



Legislative & Rules Committee – Board of Representatives

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

Committee Report

Date: Wednesday, March 29, 2023

Time: 7:00 p.m.

Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Chair Berns (joining at 7:37 p.m.), and Committee Member Reps. Boeger, Fedeli, Matheny, Miller, and Sherwood. Absent or excused were Reps. Cottrell, Jacobson and Nabel. Also present were Reps. Bewkes, Campbell, Figueroa, Goldberg, Mays, Stella, Summerville, and Tomas; Dana Lee, Law Department; and Matthew Quinones, Director of Operations.

Rep. Boeger called the meeting to order at 7:04 p.m.

Item No.	Description	Committee Action
1. LR31.049	RESOLUTION <u>and public hearing</u> ; Approving an Amended and Restated Lease Agreement by and between the City of Stamford and Halloween Yacht Club for 10 Seaview Avenue. 02/09/23 – Submitted by Mayor Simmons 03/09/23 – Approved by Board of Finance 4-0-1	Approved 5-0-0

Rep. Boeger opened the public hearing. Kieran Matthew Edmondson, Steve Bagwin and Maureen Boylan spoke in favor of the proposed resolution. There being no further speakers, the public hearing was closed.

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

2. LR31.033	ORDINANCE; Amending Chapter 164 of the Code of Ordinances, Noise , § 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 01/24/23 – Approved by Committee 5-3-0 02/28/23 – Public Hearing Held & Held by Committee 8-1-0	Approved, as amended, 5-0-0
-----------------------------	---	------------------------------------

A motion to amend Item No. 2 as follows was made and seconded.

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. **Except, from October 1st through December 31st, gas-powered leaf blowers may be used during Daytime Hours as defined in Section 164-3.**

The Director of Operations may permit the use of gas-powered leaf blowers by City of Stamford employees, agents, and assigns outside of the permissible hours for the purpose of ensuring public safety and welfare.

Rep. Fedeli explained that the new second paragraph was the result of work by Reps. Fedeli, Sherwood, and Mays with the Director of Operations based upon concerns expressed at last month's committee meeting regarding the need for an exemption for the City. The additional sentence in the first paragraph is a proposed compromise to allow residents ample time on the weekends and during the week during leaf season.

Committee members discussed the proposed resolution. Items discussed included the following:

- The hours on Saturday and Sunday should be consistent
- Leaf blowers are a nuisance and present a danger to the people who operate them
- Residents should be able to take care of their properties during leaf season
- This amendment is a compromise

A motion to approve the amendment was made, seconded, and approved by a roll call vote of 5-0-0 (Reps. Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

A motion to approve the ordinance, as amended, was made, seconded, and approved by unanimous voice vote (Reps. Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

3. [LR31.041](#) ORDINANCE; Amending [Chapter 164 of the Code of Ordinances, Noise](#), §164-10, Violations and Penalties. [Split from [LR31.033](#)]
- 12/07/22 – Submitted by Reps. Nabel, Berns and Mays
- 12/19/22 – Held by Committee 6-0-0
- 01/24/23 – Approved by Committee, as amended, 8-0-0
- 02/28/23 – Public Hearing Held & Recommitted to Steering by Committee 8-0-0
- Approved 5-0-0**

Rep. Boeger explained that the purpose of this ordinance is to specify a fine of \$90 for violation of the leaf blower ordinance separate from the regular \$250 fine.

A motion to approve the ordinance was made, seconded, and approved by unanimous voice vote (Reps. Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

4. [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
01/24/23 – Held by Committee 8-0-0
02/28/23 –Recommitted to Steering by Committee 8-0-0
- Approved, as amended, 6-0-0**

A motion to amend Item No. 4 as follows was made and seconded.

Sec. 164-5. Noise levels

E. Exemptions and special conditions. The following shall be exempt from these regulations, subject to special conditions as may be spelled out:

(1) Noise generated by road construction activities including but not limited to, new construction, reconstruction, alteration, maintenance, road resurfacing, cleaning, sweeping, and spot repair, conducted by the City or in accordance with a City permit, between the hours of 7 a.m. and 8:00 p.m. on Monday through Friday, 8:00 a.m. and 8:00 p.m. on Saturday, and 10:00 a.m. to 8:00 p.m. on Sunday.

Noise generated by all other construction activities are exempt during Daytime Hours, it being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 8:00 a.m. on Monday through Friday, 8:00 a.m. Saturday and 10:00 a.m. Sunday.

Rep. Sherwood stated that she and Rep. Boeger drafted this amendment based upon previous concerns that street projects and city construction begins at 7:00 a.m.

In response to questions from the Committee, Mr. Lee stated that “in accordance with a City permit” refers to any city permit issued by the City, such as a permit for a contractor to conduct road construction.

A motion to approve the amendment was made, seconded, and approved by a roll call vote of 5-0-0 (Reps. Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

A motion to approve the ordinance, as amended, for publication was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

5. [LR31.045](#) ORDINANCE for publication; Amending Code of Ordinances, [Chapter 6, Article XVII, Appointments Commission, §6-122](#), Membership of the Commission
01/04/23 – Submitted by Rep. Stella
01/24/23 – Held by Committee 8-0-0
02/28/23 –Held by Committee 8-0-0

Recommended to Steering 6-0-0

As a Secondary Committee: Appointments

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

6. [LR31.046](#) ORDINANCE for publication; Banning Gasoline Powered Landscaping Maintenance Equipment in the Interests of Equity and Preservation of the Environment Pursuant to the Climate Emergency Recognized in Board [Resolution Number 4130](#).
02/08/23 – Submitted by Rep. de la Cruz
02/13/23 – Held at Steering

Recommended to Steering 6-0-0

A motion to recommit Item No. 6 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

7. LR31.044 REVIEW; Overview of Office of Legal Affairs.
01/04/23 – Submitted by Rep. Cottrell
01/09/23 – Held at Steering
02/28/23 – Report Made & Held by Committee 8-0-0

Recommended to Steering 6-0-0

A motion to recommit Item No. 7 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

8. LR31.048 APPROVAL; Amending the Rules of the Board to Allow the Public Comment Period prior to the Filling of a Vacancy.
02/09/23 – Submitted by Rep. Sherwood

Recommended to Steering 6-0-0

A motion to recommit Item No. 8 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

9. [LR31.040](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure re: Use of Virtual Meeting Licenses by Representatives.
11/29/22 – Submitted by Rep. Cottrell
12/12/22 – Moved to Pending

Recommended to Steering 6-0-0

A motion to recommit Item No. 8 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Matheny, Miller, and Sherwood in favor).

Respectfully submitted
Rep. Sean Boeger

This meeting is on [video](#).