



Legislative & Rules Committee – Board of Representatives

James Diamond, Chair

Arthur Layton, Vice Chair

Report of Meeting

Date: Monday, January 26, 2009

Time: 7:00 p.m.

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

The Legislative & Rules Committee met as indicated above. Present were Chair Diamond and Vice Chair Layton and Committee Member Reps. Berns, Day, Lodato, C. Martin, Mitchell and Zelinsky. Absent/excused were Committee Member Reps. Esposito, Heaphy, and Lombardo. Also present were Board President Martin and Reps. Caterbone, DeLuca, Gabriele and Mallozzi; Donna Loglisci, Town Clerk; Thomas Cassone, Esq., Director of Legal Affairs, City of Stamford; William Forker, Director of Assessments and Collection; Robert DeMarco, Building Department; and Ben Barnes, Director of Operations.

Chair Diamond called the meeting to order at 7:13 p.m.

| Item No. | Description | Committee Action |
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| 1. LR27.087 | PROPOSED ORDINANCE; for publication ; amending Chapter 218 (Swimming Pools) of the Code of Ordinances to add penalty and enforcement provisions and to allow for the enforcement of the most recently-amended version of the State Building Code. | Committee Amended & Approved 8-0-0 |

Chair Diamond explained that the current code provision provides for a 4" high barrier around pools and has no enforcement provision. This proposed ordinance replaces the specific provisions of the code with a requirement that property owners comply with the State Building Code and creates provisions for enforcement and penalties. He noted that the penalty provision refers to the general fine enabling provisions of Sec. 118. Mr. Barnes explained that the City has been unable to require compliance with the current code provision unless a resident applies for a building permit or a certificate of occupancy. In keeping with the State Building Code's recognition of pool safety as a serious public health and safety issue, the City wants the ability to compel compliance. The committee raised questions regarding the fine amount and when the fine would be imposed. Mr. Cassone explained that the goal of this ordinance is compliance, rather than raising revenue. A motion to amend Sec. 218-4 of the proposed ordinance to provide for a daily fine of \$200 was made, seconded and approved by unanimous vote. (Reps. Diamond, Layton, Berns, Day, Lodato, C. Martin, Mitchell and Zelinsky in favor). A motion to approve the ordinance as amended was made, seconded and approved by unanimous vote. (Reps. Diamond, Layton, Berns, Day, Lodato, C. Martin, Mitchell and Zelinsky in favor).

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| 2. LR27.080 | PROPOSED ORDINANCE; for publication ; requiring the abatement of discharge of fats, oils and grease into public sewers. | Held in Committee 8-0-0 |
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Chair Diamond explained that Ms. Brown asked the committee to hold this item. Mr. Lodato requested that Ms. Brown provide the committee with information regarding how many entities are currently out of compliance with the requirements of this item. A motion to hold the item was

made, seconded and approved by unanimous vote. (Reps. Diamond, Layton, Berns, Day, Lodato, C. Martin, Mitchell and Zelinsky in favor).

3. [LR27.081](#) PROPOSED ORDINANCE; **for publication**; **Committee Approved 8-0-0**
designating the Office of the Town Clerk as the department responsible for posting all meeting minutes and all special meeting notices received by public agencies on the official website per Public Act No. 08-3.

Chair Diamond explained that the committee had previously asked for inclusion of the state statutory citations in the ordinance. Mr. Cassone described the history of this ordinance. He explained that as of October 1, all municipalities with websites were required by state statute to post, on their websites, any minutes and agendas of meetings required to be filed with the town clerks. The decision was made to make this the responsibility of the Town Clerk rather than the IT department. Ms. Loglisci stated that her office has been complying with the requirement as of last week, and that the data is now being posted on the City website. In response to questions from Chair Diamond, Ms. Loglisci stated that nothing needs to be changed in the ordinance, she does not need extra staff in order to comply with the ordinance and that she does not object to the ordinance. A motion to approve the ordinance was made, seconded and approved by unanimous vote. (Reps. Diamond, Layton, Berns, Day, Lodato, C. Martin, Mitchell and Zelinsky in favor).

4. [LR27.075](#) PROPOSED ORDINANCE; **for publication**; amending **Committee Amended & Approved 6-1-1**
Section 220-8 B. of the Code of Ordinances, Senior Citizens and Disabled Property Owners Tax Abatement; to provide for increased income limits and increased exemption in the fair market value of the residence for both the abatement and the deferral program.

Chair Diamond explained that this ordinance was addressed by the Board prior to the receipt of a recommendation by the Board of Finance. The Board of Finance had objected to the increase in the income limits, but not to the increase in the net worth requirements, and had recommended broadening the benefits for lower income individuals. The Committee revised the ordinance in order to accommodate the Board of Finance recommendation and to increase the benefit for those lower income individuals who qualify. It also included the actual benefit amounts in the text of the ordinance, at the suggestion of President Martin. Mr. Forker explained that the benefit increases he proposed are based upon state guidelines, the Board of Finance recommendations and the number of participants in the program.

The committee discussed whether the benefits for all individuals who qualify should be increased. After reviewing a draft where some applicants did not receive any increase at all, a motion to amend Sec. 220-9.1.D of the proposed ordinance to increase the benefits of all applicants by at least \$50 was made, seconded and approved by a vote of 7-0-1. (Reps. Diamond, Layton, Berns, Day, Lodato, C. Martin and Zelinsky in favor; Rep. Mitchell abstaining).

The committee then discussed whether there was a way to encourage people to participate in the deferral program, as the program would benefit both the applicants and the City and whether the net worth limits in the ordinance should be further increased.

A motion to amend Sec. 220-8.B(2) and (3) of the proposed ordinance to increase the net worth limits of certain applicants to \$500,000.00 was made by Representative Zelinsky and was seconded but was defeated by a vote of 2-6-0. Chair Diamond explained that such an amendment would not be consistent with the recommendation of the Board of Finance. (Reps. Berns and Zelinsky in favor; Reps. Diamond, Layton, Day, Lodato, C. Martin and Mitchell opposed).

A motion to approve the ordinance as amended was made, seconded and approved by 6-1-1 vote. (Reps. Diamond, Berns, Day, Lodato, C. Martin, and Zelinsky in favor; Rep. Layton opposed; and Rep. Mitchell abstaining).

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,
James Diamond, Chair