



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

Eileen Heaphy, Chair

Arthur Layton, Vice Chair

# **Committee Report**

**Date:** Monday, April 19, 2010

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

**Place:** Republican Caucus Room, 4<sup>th</sup> Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. Present were: Chair Heaphy and Vice Chair Layton and Committee Member Reps. Day, Martin, Mitchell, Rauh, Uva and Zelinsky. Absent/excused was Rep. McGarry. Also present were Reps. McNeil, Merritt and Summerville; John Gottlieb of Charter Oak Communities; Rick Redniss of Redniss & Mead and Sybil Richards, Esq., Office of Legal Affairs.

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

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR28.002</a>	PROPOSED ORDINANCE; <b><u>for public hearing &amp; final adoption</u></b> ; proposed ordinance prohibiting the unsolicited distribution bulky printed materials.	<b>HELD IN COMMITTEE 8-0-0</b>

Chair Heaphy opened the public hearing. There being no members from the public present to speak, the public hearing was closed.

Rep. Day stated that the second paragraph of the ordinance should refer to: “Any *unsolicited* bulky printed material ...”. The word “unsolicited” was somehow omitted.

Rep. Day stated that he and Chair Heaphy met last week with Harry Carey and Amy Healy, representatives of AT&T and the Yellow Pages trade organization, respectively. The industry’s annual meeting is being held this week, and neither was available to attend tonight. During their meeting, Mr. Carey and Ms. Healy made several points:

1. While they are opposed to the ordinance, they prefer the opt-out provision compared to an outright ban.
2. They already have a link on their website to opt out. The new books will have opt-out instructions on the front cover.
3. They are aware that banning these books is gaining momentum and that the internet is reducing the need for phone books.
4. The ordinance provision requiring that the books be delivered within ten feet of the residence entrance is a problem in that it encourages delivery people to trespass upon property.

Vice Chair Layton and Clerk Summerville both stated that the location of delivery is important in multi-family residences. Chair Heaphy noted that each multi-family building is configured differently, and rules for delivery location may be extremely complicated to write into an ordinance.

Vice Chair Layton stated that the ordinance places the burden to opt out on the homeowner.

Rep. Day stated that Attorney Mullin in Legal Affairs did not want an outright ban, nor for telephone books to be the sole item banned. He also stated that the ordinance needs to be written so that it does not impact the delivery of desired materials, such as newspapers. Inserting “unsolicited” would take care of that problem.

Chair Heaphy pointed out that the yellow pages also have an important constituency, small business owners who rely on customers that use the books.

Rep. Day requested that members forward to him suggested language changes so that he can work on re-drafting the ordinance. The Committee discussed holding the item in order to allow the industry group representatives an opportunity to come and speak at either the next meeting or another public hearing, if republication is required.

Upon motion duly made and seconded, the item was held by unanimous voice vote.

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| 2. <a href="#">LR28.013</a> | PROPOSED ORDINANCE; <b>for publication</b> ;<br>amending Ordinance No. 1111, Tax Abatement for<br>Palmer Square, to amend the total number of units.<br>04/08/10 – Submitted by Sybil Richards, Esq. | <b>COMMITTEE<br/>APPROVED<br/>8-0-0</b> |
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Mr. Gottlieb opened by stating that Charter Oak Communities has come to an agreement with the neighbors of Palmer’s Hill that will settle the lawsuit in its entirety. Charter Oak will reduce the total number of units from 85 to 76 and the below-market rate units from 51-46. The five units that have been eliminated will be incorporated into the last phase of the replacement of the 216 units from Vidal Court.

Rep. Summerville expressed concern that the remaining units will ultimately not be built, and questioned whether the Board of Representatives had any document that clearly states that Charter Oak Communities will build these units. This was especially important in that Mr. Gottlieb confirmed that a site for the remaining units has not been identified.

Mr. Gottlieb replied that he is bound by the 1-1 ordinance to replace the units, and they will have to be replaced in the neighborhood unless Charter Oak can demonstrate extraordinary circumstances. He added that the State also requires replacement of these units. He also stated that Charter Oak has every intention of completing the replacement units within the neighborhood.

Upon motion duly made and seconded, the item was approved by unanimous voice vote.

**As Secondary Committee**

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| 1. A28.027 | <b><u>Board of Ethics</u></b><br>Sebastian D'Acunto (R)<br>105 Willowbrook Avenue<br>Stamford, CT 06902<br>Term expires: 6/30/12 | Repl. Lois Anderson<br>( <i>exp. 06/30/07</i> ) | <b>WAIVED<br/>4-0-3</b> |
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A motion to waive the Secondary Committee Report was made, seconded and approved by a vote of 4-0-3 (Reps. Layton, Martin, Uva and Zelinsky in favor; Reps. Heaphy, Day and Mitchell abstained).

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Eileen Heaphy, Chair