



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

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

# **Committee Report**

**Date:** Tuesday, June 28, 2022  
**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. Cottrell, Jacobson, Matheny, Miller, and Sherwood. Excused was Rep. Florio. Absent was Rep. Boeger. Also present were Reps. de la Cruz, Stella, and Walston; Sandra Dennies, Director of Administration; and Doug Dalena, Corporation Counsel.

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

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
The Committee first took up Item No. 4.		
4. <a href="#">LR31.027</a>	REVIEW AND RECOMMENDATIONS; Planning Board and Board of Finance Recommendations Re: Portion of Triennial List of City-Owned and Leased Real Properties as Transmitted by the Board of Finance; Specifically Unused Properties at 384 Elm Street and 402 Elm Street. 06/06/22 – Submitted by Sandra Dennies 05/10/22 – Recommended by Planning Board 06/09/22 – Recommended by Board of Finance 6-0-0	<b>Sale of Properties Recommended 7-0-0</b>

Ms. Dennies discussed this item with the Committee. Items discussed included the following:

- She is required to send the triennial list to the Boards every 3 years regarding the use of the properties. The full list will be presented next month, but she is presenting 2 properties, 384 Elm Street and 402 Elm Street in advance of that presentation because they were purchased as part of the Urban Transitway with 80% federal dollars 20% municipal dollars and according to Federal Transit Administration (“FTA”) regulations, the appraisals are only good for 6 months, so the Administration needs to move quickly if the recommendation is to sell the properties.
- 384 Elm Street is a buildable property, which the Administration would like to sell and put back on the tax rolls. In accordance with FTA regulations, these properties must be sold by competitive bid. The minimum bid will be \$860,000. The two adjoining property owners are aware of current zoning requirements and the minimum bid requirements. 80% of the sale price would go back to the FTA, but the property would go on the tax rolls, and would generate income to the City.

- Both 384 Elm Street and 402 Elm Street have bus turnout lanes and shelters which will remain. 402 Elm is a very small property and would only be of interest to the abutting property owners. It is appraised at \$120,000. If there is no bid, it will remain as open space.
- The sale of 384 Elm Street would need to be approved by the Boards. The sale of 402 Elm Street would not, but her plan is to bring both sales to the Boards for their approvals.
- When the properties were originally purchased for the Urban Transitway, they had higher values, but they were needed to widen the road and the easements for the bus cut-outs. The City will retain those easements. The remaining properties are smaller.
- 402 Elm Street is buildable, but not large enough for an independent structure.
- The shelters are the property of the CT Transit Authority

A motion to recommend the sale of 384 Elm Street and 402 Elm Street was made, seconded, and approved by unanimous voice vote (Reps. Berns and Nabel and Committee Member Reps. Cottrell, Jacobson, Matheny, Miller, and Sherwood in favor).

The Committee next discussed Item No. 3.

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| 3. <a href="#">LR31.026</a> | REVIEW; Proposed Ordinance to Require the Installation of Solar Canopies on any New Parking Lot Construction.<br>05/05/22 – Submitted by Reps. Jacobson, de la Cruz, and Berns | <b>Report Made &amp; Held 7-0-0</b> |
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Rep. Jacobson explained that he put this on the agenda to see if the Board has the authority to impose this requirement on public or private projects. Fairfield has been exploring this option.

Mr. Dalena stated that this is a complicated issued that involves the interaction of municipal lawmaking power, the power of the Zoning Board and State statutes regarding development and the power grid and interconnection to the power grid. It may also be imposing a requirement on a private developer that the developer might not have the legal power to fulfill. This requirement most likely needs to come through zoning. This may also involve PURA and DEEP regulations. It is probably less complicated as to public developments, because the Board could determine not to spend money on projects that don't include solar installations. This is an area that needs further research.

A motion to hold Item No. 3 was made, seconded, and approved by unanimous voice vote (Reps. Berns and Nabel and Committee Member Reps. Cottrell, Jacobson, Matheny, Miller, and Sherwood in favor).

The Committee next discussed Item No. 5

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| 5. LR31.028 | REVIEW; <a href="#">Charter Sec. C1-80-2</a> and Potential Amendment to Rules of Order Relating to the Filling of Vacancies in any Citywide Elected Office.<br>06/06/22 – Submitted by Rep. Jacobson | <b>Report Made &amp; Held 7-0-0</b> |
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Rep. Jacobson explained that the interaction of our current rules and the Charter section create a procedural quagmire because names are submitted to the Steering Committee to be interviewed by the Appointments Committee before the full Board is aware of a vacancy and then any subsequent names to be interviewed must be taken up by the Appointments Committee under a suspension of the rules, which requires a 2/3 vote.

Mr. Dalena discussed this item with the Committee. He stated that the Charter requires the Board to fill a vacancy within 60 days, and the person will then serve until the next biennial election (under a recent State Supreme Court decision, biennial elections in Stamford occur in odd numbered years). The rule could be amended to add language “or becomes aware that a vacancy is about to occur”. Other possibilities would be to not go through the Steering Committee

“Shall” in the Board rules seems to be mandatory – all names must be referred to the Appointments Committee. “Shall” in the Charter provision seems to be directory – to move the process along. If for some reason, e.g. a snowstorm, the Board can’t fill the position within 60 days, the Board still has to fill the position.

Possible ideas for amending the rule include adding a provision regarding notification of the Board of a vacancy; removing the requirement that specific nominees be submitted to Steering, and permitting Board members to submit names until 5 days prior to the Appointments Committee meeting at which the vacancy will be discussed.

A motion to hold Item No. 5, with the understanding that the item will be amended to an approval of a rule change at Steering, was made, seconded, and approved by unanimous voice vote (Reps. Berns and Nabel and Committee Member Reps. Cottrell, Jacobson, Matheny, Miller, and Sherwood in favor).

1. <a href="#">LR31.018</a>	APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Establish a Postage Allowance to Facilitate Representatives’ Broader Communication with Constituents. 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	<b>Report Made &amp; Held 7-0-0</b>
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Rep. de la Cruz stated that he amended the proposed language based on the comments of the Committee last month.

Committee members discussed this item. Items discussed included the following:

- Should this item be included in the rules without knowing that it is funded? Has there been any discussion with the administration about a willingness to fund this, given that it will cost over \$100,000?
- An effective date could be in the future; or there could be a trial period;
- Will the implementation provisions be included in the rules or would that limit flexibility?
- Under the current language does each representative get 4 mailings per year or is it 4 mailings per district? How would the representatives divide the mailings for each district?

A motion to hold Item No. 1 was made, seconded, and approved by unanimous voice vote (Reps. Berns and Nabel and Committee Member Reps. Cottrell, Jacobson, Matheny, Miller, and Sherwood in favor).

2. [LR31.016](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure Section IV.A.1 to add new Subsection g. to Vote on the Consent Agenda all at Once. **Report Made & Held 6-0-0**
- 02/09/22 – Submitted by Rep. Cottrell and Ley  
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**

Rep. Cottrell stated that she revised the language because it would be challenging to do the entire consent agenda at once, given the length of the agenda.

Committee members discussed this item. Items discussed included the following:

- When would an item taken off the consent agenda be discussed? Would it be discussed first?
- Would moving the consent agenda at the beginning save time?
- Should consent items still be read in order to inform the public? Would this disadvantage individuals who can't see.
- Should items be moved on the agenda?

A motion to hold Item No. 2 was made, seconded, and approved by unanimous voice vote (Reps. Berns and Nabel and Committee Member Reps. Cottrell, Matheny, Miller, and Sherwood in favor).

Co-Chair Nabel adjourned the meeting at 10:02 p.m.

Respectfully submitted,  
Susan Nabel, Co-Chair

This meeting is on [video](#).