

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
AUGUST 20, 2019**

ATTENDANCE: Thomas Livingston, Acting Chair; Michael Corsello; Beth Siegelbaum; Chris Yerinides; Eloisa Melendez (via phone)

STAFF: Atty. Brian Candela, Corporation Counsel's Office

OTHERS: Atty. Kara Murphy, Board of Ethics; Thomas Hamilton, Board of Education CFO; Beatrix Winter, Norwalk Senior Center; Jack Egan, Surfrider Foundation Connecticut Chapter chairman; Michael Stewart, Tax Assessor; Greg Burnett, Finance Committee Chair

CALL TO ORDER

Ms. Melendez, the Committee Chair, called in and explained that she was out of state. She said that while she would participate in the meeting, she would not be voting on any of the matters and that Council President Livingston would be the Acting Chair.

Council President Livingston called the meeting to order at 7:00 p.m.

ROLL CALL

Council President Livingston called the roll. A quorum was present.

PUBLIC HEARING
(possible action on)

• Discuss and vote on ordinance concerning Polystyrene (Styrofoam)

A member of Skip the Plastic Norwalk came forward and read a statement into the record. (See attached).

Mr. Thomas Hamilton, the Board of Education CFO, came forward and said that the Superintendent of Schools was not able to attend due to a conflict in scheduling. However, Superintendent Adamowski is very interested in moving the District forward and having less of an impact on the environment. He said that it would have a financial impact on the District. The food service provider has compiled the cost analysis of

replacing the Styrofoam with either a molded hard tray, paper boat trays or compostable trays. (See attached)

The District is interested in moving into a more sustainable mode and dishwashers have been installed in two schools with two more schools in the process of having dishwashers installed.

In a broader view, the School District is currently in the final year of the bus transportation contract and the District is looking toward to moving into more green measures such as propane fueled buses. He encouraged the Committee to consider having the City consider a joint propane filling station for propane driven vehicles. The BOE and the District support moving toward green solutions.

The fully compostable trays will incur a cost of \$219,508.35, which the BOE would have to discuss the funding for this with the City.

Mr. Corsello asked if the fiber trays were reusable. Mr. Hamilton said that there were two issues, both of which have to do with storage. One issue is washing and drying them and the second is storage space. The fiber trays would be compostable.

Mr. Yerinides asked Mr. Hamilton asked if the trays would be composted. Mr. Hamilton said that he believed that the food service provider would know how to do this.

Mr. Yerinides asked how many years it would take to have the school's all using compostable trays. Mr. Hamilton said that he thought it would be a while before this was fully implemented in all the schools due to the storage for reusable. He estimated that it could take about 10 years. As schools and cafeterias are renovated, the changes would be made for reusable trays.

Ms. Beatrix Winter of Newtown Avenue came forward and said that she was present to support the Styrofoam ban but added that as the director of the Senior Center, she appreciated the exception of food trays for Meals on Wheels which are delivered to those residents who are elderly or poor. The meals are pre-packaged and are delivered from Bridgeport. At the Center, they use china and flatware. She said that she was present to support the reduction of plastic, particularly the plastic water bottles that are thrown out of vehicle windows.

Mr. Jack Egan, of Stamford, chairman of the Connecticut Chapter of the Surfrider Foundation, thanked the committee for voting on reducing plastics. The problem is massive. There have been studies that have revealed plastics in the snow in the Pyrenees and also in rain water in Colorado. Mr. Egan said that he had spoken in Hartford and the State lobby had shown up. They claimed that the polystyrene was biodegradable and

harmless. Mr. Egan said that this was not true because the foam is carcinogenic and not biodegradable. He thanked the Committee for their time.

Mr. Livingston asked if there was anyone else present who wished to address the Committee on the issue of Styrofoam. No one else came forward. He then closed the public hearing at 7:22 p.m.

Mr. Corsello said that he was surprised that there was no one present from the business community. Ms. Siegelbaum said that she had noticed that packages were coming packed with brown paper. Atty. Candela said that the Chamber of Commerce was notified. Mr. Livingston said that he felt that the six month lead time worked well with the plastic bags.

Discussion followed about how the schools would implement this type of ordinance.

**** MR. LIVINGSTON MOVED TO SEND THIS TO THE FULL COMMON COUNCIL FOR THE SEPTEMBER 10, 2019 MEETING.
** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC COMMENT

Ms. Anna Keegan, the ADA Coordinator, came forward to speak about the plastic straws. She said that she supports the plastic straw ban ordinance and thanked the Committee for recognizing that those with disabilities may need to use straws.

Mr. Livingston asked if there was anyone else present who wished to comment on anything on the agenda. Hearing none, Mr. Livingston closed the Public Comment portion of the meeting.

ACCEPTANCE OF MINUTES

• July 15, 2019

The following corrections were noted:

Page 3, paragraph 7, line 1: please change the following from: "point out there said will be" to "point out that there will be"

Page 3, paragraph 10, line 3: please change the following from: " then you do that." to " then you should do that."

**** MR. CORSELLO MOVED TO APPROVE THE MINUTES OF JULY 15, 2019 AS CORRECTED.**

**** THE MOTION TO APPROVE THE MINUTES OF JULY 15, 2019 AS CORRECTED PASSED UNANIMOUSLY.**

OLD BUSINESS

• Discuss and vote on Code of Ethics 32-2 -- Definitions

Ms. Kara Murphy came forward to speak about the definition of Financial Benefit. The Ethics Committee went back and reviewed a number of towns including Bristol and Bethel. The Committee reviewed §32-3 and revised the language regarding Financial Benefit. Atty. Candela noted the changes.

**** MR. YERINIDES MOVED TO SEND THIS ITEM TO THE FULL COUNCIL AS AMENDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

• Discuss and vote on Code of Ethics 32-11 -- Subsequent employment

Ms. Murphy said that the Commission could not find a reason why there would be an 18 month prohibition participation regarding former Commissioners. She added that there was a lengthy discussion about the enforcement portion of the Code. Ms. Murphy gave a summary of the concerns. Discussion followed.

**** MR. CORSELLO MOVED TO SCHEDULE THE CODE OF ETHICS 32-11 FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING.**

**** THE MOTION PASSED UNANIMOUSLY.**

• Update on Chapter 37 Environmental Hazards -- compliance with ordinance and food order apps.

Atty. Candela said that Greenwich, Chicago and Coral Gables have not dealt with this issue. Honolulu has made an exception for plastic bags for transporting food. He suggested that they take no action at this time;

No action was taken at this time.

• Discuss and vote on Use of Single-Use Plastic Straws and Stirrers by Food or Beverage Establishments

Mr. Livingston then summarized the changes that he had made to proposed ordinance. Discussion followed about the proposed changes. Mr. Livingston said that he felt that this would have a three months roll out, but now felt that it would be better to have it take six months to implement the changes. Atty. Candela noted the changes to the text.

**** MR. LIVINGSTON MOVED TO HAVE THIS SCHEDULED FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

- **Discuss and vote on Chapter 103, Article III, Section 103-6 (Tax Relief for the Elderly and Disabled Homeowners -- Eligibility.)**
- **Discuss and vote on Chapter 103, Article III, Section 103-7 (Tax Relief for the Elderly and Disabled Homeowners -- Eligibility.)**
- **Discuss and vote on Chapter 103, Article III, Section 103-12 (Tax Relief for the Elderly and Disabled Homeowners -- Eligibility.)**

Mr. Michael Stewart, the Tax Assessor came forward and said that periodically the Finance and Claims Committee had requested an overview of the Tax Relief for Seniors. He then reviewed the Tier 1 and Tier 2 Incomes ranges and benefits. Mr. Stewart then gave an overview of the maximum tax levy and how the benefits were determined. He reminded everyone that the ordinance was tied to the State maximum income determination.

Mr. Burnett said that he felt that anything that the City could do to assist the elderly residents to remain in Norwalk was a benefit. The Committee is looking to increasing the amount of the benefits and also expand the Tier income ranges.

Mr. Livingston asked how they would let people know about this. Mr. Burnett said that the application time would be in February of 2020 through May. Flyers and hand outs will be used to get the word out to the elderly residents. There will be a cap on the amount an applicant will receive. Mr. Stewart said that there was a fail safe

**** MS. SIEGELBAUM MOVED TO SCHEDULE THE FOLLOWING THREE ITEMS FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING:**

CHAPTER 103, ARTICLE III, SECTION 103-6 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS -- ELIGIBILITY.)

CHAPTER 103, ARTICLE III, SECTION 103-7 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS -- ELIGIBILITY.)

**CHAPTER 103, ARTICLE III, SECTION 103-12 (TAX RELIEF
FOR THE ELDERLY AND DISABLED HOMEOWNERS --
ELIGIBILITY.)**

**** THE MOTION PASSED UNANIMOUSLY.**

- **Discuss and Vote on Code of Ethics Section 32-9 -- Specific Violations**
- **Discuss and Vote on Code of Ethics Section 32-13 -- Effect of violation**
- **Discuss and Vote on Code of Ethics Section 32-14 -- Time limits on complaints**
- **Discuss and Vote on Code of Ethics Section 32-15 -- Proposed revisions**

Atty. Candela summarized the various changes, many of which were found in 32-9; 32-13; 32-14; and 32-15.

**** MR. CORSELLO MOVED TO SCHEDULE THE FOLLOWING ITEMS FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING:**

- **CODE OF ETHICS SECTION 32-9 -- SPECIFIC VIOLATIONS**
- **CODE OF ETHICS SECTION 32-13 -- EFFECT OF VIOLATION**
- **DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-14 -- TIME LIMITS ON COMPLAINTS**
- **DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-15 -- PROPOSED REVISIONS**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS CONT'D

• **Update on DEEP's response to Chapter 68 -- Noise Ordinance. Discussion and Vote on Chapter 68 -- Noise Ordinance and Mr. Zwerling's response to DEEP.**

Atty. Candela said that in early May, the City had submitted a proposed noise ordinance to the DEEP. The first two pages of the information are issues that Mr. Kritzier of the DEEP brought up. Atty. Candela contacted Mr. Eric Zwerling, of The Noise Consultancy, and Mr. Zwerling had pointed out several aspects of site work in residential zones. Discussion followed.

Atty. Candela suggested that he would contact the DEEP and send the proposed changes to the DEEP so they could respond back to the City. After the response arrives, Atty. Candela said he would set up a telephone conference to discuss any other issues the DEEP had.

Mr. Corsello said that he was pleased that Atty. Candela was very good at moving this Ordinance matter forward.

ADJOURNMENT

**** MS. SIEGELBAUM MOVED TO ADJOURN**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services