



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Wednesday, December 10, 2014

Time: 7:30 p.m.

Place: Democratic Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Heaphy, Vice Chair Coleman, and Committee Member Reps. Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky. Absent or excused was Committee Member Rep. Day. Also present were Reps. Figueroa, Fountain, Kooris, McMullen, Moore and Summerville; and Kathryn Emmett, Esq. and Dana Lee, Esq., Law Department.

Chair Heaphy called the meeting to order at 7:35 p.m.

Item No.	Description	Committee Action
¹ 3. LR29.031	APPROVAL; of an Amendment to the Board's Rules to conform to current practice re: lack of quorum. 11/05/14 – Submitted by President Skigen	Approved 5-0-0

The Committee first considered Item No. 3. An amendment to the Board's Rules to permit a committee to hear from invited experts or officials to discuss agenda items in the absence of a quorum, but not to take any votes or other actions, was made, seconded and approved by unanimous vote (Reps. Heaphy, Coleman, Ryan, Silver and Zelinsky in favor.)

² 4. LR29.032	REVIEW; Policies and/or Procedures Regarding Electronic/Telephonic Attendance at Meetings of Boards and Commissions. 11/21/14 – Submitted by Mayor Martin	Held in Committee
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Chair Heaphy stated that the Mayor would like to have a consistent policy for boards and commissions in the City regarding electronic or telephonic participation in meetings and she would like to set up a subcommittee to gather information regarding this matter. The Committee formed a subcommittee of Representatives Coleman (as chair), Okun and Zelinsky.

¹ Video Time Stamp 00:00:34

² Video Time Stamp 00:04:00

- ³1. [LR29.029](#) ORDINANCE for public hearing and final adoption; **Approved 5-3-0**
Amendment of Chapter 220, Article IV of the Code,
Senior Citizens Tax Abatement
10/08/14 – Submitted by Rep. Fountain
10/27/14 - Approved by Committee for publication
11/13/14 – Recommended by Board of Finance as
amended
11/24/14 – Approved by Committee
12/05/14 – Returned to Committee, as amended

Secondary Committee: Fiscal

Chair Heaphy stated that after she and Rep. Fountain met with the Tax Department regarding the treatment of mortgages in connection with the abatement, they proposed changing the language of Section II.B (2) to delete “on the fair market value of” and replace that language with “for the equity in”. Rep. Fountain explained that the rationales for exempting a home from the asset determination: a) this permits seniors to remain in homes which may have increased in value over time, despite tax increases; b) seniors are less costly to the City because they don’t have children in the schools; c) many states and municipalities have similar programs; and d) a home doesn’t earn income, so they should not be penalized for the equity in their homes. Committee members discussed whether or not this deduction was fair to other taxpayers and whether the City should only be looking at income.

A motion to amend Section II.B (2) to delete “on the fair market value of” and replace that language with “for the equity in” , was made, seconded and approved by a vote of 7-0-1 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver and Zelinsky in favor; Rep. Ryan abstaining).

A motion to make several amendments to fix references to section numbers was made, seconded and approved by a vote of 7-0-1 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver and Zelinsky in favor; Rep. Ryan abstaining).

Committee members discussed whether the program is too generous to individuals at the higher end of the income limits and would not help individuals at the lower end enough, particularly if the Board of Finance limits result in a pro-rating of the benefits. A motion to amend Section IV.C to reduce the abatement amounts from \$1500 to \$1200 and from \$1000 to \$500 was made, seconded and approved by a vote of 5-3-0 (Reps. Coleman, Nabel, Okun, Ryan and Silver in favor; Reps. Heaphy, Mitchell and Zelinsky opposed.)

A motion to approve the Ordinance for publication, as amended, was made, seconded and approved by a vote of 5-3-0 (Reps. Coleman, Nabel, Okun, Ryan and Silver in favor; Reps. Heaphy, Mitchell and Zelinsky opposed.)

- ⁴2. [LR29.035](#) ORDINANCE for publication; Regarding the Liability **Approved 7-1-0**
of the City of Stamford for Ice and Snow on Public
Sidewalks.
12/04/14 – Submitted by Mayor Martin

³ Video Time Stamp 00:12:20

⁴ Video Time Stamp 01:20:09

Ms. Emmett explained that the reason for this ordinance is a very recent Connecticut Supreme Court decision that even if a municipality requires a property abutter to clean a sidewalk of snow and ice, the municipality remains liable to someone injured due to a failure to clean the sidewalk unless the municipality adopts the language of CGS §7-163a. An abutting property owner in Stamford is required to clean a sidewalk of snow or ice within 12 hours of the snowfall or by 10:00 a.m. if the snowfall is at night under Code §214-16.

Committee members discussed:

- whether a homeowner should be liable for an injury if they fail to clean a City sidewalk
- whether the City and taxpayers should bear the burden for a failure to clean the sidewalk
- that the City would be responsible for its own affirmative acts, such as City plows putting snow on a sidewalk

Committee members asked Corporation Counsel to determine how many claims for snow/ice have been made against the City in the past and whether or not a property owner's insurance would cover this liability.

A motion to approve this ordinance for publication was made, seconded and approved by a vote of 7-1-0 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Ryan and Silver in favor; Rep. Zelinsky opposed.)

Chair Heaphy adjourned the meeting at 9:30 p.m

Respectfully submitted,

Eileen Heaphy, Chair

This meeting is on [video](#).