there is a complaint from neighbors on fixit, that would probably go to the health department
- Should this be in the noise ordinance
- Should the description should be changed to include the changes in fees and days/times of operation or should this be divided into separate ordinances?
- The public is anxious to discuss this

A motion to recommit this item to Steering to separate this item into 3 separate ordinances on gas-powered leaf blowers, fines, and construction and demolition times was made, seconded, and approved by a vote of 8-0-0 (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller and Sherwood in favor).

2. [LR31.038](#)            ORDINANCE for publication; Declaring Juneteenth    **Approved 7-0-1**  
a City Holiday.  
11/08/22 – Submitted by Mayor Simmons

Ms. Hughes stated that not all enslaved people knew about the Emancipation Proclamation until June 19, 1865, two and half years after it was issued. and Juneteenth has been celebrated in Texas since then. President Biden has made this a federal holiday.

Committee members discussed this with Ms. Hughes and Mr. Toma:

- Most of the unions have already adopted the language that it will be added to their collective bargaining agreement if adopted by the City
- According to OPM, the estimated cost is \$775,000, which is similar to the cost of other holidays the City observes
- Juneteenth was made a State holiday in October of this year
- Currently the City has 13 full day holidays and one ½ day
- Do year-round employees in the school buildings already get the day off
- Other cities in Connecticut have made Juneteenth a municipal holiday

A motion to approve Item No. 2 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor; Rep. Boeger abstaining).

3. LR31.039            REVIEW; Settlement Authority of Law Department    **Report Made**  
and Intersection with Board of Representatives'  
Contract Approval Authority.  
11/09/22 – Submitted by Rep. Adams

Mr. Dalena explained that a question arose in conjunction with a settlement agreement regarding the proceeds of refinancing the bonds for the Harbor Point Infrastructure Improvement District. The borrowing is done by the City but it is backed by the tax revenue and the district is responsible for repaying the bonds. The refinancing saved about \$4 million. The HPIID claimed that the savings went to the district. Generally, in a TIF, the property owners within the district control most of the votes, so BLT would control most of the votes in the TIF. Any money that belongs to the district must be used to improve infrastructure in the district. At the same time,

the City had claims against BLT for sidewalk encroachment and construction of a garage prior to a permit. The City negotiated a settlement that it would turn over the \$4 million but that the funds would be used to finance infrastructure projects selected by the City – the Pulaski Street bridge and 2 complete streets redesigns. HPIID was entitled to the funds, but the City was able to settle the claims. It was settled under the Charter designated power of the Corporation Counsel and the Mayor to settle claims against the City. This was not a situation that needed to go out to bid.

4. [LR31.018](#)                      APPROVAL; Amendment to the Board of                      **Held 7-0-0**  
Representatives Rules of Procedure to Amend  
Section II.B.1 to Establish a Postage Mailing  
Allowance to Facilitate Representatives' Broader  
Communication with Constituents.  
02/09/22 – Submitted by Reps. de la Cruz, Morson,  
and Sherwood  
03/01/22 – Held by Committee 8-0-0  
03/29/22 – Held by Committee 7-0-0  
04/26/22 – Held by Committee 8-0-0  
06/27/22 – Report Made & Held by Committee 7-0-0  
07/11/22 – Moved to Pending  
09/29/22 –Held by Committee 8-0-0  
10/25/22 –Held by Committee 6-0-0

Rep. de la Cruz reviewed his latest changes to this proposed rule and his answers to questions that have been raised. Committee members discussed the proposal. Items discussed included the following:

- 45 days prior to an election may be too short, since people have primaries
- The honor system may not catch inadvertent political statements
- The cost is about \$135,000/year per person if everyone does a mailing
- This is a reversion to the 1900s; we should approach using other forms of communication
- The Mayor needs to be approached about funding a mailing allowance
- Some residents do not have access to technology
- Could it be rephrased to permit the allowance to be used to collect email addresses?
- The description should be amended to be Section V.B.6

A motion to hold Item No. 4 was made, seconded, and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

Chair Nabel adjourned the meeting at 9:55 p.m.

Respectfully submitted,  
Susan Nabel, Chair

This meeting is on [video](#).