



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Arthur Layton, Vice Chair

Committee Report

Date: Monday, August 16, 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. Day, Layton, Merritt, Rauh, Uva and Zelinsky; absent/excused was Committee Member Rep. Mitchell. Also present were Reps. Kaufman and Summerville and Ernie Orgera, Director of Operations.

Chair Heaphy called the meeting to order at 7:08 p.m.

Item No.	Description	Committee Action
1. LR28.014	PROPOSED ORDINANCE; <u>for public hearing & final adoption</u> ; amending the noise ordinance to clarify the hours of enforcement. 05/06/10 – Submitted by Reps. Caterbone & Zelinsky	COMMITTEE APPROVED 7-0-0

Chair Heaphy opened the public hearing; there being no members of the public present to speak, the public hearing was closed. Chair Heaphy stated that this ordinance defines night time hours as beginning at 5:00 p.m. on Sundays and Federal holidays.

A motion to approve Item No. LR28.014 was made, seconded and approved by a vote of 7-0-0 (Reps. Heaphy, Layton, Day, Merritt, Rauh, Uva and Zelinsky in favor).

2. LR28.015	PROPOSED ORDINANCE; <u>for public hearing & final adoption</u> ; amending the Graffiti Ordinance to include enforcement for residential properties.	COMMITTEE APPROVED 5-2-0
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Chair Heaphy opened the public hearing. Mr. John Roman, on behalf of the East Side Partnership, spoke in strong support of this ordinance. Chair Heaphy closed the public hearing.

A lengthy discussion as to whether this ordinance would pose an undue hardship on homeowners took place.

- Rep. Day stated that if any other damage to property occurred, such as a tree falling or a broken window, the homeowner would be responsible for repairing it.
- Rep. Zelinsky stated that 3 years ago there were no residential properties with graffiti, and at best there are now one or two, adding that this ordinance is overkill and unfair to those who may be incapacitated or out of state and unable to remove the graffiti.
- Rep. Adams agreed with Rep. Zelinsky, adding that instead of addressing the perpetrators of graffiti, this ordinance is punishing the victims. Chair Heaphy responded that the ordinance does mandate penalties for perpetrators and provides only an option to impose fines on the homeowners.
- Rep. Day stated that there is no rational basis for imposing fines on commercial property owners and not on residential property owners as graffiti is graffiti and its negative consequences apply equally whether it is on commercial or residential property. He added that this is a tool that allows the City to address graffiti on residential property – a tool that the city currently lacks.
- Chair Heaphy stated that this law could prevent the spread of graffiti.
- Rep. Rauh stated that this is a quality of life matter. She doesn't want the Board to be reactive, but rather proactive, in preventing the spread of graffiti.
- Several members stated that for those with hardships, they could contact neighborhood associations or Citizens' Services for assistance.
- Rep. Uva questioned how the appeal process works as it is not stated in the ordinance. While she supported the ordinance, she requested additional information on the manner in which a homeowner could contest a fine.

Upon motion duly made and seconded, the item was approved by a vote of 5-2-0 (Reps. Heaphy, Layton, Day, Rauh and Uva in favor; Reps. Merritt and Zelinsky opposed).

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| 3. 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. | HELD IN
COMMITTEE
7-0-0 |
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Chair Heaphy stated that this ordinance was sent down with new “*whereas*” clauses the day of the Board meeting, and she elected to hold the item so that the committee could have a chance to review them.

Rep. Day stated that the ordinance appears to be identical to what was passed last month, and noted that there is a conflict between the 3rd Whereas Clause and the Paragraph E. Mr. Orgera stated that if the Committee held the ordinance for one month, he would return next month prepared to address this conflict and prepared to answer any additional questions.

Upon motion duly made and seconded, the item was held by a vote of 7-0-0.

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| 4. LR28.016 | PROPOSED ORDINANCE; <u>for publication</u> ;
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. | HELD IN
COMMITTEE |
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Chair Heaphy stated that the Chair of the WPCA (Joseph Tarzia) and Jeanette Brown agreed to have Bill Forker and Bill Napoletano conduct a study to determine the impact on ratepayers. The core issue with this ordinance is that the WPCA maintains that its current billing system results in lower costs to homeowners as the semi-annual charges are based on winter usage while Rep. DeLuca, the submitter of this item, believes that it would be fairer and more economical for residents to be billed on actual usage.

Mr. Orgera read a letter from Jeanette Brown who was generally opposed to this ordinance. Ms. Brown also noted that she felt that the billing procedures are properly determined by the WPCA Board. Chair Heaphy stated that the letter only repeats what had been said by Chair Tarzia two months ago and did not address the promised study to compare WPCA bills with actual water bills.

Mr. Orgera agreed to follow up on the proposed study and report back to the committee next month.

As Secondary Committee

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| 1. F28.077 | PROPOSED ORDINANCE; <u>for publication</u> ;
establishing a special taxing district to fund the
Ferguson Library. | NO ACTION
TAKEN |
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This item will be taken up at next week's Fiscal Committee meeting. The Committee discussed the item at length and took no action.

- Rep. Rauh stated that she feels very strongly that we need full library services, now more now than in the past. However, if we are going to "foot the bill," the Library should be under the control of the municipal government, including the Board of Directors. Rep. Rauh expressed concern that other groups, such as the museum or historical society will push for this type of funding. If the City is going to fund it, the City should control it, and the Library can benefit from economies of scale by sharing services, such as human resources, purchasing, etc.

- Chair Heaphy noted that this funding mechanism is possible because there is a State statute enabling it, which is not the case for museums or historic societies.
- It was pointed out that the Library will run out of money by the end of September, and Rep. Rauh noted that the Library should not cease services now but utilize all its funds now and remain open.
- Rep. Day stated that this is not properly on the Agenda. It is titled as an ordinance, and what was presented was a resolution. The Statute says the City Council can act without the Mayor, without the Board of Finance and without public hearings, in contravention to the City's Charter and other state statutes. Further he believes that this statute would not survive a legal challenge. He added that this is not ready to be debated; first we need a legal opinion
- Rep. Day also added that if we enact this, then the Mayor would simply reduce the amount raised by this resolution from the Library's City Budget.
- Rep. Uva stated that this is a one-time tax that would be collected in January. Further, there is no existing tax district, and we would have to pass an ordinance establishing such a district, which is a completely different item than the resolution before the Board. Finally, even if this was passed, it does not help the Library between September and December.
- Chair Heaphy urged committee members to attend the Fiscal Committee meeting next week.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Eileen Heaphy, Chair