



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

Benjamin Lee, Chair

Elise Coleman, Vice Chair

# **Committee Report**

**Date:** Tuesday, June 22, 2021

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

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

The Legislative & Rules Committee met as indicated above. In attendance were Chair Lee, Vice Chair Coleman and Committee Member Reps. Fedeli, Florio, Jacobson, Lion, Miller, Nabel and Zelinsky. Also present were the following members of the Appointments Committee: Chair Summerville, Vice Chair Patterson and Committee Member Reps. Figueroa, Matherne, and Palomba; President Quinones; Reps. McMullen and Sherwood; Sandra Dennies, Director of Operations; Mark McGrath, Director of Operations; Tilford Cobb, Animal Control Officer; Chris Dellaselva, Amy Livolsi and Mike Toma of the Law Department; Annie Hornish, CT Humane Society, Stacey Ober, American Kennel Club; and approximately 15 members of the public.

Chair Lee called the meeting to order at 7:05 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR30.103</a>	<p>ORDINANCE <u>for public hearing and final adoption</u>; Potential Amendment to <a href="#">§111-6</a> of the Code of Ordinances, Relating to the Control of Dogs. 12/07/20 – Submitted by Reps. Jacobson, Sherwood, and Zelinsky. 12/22/20 – Held by Committee 8-0-0 01/19/21 – Held by Committee 8-0-1 02/16/21 – Report Made &amp; Held by Committee 9-0-0 03/26/21 – Held by Committee 9-0-0 04/20/21 – Held by Committee 6-0-0 05/18/21 – Approved by Committee, as amended, 8-0-0</p>	<b>Approved 9-0-0</b>

Chair Lee opened the public hearing:

- Kieran Edmondson spoke against cruelty to animals
- Andrew Kalmanash spoke about restrictions on dog tethering already being in the State statute; concerns about weaponizing of the animal control office; the need to license more dogs in Stamford; and lack of educational value of the proposed ordinance
- Stacey Ober spoke about amending the proposed ordinance to only require the owner/keeper to be present on the property while a dog is tethered; and people using tethering as a way to keep a dog secure
- Elaine Parruccini spoke about the need to be present if a dog is tethered
- Pat Harmon spoke about the problem of people keeping dogs chronically tethered

There being no further speakers, Chair Lee closed the public hearing at 7:18 p.m. Committee members discussed the proposed ordinance.

- Rep. Jacobson noted that there are similar ordinances in numerous cities nationwide.
- Mr. Cobb stated that:
  - the State statute prohibits “unreasonable” tethering, but does not define what would be unreasonable
  - written statements from neighbors are needed to enforce the state statute and these are often difficult to get
  - There are both responsible and irresponsible owners
  - Tethering of dogs puts both the dogs and the public at risk because dogs who are tethered learn to fight
  - He agrees with revising the language to permit tethering for a reasonable period of time; responsible dog owners should not be penalized

Committee members continued to discuss the proposed ordinance with Mr. Cobb. Items discussed included the following:

- The ACO would ask a complainant how long a dog has been out
- A dog who is tethered without an owner present is vulnerable to coyote attack
- The ACO would go out to investigate an anonymous call
- Responsible owners without a fence would be unable to own a dog
- People should be able to go inside for a glass of water, or take a fast shower

A motion to amend Item No. 1 to add a new subsection B(5), based on the San Jose ordinance, as follows, was made and seconded:

If a dog is confined in compliance with Subsection B.(4)(a), the dog owner or keeper may tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period of time.

Committee members discuss the proposed amendment with Mr. Cobb. Items discussed included the following:

- The ACO receives about 2-3 tethering complaints each month
- This proposed amendment would make the ordinance more enforceable
- The term reasonable needs to be defined

The motion to amend Item No. 1 was approved by a vote of 8-1-0 (Reps. Lee, Coleman, Fedeli, Florio, Jacobson, Lion, Miller, and Zelinsky in favor; Rep. Nabel opposed).

A motion to approve Item No. 1 for final adoption, as amended, was made seconded, and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Florio, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

2. [LR30.108](#) RESOLUTION; Approving an Amendment to the Lease Agreement between City of Stamford and Representative James A. Himes for 996 ft2 of Office Space on the 10th Floor of the Government Center. **Approved 8-0-1**  
 04/06/21 – Submitted by Mayor Martin  
 04/06/21 - Approved by [Planning Board](#)  
 05/13/21 – Approved by Board of Finance  
 05/18/21 – Public Hearing Held & Held by Committee 7-0-0

Mr. McGrath reviewed the terms of the proposed lease with the Committee. It is a 2 year lease, with a monthly rent of \$1796, which is \$22.50 /ft<sup>2</sup>. This is in the range of a Class C building.

Mr. Toma reviewed the legal opinion he provided. The lease is not a pre-existing lease for purposes of the City Code of Ordinances and the approvals meet the requirements of a special lease. This does not prevent the characterization of the lease as a renewal under State law, since there is no change of use of the property.

Committee members discussed Item 2 as follows:

- Rep. Himes' office in the building provides a service to residents
- The City should consider adjusting Rep. Himes' rent the next time his lease is considered

A motion to approve Item No. 2 was made seconded, and approved by a vote of 8-0-1 (Reps. Lee, Coleman, Florio, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor; Rep. Fedeli abstaining).

The Committee next took up Item No. 4.

4. [LR30.110](#) ORDINANCE for publication; Concerning a Tax Abatement Agreement Between the City of Stamford and St. John Urban Development Corporation. **Approved 9-0-0**  
05/08/21 – Submitted by Mayor Martin

Committee members discussed Item No. 4 with the invited guests:

- St. John's has been a tax abatement in the City for a number of years
- St. John's has requested a new tax abatement as they plan to rehabilitate their property
- This is a 30 year abatement of 75% of the taxes, so long as the units are occupied by low or moderate income persons at initial occupancy
- The abatement taxes may be used only for the following purposes: to reduce rents below the level which would be achieved in the absence of such abatement; to improve the quality and design of such housing; or to effect occupancy of such housing by persons and families of varying income levels within limits approved by the City, or to provide necessary related facilities or services in such housing.
- In the past, City would give a 100% abatement in exchange for PILOT as a percentage of the shelter rent
- HUD properties are not permitted to do PILOT
- This is a privately owned entity, therefore it is better to abate a percentage of the taxes.
- Abating 75% of the taxes makes the City eligible for payment from the State
- This will probably be the way abatements will be structured in the future
- It is up to St. John's to determine which of the permissible ways to use the abatement it will choose
- The abatement is retroactive to when Tower A existed, so the number of units goes from 360 to 240
- The City's tax abatement committee has the right to police whether the tenants fit within the income restrictions

A motion to approve Item No. 4 was made seconded, and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Florio, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

3. [LR30.109](#) ORDINANCE for publication; Creating a Stamford Appointments Commission. **Approved 9-0-0**  
05/05/21 – Submitted by President Quinones and Rep. Stella  
05/18/21 –Held by Committee 8-0-0

**As a Secondary Committee: Appointments – Approved 4-0-1**

The Committee discussed Item No. 3. Items discussed included the following:

- Members would be appointed by the Mayor through the normal board/commission process
- This would not change the role of the Appointments Committee or the Board of Representatives in approving appointments
- This will increase transparency
- This is a tool available to the Mayor's office. An interview by this commission would be in lieu of an interview by someone filling Mr. Levine's role
- There is currently no structure for residents who aren't republicans or democrats
- Neither party would have a majority on this commission
- There is a growing population of unaffiliated voters
- The Mayor would not be obligated to use this commission
- The Commission could be made up of solely unaffiliated members
- There is no restriction on whether members have previous elective service

A motion to approve Item No. 3 was made seconded, and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Florio, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

There being a quorum of the Appointments Committee present, the members of the Appointments Committee voted to approve Item No 3 by a vote of 4-0-1 (Chair Summerville, and Reps. Figueroa, Matherne and Palomba in favor; Rep. Patterson abstaining).

5. [LR30.111](#) REVIEW: Legal Authorities and/or Parliamentary procedures (Robert's Rules of Order) that may impact the Board of Representatives' Consideration of Rule Changes to Authorize Post COVID Board and Committee Meetings Being Held Remotely. **Held 9-0-0**  
06/08/21 – Submitted by Reps. Watkins and Michelson

Rep. Watkins explained that he put this on the agenda in order to understand the authority of the Board if the 31<sup>st</sup> Board choosed to have remote meetings.

Committee members discussed Item No. 5 with Ms. Livolsi. Items discussed included the following:

- There is currently an implementer bill which as been approved by the CT House and Senate but not yet signed by the Governor which would permit public agencies to meet virtually through April 2022.
- The bottom line of the implementer bill is that the public must have access and the votes must be heard and identifiable
- The bill extends the ability of boards contained in the executive order not to provide the public with physical access to a meeting if the board meets remotely
- There is currently a task force reviewing the processes for the City of Stamford, including technology and the availability of space for the public, which will come up with recommendations for the various city boards and commissions

- A state commission will be created to review how this works and to provide a report by April 2022.
- Clerk Nabel had distributed the [attached summary](#) to Chair Lee and Reps. Michelson and Watkins prepared by Ms. Rosenson regarding in-person meeting requirements under State law. This will be included in the record.
- Current law does not require that meetings be held in public, so long as the meetings are accessible to the public; this concept has been in existence for years, but the technology was not available
- The Board's processes are governed by FOIA, which trumps Robert's Rules and the Board's rules. The Board's rules take precedence over Robert's Rules.
- The Board has authority to create Rules of Procedure under the Charter
- Since the Government Center is closed, even if the Governor were not to sign it, there would be no way to hold meetings in person
- There is no state statute which requires a public meeting.
- The Governor has 5 days to sign the implementer bill

A motion to hold Item No. 5, pending receipt of a legal opinion, was made seconded, and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Florio, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

Chair Lee adjourned the meeting at 10:12 p.m.

Respectfully submitted,  
Benjamin Lee, Chair

This meeting is on [video](#)