



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Arthur Layton, Vice Chair

Committee Report

Date: Monday, July 19, 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, Vice Chair Layton and Committee Member Reps. Day, Merritt, Mitchell and Zelinsky. Also present were Reps. Caterbone, DeLuca and Kaufman, Sergeant Gioielli, Stamford Police Department; Robert DeMarco, Building Department; Sybil Richards, Law Department; Anne Fountain, Health Department; and Kate Lombardo.

Chair Heaphy called the meeting to order at 7:09.

Item No.	Description	Committee Action
1. LR28.012	RESOLUTION; for public hearing & final adoption ; approving a lease between the City of Stamford and the South Western Regional Planning Agency for space in the Government Center.	Approved 5-0-0
<p>Chair Heaphy opened the public hearing. No members of the public were present and the public hearing was closed. Ms. Richards explained that this is a lease for space in the government center between the City and SWRPA. SWRPA currently leases office space in the building under a 10 year lease which is expiring on September 30, 2010 and does not contain a renewal term. The proposed lease is for a 5 year term and includes a 1% annual increase from the base rent and a 5 year renewal option. There is no change in use. In response to a question from a Board member, Ms. Richards stated that she cannot state what formula is used to determine rents in the Government Center; the Director of Operations is responsible for negotiating rents. In the past, rents have been below market rate. A motion to approve this lease was made, seconded and approved by a vote of 5-0-0. (Reps. Heaphy, Layton, Day, Merritt and Mitchell in favor.)</p>		
2. LR28.005	PROPOSED ORDINANCE; for publication ; amending Section 123-5 Fees Assessed, to provide for fines/penalties for violations of regulations related to certificate of occupancy certificates and certain building permits.	Approved as amended 6-0-0

Mr. DeMarco explained that the proposed ordinance has been revised since the prior draft reviewed by the committee to distinguish Certificates of Occupancy from Certificates of Approval. The latter is for alterations when the building is already occupied. Chair Heaphy questioned whether the \$1000 fine is reasonable, and Ms. Richards explained that it would bring parity. Committee members expressed confusion about the language of the amendment and the purpose of section E. Mr. DeMarco explained that contractors will get permits for work, complete the work, but never have the final inspection or get the Certificate of Approval. This becomes an issue when a homeowner seeks to sell the home several years later. The committee modified the

language in Section E to read: “Whenever any Electrical, Plumbing or Mechanical Permit is issued for any work, and such work has been completed but no Certificate of Approval has been obtained within one year of completion, the permittee shall pay a fee of Two Hundred Dollars (\$200.00).“ A motion to approve the amendment was made, seconded and approved by a vote of 6-0-0. (Reps. Heaphy, Layton, Day, Merritt, Mitchell and Zelinsky in favor.) A motion to approve this item, as amended, was made, seconded and approved by a vote of 6-0-0. (Reps. Heaphy, Layton, Day, Merritt, Mitchell and Zelinsky in favor.)

3. [LR28.014](#) PROPOSED ORDINANCE; **for publication**; **Approved as amended**
amending the noise ordinance to clarify the hours of enforcement. **6-0-0**

The committee discussed amending this item to remove the chart. A motion to amend this item to remove the chart and the reference to the chart was made, seconded and approved by a vote of 6-0-0. (Reps. Heaphy, Layton, Day, Merritt, Mitchell and Zelinsky in favor.) A motion to approve this item, as amended, was made, seconded and approved by a vote of 6-0-0. (Reps. Heaphy, Layton, Day, Merritt, Mitchell and Zelinsky in favor.)

4. [LR28.015](#) PROPOSED ORDINANCE; **for publication**; **Approved as amended**
amending the Graffiti Ordinance to include enforcement for residential properties. **5-1-0**

Chair Heaphy asked Sergeant Gioielli how serious an issue graffiti is for private homes. Sergeant Gioielli stated that while it doesn't happen often, he has no way to address it under the current ordinance. He noted that there have been several high visibility incidents recently. Some committee members expressed the view that there is no basis to distinguish between commercial and residential properties for this issue because this is a public health and safety issue and homeowners should be responsible for their homes and that permitting graffiti to remain on property says something about the type of city Stamford is. Committee members also expressed concern about penalizing victims of graffiti, by fining them for failing to clean the graffiti and that some citizens might not be able to afford the paint or cleaning supplies. In response to questions from the committee, Sergeant Gioielli explained that quick removal of graffiti acts as a deterrent to future graffiti; he is a narcotics officer who uses his own spare time and resources to remove the graffiti. He will try to provide the committee with more information about the current status of graffiti in the City. The committee discussed holding a public hearing to see what the response of the public would be. A motion to approve this item was made, seconded and approved by a vote of 5-1-0. (Reps. Heaphy, Layton, Day, Merritt and Mitchell in favor and Rep Zelinsky opposed.)

5. [LR28.018](#) PROPOSED ORDINANCE; **for publication**; **Held in Committee**
requiring the City of Stamford to offer testing of well water.

Ms. Fountain stated that she had contacted the DEP and the DPH to determine if any other local health departments provide this type of testing and was told that they do not. Providing this type of testing is costly and would be taxing on the department's limited resources. She explained that she needs some aspects of this proposed ordinance clarified by President Skigen, including whether the fee is for one or both tests, whether the Department would be able to outsource the testing, and how the requirement that the Health Department set the procedures would work with the provision that properties may be tested every other year. Ms. Fountain also noted that once the City performs these

tests they become part of the public record, which may make some residents hesitant. Committee members expressed concern about whether the \$100 fee would make this testing cost-neutral to the City and that this testing should be the responsibility of the homeowner, not the City. Committee members also stated that homeowners who chose not to test their water should have to sign a waiver stating that they have chosen not to test. They also expressed concerns about whether this would lead to other testing by the City at no or low cost to homeowners, such as radon testing or testing for ticks. Committee members asked Ms. Fountain to determine what the actual cost to the City of such testing would be and noted that this ordinance needs to be reviewed by the legal department. A motion to hold this item was made, seconded and approved unanimously (Reps. Heaphy, Layton, Day, Merritt, Mitchell and Zelinsky in favor.)

Chair Heaphy adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Eileen Heaphy, Chair