



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

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

# **Committee Report**

**Date:** Tuesday, January 24, 2023

**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. Committee Member Rep. Jacobson was absent. Also present were Reps. de la Cruz, Figueroa, Goldberg, Mays, Pavia, Summerville, and Tomas; Dana Lee, Law Department; and Sal Liccione, Westport RCM

Co-Chair Berns called the meeting to order at 7:00 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR31.033</a>	ORDINANCE <u>for publication</u> ; Amending <a href="#">Chapter 164 of the Code of Ordinances, Noise</a> , § 164-3, Definitions and Proposed §164-6a, 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 11/29/22 – Held by Committee 8-0-0 12/19/22 – Held by Committee 6-0-0	<b>Approved 5-3-0</b>

Committee members discussed Item No. 1 at length. Items discussed included the following:

- Whether the times should be 8 am to 6 pm on Monday through Friday and 10 am to 3 pm on Saturdays, Sundays and Holidays
- Whether the restriction should apply to the City of Stamford unless in matters of public safety
- Whether everyone should be exempted from these new times in October, November, and December
- Whether the hours should be extended 2 more hours as a compromise either year round or during leaf blowing season
- Extending the hours to 8 pm would be what the current ordinance provides
- the goal of the ordinance is to provide more peace, especially during dinner time
- Some constituents are objecting to not being able to use their blowers later during the week and on weekends, especially those who only have weekends on which to blow their leaves; others are looking for more peace and quiet
- Creating an exemption during leaf pickup months would weaken the ordinance
- This would match neighboring municipalities

- City operations are exempt in other cities; the committee should speak to the Operations Department about the impact of imposing this ordinance on the City
- 7 am is an appropriate start time for City operations in order to prevent traffic issues
- A city exemption for start times already exists for construction and demolition activities
- Maybe Saturday and Sunday should be extended to 4 or 5 pm as a compromise
- This ordinance would encourage homeowner to get electric blowers
- Many constituents do yard work on weekends and have family responsibilities earlier in the day
- This presents a financial burden to landscapers
- Would it be possible to include a sunset provision so people have time to adjust
- This ordinance removes the blanket exception for gas powered leaf blowers and limits the hours in which gas powered leaf blowers can be used
- Nobody wants to take livelihoods away from landscapers
- This is an attempt to create a middle ground
- It gets dark early during the fall months, so extending the hours past 6 p.m. won't really benefit anyone
- Landscapers don't typically work on Sundays
- Saturday and Sunday should be made equivalent to accommodate religious observances
- Initially, an outright ban was discussed and rejected, there are no viable alternatives for landscapers at this point

A motion to amend Item No. 1 as follows:

**Sec. 164-6a. Gas -Powered Leaf Blowers.**

Gas-powered leaf blowers shall only be used during the hours of 8:00 a.m. to 6:00 p.m. on Monday through Friday; and 10 a.m. to 3:00 p.m. on Saturday, on Sunday, and on Holidays. **The restrictions outlined in this section shall not apply during the months of October, November, and December.** This restriction shall not apply to the City of Stamford, its employees, agents, and assigns, operating gas-powered leaf blowers in the course of City business.

was made, seconded and failed by a roll call vote of 4-4-0 (Reps. Boeger, Fedeli, Matheny, and Sherwood in favor; Reps. Berns, Nabel, Cottrell, and Miller opposed).

A motion to approve Item No. 1 for publication was made, seconded, and approved by a roll call vote of 5-3-0 (Reps. Berns, Nabel, Boeger, Cottrell, and Matheny in favor; Reps. Fedeli, Miller, and Sherwood opposed).

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| 2. <a href="#">LR31.041</a> | ORDINANCE for publication; Amending <a href="#">Chapter 164 of the Code of Ordinances, Noise</a> , §164-10, Violations and Penalties. [Split from <a href="#">LR31.033</a> ]<br>12/07/22 – Submitted by Reps. Nabel, Berns and Mays<br>12/19/22 – Held by Committee 6-0-0 | <b>Approved, as amended, 8-0-0</b> |
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Committee members discussed that \$90 is not a sufficient disincentive to keep someone from violation of the noise ordinance, but that \$250 is too large a fine for violation of the gas powered leaf blower provisions.

A motion to amend Item No. 2 as follows:

**Sec. 164-10. Violations and penalties.**

~~Any person in violation of any of the provisions of this chapter shall be fined in an amount not to exceed ninety dollars (\$90.). Each day such violation continues shall constitute a separate violation.~~ Any person in violation of any provisions of this chapter, with the exception of 164-6a, shall be fined two-hundred fifty dollars (\$250.00). Any violation of Section 164-6a regarding gas powered leaf blowers shall be fined in an amount not to exceed ninety dollars (\$90.). Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.

was made, seconded, and approved by a roll call vote of 8-0-0 (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller and Sherwood in favor.)

A motion to approve Item No. 2 for publication was made, seconded, and approved by a roll call vote of 8-0-0 (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller and Sherwood in favor.)

3. [LR31.042](#)                      ORDINANCE for publication; Amending [Chapter 164 of the Code of Ordinances, Noise](#), §164-5.E, Violations and Penalties – Exemptions and Special Conditions; Subsections 1 and 5, and other miscellaneous changes to §§ 164-3, Definitions; 164-4, Noise Level Measurement Procedures; 164-6, Prohibited Noise Activities; and 164-9, Inspections. [Split from [LR31.033](#)]  
12/07/22 – Submitted by Reps. Nabel, Berns and Mays  
12/19/22 – Held by Committee 6-0-0                      **Held 8-0-0**

Committee members discussed the proposal to change the hours in §164-5.E from 7 a.m. to 8 a.m.

- This change had been discussed previously and the committee did not want to make this change
- This change would create havoc for road work
- Is there a way to make this change but exempt City/public works? The Law Department would have to look at that option

A motion to hold Item No. 3 was made, seconded, and approved by a roll call vote of 8-0-0 (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller and Sherwood in favor.)

4. [LR31.018](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Establish a Postage Mailing Allowance to Facilitate Representatives' Broader Communication with Constituents. **Approved, as amended, 6-2-0**
- 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  
 11/29/22 – Held by Committee 7-0-0  
 12/19/22 – Held by Committee 6-0-0

Rep. de la Cruz stated that members of the Board had met with the administration, which was receptive to the idea of a mailing allowance. Committee members discussed:

- changing the timing of limiting mailings in order to avoid campaign activities
- avoiding personal attacks
- The state legislature communicates in a more informative way

A motion to amend the proposed language as follows:

The allowance is limited to City and District related concerns and community events, and cannot be used for election campaigning. The Board office will not accept any mailings under this allowance ~~45 calendar days prior to a Board of Representatives election after~~ July 15<sup>th</sup> through Election Day for any Representative up for election or reelection.

was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller and Sherwood in favor.)

A motion to approve Item No. 4, as amended, was made, seconded, and approved by a vote call vote of 6-2-0 (Reps. Berns, Nabel, Boeger, Cottrell, Matheny, and Sherwood in favor; Reps. Fedeli and Miller opposed).

5. [LR31.045](#) ORDINANCE for publication; Amending Code of Ordinances, [Chapter 6, Article XVII, Appointments Commission, §6-122](#), Membership of the Commission **Held 8-0-0**
- 01/04/23 – Submitted by Rep. Stella

***As a Secondary Committee: Appointments***

A motion to hold Item No. 5 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller and Sherwood in favor.)

Co-Chair Berns adjourned the meeting at 10:19 p.m.

Respectfully submitted,  
 Phil Berns, Co-Chair

This meeting is on [video](#),