



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Arthur Layton, Vice Chair

Committee Report

Date: Monday, June 21, 2010
Time: 7:00 p.m.
Place: Democratic Caucus Room, 4th 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. Merritt, Rauh, Uva and Zelinsky. Absent or excused were Committee Member Reps. Day, Martin and Mitchell. Also present Reps. Summerville, Adams, Boccuzzi, Caterbone and Kaufman; Robert DeMarco, Building Official; Joseph Tarzia, WPCA Chair; Bill Napoletano, Revenue Services Manager; and Bill Forker; Director of Assessment and Collections.

Vice Chair Layton called the meeting to order at 7:05

Item No.	Description	Committee Action
1. LR28.002	PROPOSED ORDINANCE; <u>for public hearing & final adoption</u> ; proposed ordinance prohibiting the unsolicited distribution of bulky printed materials.	Approved 6-0-0

Chair Heaphy opened the public hearing. No members of the public were present to speak and the public hearing was closed. A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 6-0-0 (Reps. Heaphy, Layton, Merritt, Rauh, Uva and Zelinsky in favor.)

4. LR28.014	PROPOSED ORDINANCE; <u>for publication</u> ; amending the noise ordinance to clarify the hours of enforcement.	Publication Waived 6-0-0
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Approved 6-0-0

The committee next considered this proposed ordinance. Chair Heaphy noted that no member of the police force was available to speak to the committee about this proposed ordinance. She explained that this proposed ordinance amends section 164.3 of the Code regarding noise to clarify the language regarding nighttime and daytime hours. Rep. Caterbone stated that this ordinance was originally intended as a way to require the police to enforce the current noise restrictions. In reviewing the ordinance, the discrepancy in the definitions of daytime and nighttime hours was observed. The nighttime hours (no equipment usage) should be as follows:

M-Fri: 8 pm until 8 am the next day
Sat: 8 pm until 10 am Sunday
Sun & Fed holidays: 5 pm until 8 am the next day

The committee discussed amending the proposed ordinance to include a chart of the nighttime hours in order to clarify the language. It was noted that this change would not affect the hours for demolition work, as that is a specific exception within the noise ordinance. A motion to approve this ordinance for publication was made, seconded and approved by a vote of 6-0-0 (Reps. Heaphy, Layton, Merritt, Rauh, Uva and Zelinsky in

favor.) The committee then discussed waiving publication as this amendment is a clarification rather than a substantive change to the current ordinance. A motion to waive publication and approve the ordinance for final adoption was made, seconded and approved by a vote of 6-0-0 (Reps. Heaphy, Layton, Merritt, Rauh, Uva and Zelinsky in favor.)

2. [LR28.016](#) PROPOSED ORDINANCE; **for publication**; **Held in Committee**
amending Section 200-28, Rates and Charges, to ensure that billing is tied to the exact amount of water usage rather than on estimated usage.

WPCA Chair, Joe Tarzia explained the rationale behind the current billing procedure, which is that individuals should not have to pay for increased usage of water in the summer when much of the water does not go to the WPCA treatment plant. He also explained that the WPCA currently has an RFP out for billing, and may change from a semi-annual to a quarterly or annual billing cycle as a result. Rep. Boccuzzi explained that the types of water usage that does not result in water going to the treatment plant would be filling of pools or lawn watering. If the billing were based upon summer water usage, residents would be charged by the WPCA for water that does not go to the treatment plant. The WPCA has devised this method as a way to be fair to all residents. Mr. Forker explained that the wording in the proposed ordinance regarding “estimated” usage is incorrect because the billing is based upon actual usage during the winter months. He stated that the proposed ordinance would require semi-annual billing, which is too restrictive, because the WPCA may find that that it is more cost-effective to bill on a different schedule. He noted that the current schedule creates challenges for the WPCA because the fiscal year ends June 30, but the WPCA bills in October and April. He stated that the Director Administration Flynn has requested that the committee hold this item for 60 days so that the WPCA can make available to the committee data regarding the user charges and the billing amounts. Committee members asked him to provide average bills. Mr. Tarzia stated that this ordinance would hurt the very people it intends to help because people who go away during the winter, and have decreased water usage during the winter, benefit from the current rates. In response to questions from the committee, Mr. Forker stated that most cities in Connecticut use the same method to bill for sewage treatment. Prior to 2001, the City billed based upon real estate taxes. Mr. Boccuzzi explained that the current billing rate is based upon total water usage in the City plus the amount needed to cover the current WPCA budget, including debt amortization; thus the amount billed is not just for the water but for additional costs of WPCA. A motion to hold this item for 60 days was made, seconded and approved by a vote of 5-0-0 (Reps. Heaphy, Layton, Merritt, Uva and Zelinsky in favor.)

3. [LR28.005](#) REVIEW; amending Section 123-5 Fees Assessed, **Report Made**
to provide for fines/penalties for violations of regulations related to certificate of occupancy certificates and certain building permits.

Mr. DeMarco explained that he would like to see changes made to the current ordinance regarding building fees in order to address the situation in which people move in without obtaining a certificate of occupancy but are not penalized. He proposes a \$1000 fine. Committee members raised several issues, including what would happen if the delay in obtaining the CO was due to circumstances beyond the property owner’s control, such as unresolved zoning or EPB issues or if the inspector fails to show up. Mr. DeMarco stated that he has given Temporary Certificates of Occupancy where there are unresolved Zoning or EPB issues. Committee members also questioned the definition of

“occupancy” in the proposed changes. A question was also raised about the high level of the fine.

5. [LR28.015](#) PROPOSED ORDINANCE; **for publication**; **Held in Committee**
amending the Graffiti Ordinance to include enforcement for residential properties.

Rep. Kaufman stated that he proposed amending the graffiti ordinance after speaking with the graffiti officer about a specific wall on High Ridge Rd with lewd graffiti relating to a police officer. The officer mentioned that because the owner has not removed the graffiti, he has done it himself with his son. Rep. Kaufman proposes changing the ordinance to place the initial burden on the police to locate the person who did the graffiti and then require the homeowner to clean it up if the person cannot be located. Chair Heaphy stated that she would like to know the scope of this problem and would like to hear from the graffiti officer before the committee considers this item. Members of the committee noted that the Board had previously considered and rejected the idea of having homeowners pay for graffiti painted by someone else. A motion to hold this item for a month or until the graffiti police officer can attend was seconded and approved by a vote of 5-0-0 (Reps. Heaphy, Layton, Merritt, Uva and Zelinsky in favor.)

As Secondary Committee

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| 1. A28.061 | <u>Board of Ethics</u>
Paul R. Steed (R)
173 Farms Road
Stamford, CT 06903
Term Expires: 06/30/11 | Repl. Livolsi
(Term Exp. 6/30/11) |
| 2. A28.068 | <u>Board of Ethics</u>
Sheldon A. Levine (R)
29 Cricket Lane
Stamford, CT 06903
Term Expires: 06/30/11 | Reappointment
(Term Exp. 6/30/06) |

A motion to approve these appointments, subject to Appointments Committee approval, was made, seconded and approved by a vote of 5-0-0 (Reps. Heaphy, Layton, Merritt, Uva and Zelinsky in favor.)

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,
Eileen Heaphy, Chair