



Operations Committee - Board of Representatives

Joseph Coppola, Jr., Chair

John Zelinsky, Jr., Vice Chair

Committee Report

Date: Tuesday, October 25, 2016

Time: 7:00 p.m.

Place: Republican Caucus Room, 4th Floor, Government Center, 888 Washington Boulevard

The Operations Committee met as indicated above. In attendance were Chair Coppola, Vice Chair Zelinsky and Committee Member Reps. Adams, Jacobson, Liebson, Mahoney and McMullen. Absent or excused were Committee Member Reps. Coleman and Giraldo. Also present were Reps. Di Costanzo and Ryan; Mayor Martin; Bill Brink, Prakash Chakravanti, Merritt Nesin, Dan Capano and Michael Handler, WPCA; and Burt Rosenberg, Law Department.

Chair Coppola called the meeting to order at 7:00 p.m.

Item No.	Description	Invitee(s) or Designee(s)
1. <u>O29.072</u>	ORDINANCE <u>for public hearing and final adoption</u> ; Amendment <u>of Chapter 200, Sewers, Section 200-33</u> , Regarding the Responsibility for the Maintenance and Repair of Sewer Laterals within the City Right of Way. 07/25/16 – Submitted by Director Handler 08/30/16 – Approved by Committee for publication	Held in Committee 7-0-0

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

Michael Handler, Dan Cappano and Bill Brink discussed this ordinance with the Committee, as follows:

- This ordinance was the result of an extraordinary situation in which a homeowner had a \$10,000 expense due to a break in his lateral far from his property line, possibly due to a change in elevation, who brought his concerns to the WPCA Board
- The Board was looking for a solution which would benefit the entire City
- The changes made by the Committee could have a greater impact than the Committee realized and the WPCA would like an opportunity to figure out the impacts and the best way to address the Committee's concerns
- Issues raised by the changes include:
 - Not knowing where the property line is
 - The WPCA is not responsible for maintenance of the lateral
 - City responsibility for street opening and sidewalk repair

- Who will bear the ancillary costs, such as loss of business, property damage, loss of time
- All the surrounding communities provide that the homeowner would be responsible for repairs
- The estimated costs of this is \$100-200,000 and this cost will be shifted to the entire City
- This additional incurred expense for the WPCA should not be imposed mid-year, since the WPCA did not budget for it
- The ordinance should be sent back to the WPCA Board to come up with a solution that is fair and workable
- The Operations Committee of the WPCA thought they had come up with a cap which would protect homeowners without harming the taxpayers at large.
- They do not have data on how many residents have had problems with their laterals because it has always been the homeowner's responsibility, but in the past few years about 4 homeowners have come forward to ask for relief
- In New Haven, residents are responsible for repairing lines up to the curb
- The estimated cost of \$150,000 only includes physical repair, but there are other costs, such as loss of business,
- Who would do the repair and would there be an expense to the property owner if they have to wait for the WPCA to do the repair and maybe chooses to stay in a hotel
- The WPCA does do repairs and bear the expense when the damage is caused by the WPCA
- Maybe the WPCA should provide insurance to homeowners
- Laterals often fail due to poor maintenance, this may result in litigation about who is responsible
- The WPCA does not have the staff to take over this work

A motion to approve this ordinance for final adoption was made, seconded and withdrawn.

A motion to hold this item was made, seconded and approved by a vote of 7-0-0 (Reps. Coppola, Zelinsky, Adams, Jacobson, Liebson, Mahoney and McMullen in favor.)

- | | |
|--|---|
| <p>¹². <u>O29.069</u> ORDINANCE <u>for publication</u>; Amendment of <u>Section 214-19 of the Code of Ordinances</u> to Increase the permit fee and decrease the time period for such permit.</p> <p>06/0816 – Submitted by Rep. Zelinsky</p> <p>08/30/16 – Held in Committee</p> | <p>Held in
Committee, as
amended
7-0-0</p> |
|--|---|

Mayor Martin and Mr. Rosenberg discussed this ordinance with the Committee as follows:

- These fees have not been changed in 17 years
- 95% of street closings are by developers
- Under State law, these fees can't be charged to utilities, so the proposed increase fees apply to developers and contractors
- There is no cost to the City for the closing of a street or sidewalk, but they are built with City money and are not available for the use of residents

¹ Video Time Stamp 00:54:33

A motion to amend the first sentence of §214-14 to add the phrase *“other than the refuse and recycling containers approved or distributed by the City”* after the phrase *“public travel in any street or sidewalk”*, was made, seconded and approved by a vote of 7-0-0 (Reps. Coppola, Zelinsky, Adams, Jacobson, Liebson, Mahoney and McMullen in favor.)

A motion to amend §214-19.B.1 to add the following sentence at the end of the paragraph: *“Such permit shall be valid for a period not to exceed four (4) weeks. Upon the expiration of four (4) weeks, said permit may be renewed upon the payment of another fee in the amount of two hundred dollars (\$200).”* was made, seconded and approved by a vote of 5-1-1 (Reps. Coppola, Zelinsky, Liebson, Mahoney and McMullen in favor; Rep. Adams opposed; Rep. Jacobson abstaining).

Committee members discussed the ability of the City to charge public utilities more than \$200 and whether homeowners should be charged more than public utilities. Rep. Zelinsky distributed the [attached email](#), and stated that he reads this to mean that PURA cannot limit the fees charged by the City. Mr. Rosenberg disagreed and stated that the case law on this is that the City cannot charge fees greater than the administrative cost under the current case law.

A motion to amend §214-19.C.1 to delete the last sentence and to add the following sentence at the end of the paragraph: *“Such permit shall be valid for a period not to exceed four (4) weeks. Upon the expiration of four (4) weeks, said permit may be renewed upon the payment of another fee in the amount of two hundred dollars (\$200).”* was made, seconded and approved by a vote of 6-0-1 (Reps. Coppola, Zelinsky, Jacobson, Liebson, Mahoney and McMullen in favor; Rep. Adams abstaining).

A motion to amend §214-19.D to change *“thirteen (13) weeks”* to *“four (4) weeks”* was made, seconded and approved by a vote of 6-0-1 (Reps. Coppola, Zelinsky, Jacobson, Liebson, Mahoney and McMullen in favor; Rep. Adams abstaining).

A motion to amend §214-19.B.2 to replace the phrase *“, including the initial day of construction”* with *“the sidewalk is closed, beginning with the fifth day of construction,”* was made, seconded and approved by a vote of 5-1-1 (Reps. Zelinsky, Jacobson, Liebson, Mahoney and McMullen in favor; Rep. Coppola, opposed; Rep. Adams abstaining).

A motion to strike §214-19.B.3 was made, seconded and failed by a vote of 2-5-0 (Reps. Coppola and McMullen in favor; Reps. Zelinsky, Adams, Jacobson, Liebson and Mahoney opposed).

A motion to amend §214-19.C.2 to add the phrase *“beginning with the fifth day of construction,”* after the word *“closed”* and to change the fees to *“\$50 per 50 linear feet”* for local roads and *“\$100 per 50 linear feet”* for collector, minor arterial and major arterial roads was made, seconded and failed by a vote of 1-5-1 (Rep. McMullen in favor; Reps. Coppola, Zelinsky, Adams, Jacobson, Liebson opposed and Rep. Mahoney abstaining).

A motion to amend §214-19.G to change *“may”* in the first sentence to *“shall”* was made, seconded and approved by a vote of 6-1-0 (Reps. Adams, Zelinsky, Jacobson, Liebson, Mahoney and McMullen in favor; Rep. Coppola opposed).

A motion to amend §214-19.G to change *“double”* in the first sentence to *“consistent with”* was made, seconded and failed by a vote of 1-5-1 (Rep. McMullen in favor; Reps. Coppola, Zelinsky, Adams, Jacobson, Liebson opposed and Rep. Mahoney abstaining).

A motion to amend §214-19.G to delete the last sentence was made, seconded and approved by a vote of 4-3-0 (Reps. Zelinsky, Liebson, Mahoney and McMullen in favor; Rep. Adams, Coppola and Jacobson opposed).

A motion to strike §214-19.H was made, seconded and approved by a vote of 4-3-0 (Reps. Zelinsky, Liebson, Mahoney and McMullen in favor; Rep. Adams, Coppola and Jacobson opposed).

A motion to strike §214-19.I was made, seconded and approved by a vote of 4-2-1 (Reps. Zelinsky, Liebson, Mahoney and McMullen in favor; Rep. Coppola and Jacobson opposed; Rep. Adams abstaining.).

Committee members discussed with Mayor Martin and Mr. Rosenberg whether there would be a way to carve out private homeowners from these fees or set a limit on the value of the construction for which such a permit could be required.

A motion to amend §214-19 to add a new section after Section D. as follows:

E. Notwithstanding any other provision contained herein, if the entity requesting a sidewalk or street closure or causing an obstruction is requesting a permit for work in an aggregate amount no greater than \$50,000, the permit fee charged shall be two hundred dollars (\$200) for thirteen weeks for a sidewalk closure or obstruction with no additional fees. The permit fee for a street closure shall be two hundred dollars (\$200) per lane closed. Upon the expiration of thirteen (13) weeks, said permit may be renewed upon the payment of an additional fee in the amount of two hundred dollars (\$200) for sidewalk closure or obstruction or per street lane closed.

was made, seconded and approve by a vote of 7-0-0 (Reps. Coppola, Zelinsky, Adams, Jacobson, Liebson, Mahoney and McMullen in favor). Mayor Martin and Mr. Rosenberg asked for an opportunity to check this language with the Building Department and the Engineering Department.

A motion to hold this item until Wednesday, November 9, 2016 at 6:30 p.m. was made, seconded and approved by a vote of 7-0-0 (Reps. Coppola, Zelinsky, Adams, Jacobson, Liebson, Mahoney and McMullen in favor).

²3. [O29.077](#) ORDINANCE for publication; Amendment of [Section 137-11 of the Code of Ordinances](#) to reduce the number of pounds of waste material a Stamford resident can bring to the Scale House or Recycling Center exempt from the tipping fee from 200 pounds per day to 100 pounds per day.
10/07/16 – Submitted by Rep. Zelinsky

**Held in
Committee
7-0-0**

Rep. Zelinsky explained that he put this item on the agenda because Dan Colleluori had mentioned that the 200 pound limit was too high because developers and contractors are abusing this by using their personal cars to bring their waste to the transfer station.

² Video Time Stamp 03:10:26:

Committee members questioned whether a 100 pound limit would be sufficient for homeowners and requested data to support this proposed change.

A motion to hold this item was made, seconded and approved by a vote of 7-0-0 (Reps. Coppola, Zelinsky, Adams, Jacobson, Liebson, Mahoney and McMullen in favor).

As a Secondary Committee

1. [CS29.016](#) ORDINANCE; Increasing the fees for applications to the Planning Board, Zoning Board and Zoning Board of Appeals.
05/03/16 – Submitted by Rep. Zelinsky

Chair Coppola adjourned the meeting at 10:25 p.m.

Respectfully submitted,
Joe Coppola, Chair

This meeting is on [video](#)