



Legislative & Rules Committee – Board of Representatives

Benjamin Lee, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Tuesday, November 19, 2019

Time: 7:00 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 Lee and Committee Member Reps. Lion, Miller, Nabel and Zelinsky. Absent or excused were Committee Member Reps. Coleman, Fedeli and Jacobson. There was one vacancy. Also present were Reps. Figueroa, McMullen, Morson, Sherwood and Stella; Ralph Blessing, Land Use Bureau Chief; Mark McGrath, Director of Operations; and Kathryn Emmett and Chris Dellaselva, Law Department.

Chair Lee called the meeting to order at 7:09 p.m.

Item No.	Description	Invitee(s) or Designees
	The Committee first considered Item No. 3.	
3. LR30.088	ORDINANCE <u>for publication</u> ; Providing for the Regulation of Exterior Lighting in the City of Stamford. 10/29/19 – Submitted by Bureau Chief Blessing	Held 5-0-0

Mr. Blessing distributed the [attached handout](#) about lighting concepts and discussed the proposed ordinance with the Committee:

- The goals are to ensure adequate lighting, avoid light pollution
- Her worked with the engineering department and the law department to come up with a policy
- This ordinance would only apply to lights on private property; State statute governs lights on State property and the Engineering Department has its own standards for City property
- The ordinance contains a provision for the review of lighting plans for larger developments by the Building Department (unless all fixtures are 900 lumens or less); there is no requirement for a review of plans for single detached homes
- The Zoning Board can create district lighting plans to permit artistic lighting in limited areas
- Seasonal, ornamental and public safety lighting are excluded
- The Building Department will enforce the ordinance; there is a two-fold penalty structure - \$100/day/property for smaller properties and \$100/luminaire for larger facilities
- Most of the ordinance would not go into effect for a year
- This is based on ordinances already in existence
- The Zoning Board could establish lighting rules, but this gives them standards to apply
- Currently, the City can't do much about light complaints

- There is nothing in the ordinance restricting hours of lighting; the ordinance could be amended to provide that lights should be turned off when a business is closed; the property line light limit would be in effect at all times
- It would be difficult to grandfather a light because there would be no way to establish when it was installed
- There may be non-compliance in the City that nobody cares about
- §155-5.a(2) should add the word “adjacent” before “property” on the 5th line
- Halloween lights could be included in seasonal lights
- Community leaders should be invited to give feedback next month.

A motion to hold this item was taken later in the meeting (after the arrival of a quorum), and approved by a vote of 5-0-0 (Reps. Lee, Lion, Miller, Nabel and Zelinsky in favor).

1. [LR30.087](#) RESOLUTION and public hearing; Approving an Amendment to the Lease Agreement with Representative Himes for Office Space on the 10th Floor of the Government Center. Approved 5-0-0
 10/18/19 – Submitted by Mayor Martin
 10/29/19 – Approved by Planning Board
 11/14/19 – To be Considered by Board of Finance

Chair Lee opened the public hearing. There being no members of the public present wishing to speak, the public hearing was closed.

Mr. Dellaselva and Ms. Emmett discussed the proposed lease with the Committee:

- The original lease dates to 2015; this is the second amendment to the lease
- The only change is the term of the lease; the rent will remain at \$1796.47/month
- This is not a Class A building
- The EPA pays more per ft² and has a CPI increase in its lease
- The Board does not have the authority to amend the lease on the floor
- The fair market value language is required by the CBO in order to ensure that Representatives are not getting an improper benefit
- Congress doesn't allow amendment of the lease or insurance provisions
- Utility services are included because spaces in the Government Center are not individually metered; it would be expensive to do so
- Insurance coverage is provided under the Federal Tort Claims Act.
- Questions were raised regarding the comparison of Rep. Himes' rent to the amount Rep. Shays paid. [A review of the record reflects that Rep. Shays was paying \$1,761.25/month at the end of his term.]

A motion to approve this item was made, seconded and approved by a vote of 5-0-0 (Reps. Lee, Lion, Miller, Nabel and Zelinsky in favor).

2. [LR30.086](#) RESOLUTION; Correcting a Scrivener's Error in Section 6-19 of the Code of Ordinances Concerning the Establishment of an Environmental Protection Board. Approved 5-0-0
 10/18/19 – Submitted by Law Department

Mr. Dellaselva explained that this is just a correction of a scrivener's error so the last sentence makes sense and the state statute reference is correct. This can be done by resolution.

A motion to approve this item was made, seconded and approved by a vote of 5-0-0 (Reps. Lee, Lion, Miller, Nabel and Zelinsky in favor).

4. [LR30.089](#) ORDINANCE for publication; Amending Chapter 19 of the Code of Ordinances, Code of Ethics. K. Emmett
11/07/19 – Submitted by Reps. Stella, McMullen, Bd of Ethics
Sherwood and Pratt

Reps. Stella, Sherwood and McMullen explained why they submitted this item:

- There is confusion on the Board regarding the Code of Ethics;
- The goal is to make the language less subjective and less ambiguous and to give residents confidence that people are acting ethically
- This was not meant to be the end product; it must be consistent with the State statutes

Committee members discussed the proposed ordinance with the drafters, Ms. Emmett and among themselves as follows:

- The Code of Ethics allows the Board of Ethics to issue advisory opinions; the book in which they were stored in the Town Clerk's office was destroyed; the City is trying to reconstitute the opinions and post them; it will be helpful to the Committee to have them
- The advisory opinions will provide the Board with an explanation of the Board of Ethics' thought processes
- The Law Department does not give advice on what is or is not ethical, but will distribute prior advisory opinions
- It is not clear which aspects of the State statute apply to the Code; it is not clear that 7 days for notice of a probable cause find is a material violation; the Board is composed of volunteers and has no staff
- It will be helpful to the committee to have counsel to the Board of Ethics present
- The State Code is strict with a long list of exemptions; the City code could be strict with exemption or more general with discretion
- The Code requires that the Board not act inconsistently with prior advisory opinions
- Strict rules can be difficult to enforce
- When amending the Code, the Committee should try to come up with hypothetical situations that both would and would not be violations
- Removal of the word "material" eliminates subjectivity
- "material" is a way of determining if something is worthy of being a violation of the Code of Ethics; without the word, things that shouldn't be covered may be covered
- Much of what is written in the proposed changed is steeped in the past because things have happened that people haven't agreed with which are justified by the current language
- It would be helpful to have a generic explanation of the various changes
- These changes will take a long time
- Everyone agrees that they want to capture a monetary benefit, but there is a spectrum as to other benefits
- Stipulated agreements entered into prior to a finding of probable cause should be published; State law requires information provided prior to a finding of probable cause to remain private unless the respondent requests that it be made public
- It is a public policy decision as to whether there should be agreements prior to finding of probable cause

A motion to hold this item was made, seconded and approved by a vote of 5-0-0 (Reps. Lee, Lion, Miller, Nabel and Zelinsky in favor).

Chair Lee adjourned the meeting at 9:25 p.m.

Respectfully submitted,
Benjamin Lee, Chair

This meeting is on [video](#)