

CITY OF NORWALK
ORDINANCE COMMITTEE
AND
PUBLIC HEARING
MAY 18, 2010

ATTENDANCE: Kelly Straniti, Chair; Richard Bonenfant; Carvin Hilliard; Joanne Romano; John Tobin; Nora King (7:33 p.m.); Andrew Conroy (8:03 p.m.)

STAFF: Robert Maslan, Corporation Counsel; Hal Alvord, Director Public Works

GUESTS:

ROLL CALL

Ms. Straniti called the meeting to order at 7:05 p.m. and called the Roll.

PUBLIC HEARING

Ms. Straniti explained the procedures for the public hearing. She said that the public notice was published in *The Hour*.

PROPOSED ADOPTION OF CHAPTER 93 OF THE CITY CODE – STORMWATER, ILLICIT DISCHARGE AND CONNECTION

There were no members of the public present to speak at the public hearing.

Ms. Straniti asked Mr. Alvord if he had anything to add. Mr. Bonenfant said that he had two concerns for individual homeowners in an emergency situation such as pipes backing up during a big rain storm. He said that since 2007 he believes there have been no major storm backups thanks to the DPW.

Mr. Alvord said that an emergency situation is an exception. This ordinance focuses on people who purposely dump into storm drains. Ms. Romano asked if there was a way to let the public know the regulations, such as on the website. Mr. Alvord said that they are looking at providing more information in the Public Works arena of the website.

There was no further discussion and Ms. Straniti closed the public hearing at 7:10 p.m.

PUBLIC PARTICIPATION

Ms. Straniti explained the procedure for speaking during the public participation portion of the meeting. She said that she had a number of e-mails from people who were unable to attend.

Ms. Gloria Breese said that she did not want a massage parlor to be approved. She said that she was here to listen to the process.

Ms. Karin Cable asked how large the massage parlor was supposed to be. She said that the stores were not that big. Ms. Straniti said that she believed that five massage rooms were proposed.

Ms. Breese said that the neighborhood is loaded with kids and most are boys between the ages of 12 and 20. She said that this is not needed in the neighborhood.

Ms. Straniti said that this is the first official meeting to take up this discussion. Once this goes to a public hearing, depending on the comments, they may revise the ordinance or vote to move it to the full Common Council. She said that she was not sure how long this will take. Ms. Straniti added that there will be at least 1-2 more meetings before this goes to the full Common Council. Ms. Straniti said that several towns have an ordinance already.

Mr. Bonenfant thanked Ms. Breese and Ms. Cable for their comments.

ACCEPTANCE OF MINUTES: APRIL 22, 2010

** MR. TOBIN MOVED TO ACCEPT THE MINUTES AS PRESENTED
** MOTION PASSED WITH ONE (1) ABSTENTION (MR. HILLIARD)

OLD BUSINESS

DISCUSSION AND POSSIBLE ACTION ON PROPOSED ADOPTION OF CHAPTER 93 OF THE CITY CODE

Mr. Bonenfant said that he appreciated what everybody did on this and that he learned a lot.

- ** MS. ROMANO MOVED TO APPROVE THE ADOPTION OF CHAPTER 93 OF THE CITY CODE AND FORWARD IT TO THE FULL COMMON COUNCIL
- ** MOTION PASSED UNANIMOUSLY

NEW BUSINESS

DISCUSSION OF MASSAGE PARLOR ORDINANCES

Ms. Straniti explained that she looked at ordinances from other towns. She said that Norwalk has nothing except for the Planning and Zoning process that the applicant has to go through.

Ms. Straniti explained that the application to open a massage parlor on New Canaan Avenue caused a lot of concern in the Broad River neighborhood, especially when attempts to meet with the applicant were ignored. She said that it raised the question of whether or not this was a legitimate massage parlor. She said that the goal is to have a more involved application process in place.

Ms. Straniti explained that she reached out to the Massage Therapist Association. They have an ordinance team and sent her a copy of the West Hartford ordinance. Ms. Straniti said that the license must belong to the person running the establishment and each employee must show their license.

Ms. Romano said that she is very concerned about doing background checks. Ms. Straniti said that the West Hartford Ordinance does not address that. However a lot of towns do require background checks and that the applicant goes through the Police and Health Departments. Mr. Tobin said that he would feel better about the applicant going through the Police Department. A legitimate business would have no problem doing this.

Mr. Hilliard said that in looking at the West Hartford ordinance, the fines appear to be low. Mr. Maslan explained that most likely when the ordinance was adopted that was the maximum amount permitted. Ms. Straniti said that the fine should be the maximum allowed by law.

Ms. Romano suggested requiring picture identification. Mr. Hilliard said that the State would verify the license. Ms. Straniti said that verifying the license should be a standard procedure. She said that it would also be good to make sure that the person has not had their license revoked in another state. Ms. Romano said for instance, in some states, hairdressing licenses are transferable.

Ms. Romano said that she wants to know who is going to oversee these places once they open. She said that she is worried about age appropriate employees because a lot of places employ underage workers.

Ms. King joined the meeting at 7:33 p.m.

Ms. Straniti said that she believes that the license renewal period is every two years.

Ms. King said that she thought the Stratford ordinance was very well done. Ms. Straniti said that she started with Stratford and then looked at some others. Mr. Bonenfant asked if the Committee would like unannounced inspections. The Committee agreed that they want unannounced inspections.

Mr. Maslan said that he spoke to a Captain on the Stratford Police force about their ordinance. He said that the ordinance was adopted before the state statute was changed. It is almost that the statute was modeled after the Stratford ordinance. He said that the State has a requirement that a person can't get a license with an open complaint.

Mr. Maslan said that the Police Department is very pro-active and that they do undercover work. The ordinance is a way for the City to have a double check. Mr. Tobin said that if the Committee is going to create an ordinance he wants them to cross their t's and dot their i's.

Mr. Maslan said that there are massage parlors that are fronts for other businesses, but then there are licensed massage therapists working in a legitimate business such as at a chiropractor's office. He asked the Committee where they wanted to draw the line. Ms. King said that a lot of professionals have to be licensed; massage therapists are touching

people's bodies. Mr. Tobin said that this is a permit to open a new establishment.

Mr. Hilliard said that they should make sure that the people are properly licensed and identified by the state. In addition, new employees should submit their license. Ms. Straniti said that she thought the verification would be done at the time of the application. Ms. Romano suggested that the applicant meet with the Health Department first and then the Police Department. Ms. Straniti agreed that the application process should start with the Health Department. She added that they should be specific about what the background check is looking for.

Ms. Romano said that she was concerned that child and or sexual predators may be involved. She was also concerned about people transferring their permits. Mr. Bonenfant said that everyone working in the establishment has to be licensed.

Mr. Conroy joined the meeting at 8:03 p.m.

The Committee talked about their concerns about people transferring their permits. Ms. King said that each establishment would have to be licensed and each employee would have to be licensed and that license would have to be verified by the State.

Mr. Maslan said that there has to be a due process before an establishment can be shut down. Mr. Conroy asked what is done with barbers and hairdressers. Ms. King said that they do not have to disclose each person. Ms. Romano said that each hairdresser and barber has to display their license. If they are not licensed the establishment is fined and the person without the license can no longer work. If they return to work without a license, the establishment can be closed.

Ms. Straniti asked Mr. Maslan how to move forward on the ordinance. He suggested starting with an existing one and modifying it to match the Committee's objectives. Ms. King suggested working off of the West Hartford ordinance since the Massage Therapy Association likes that one.

Mr. Maslan said that the State statute went into effect in 2008. Ms. Romano suggested taking the State statute, West Hartford and the Stratford ordinances.

Mr. Maslan asked who the Committee wants exempted from the ordinance. Ms. Romano suggested exempting anyone who works in a medical facility. Ms. Straniti suggested using the exemptions in the State statute. Mr. Maslan said that it would make sense to have an ordinance based on State statute.

DISCUSSION OF NAMING OF CITY BUILDINGS

Mr. Bonenfant said that he will provide the Committee with back up of what he and Mr. Krummel worked on during the last term. Mr. Conroy said that he would not like to name a building after someone who is living.

The Committee briefly discussed the graffiti ordinance.

** MS. ROMANO MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY

ADJOURNMENT

There was no further business and the meeting was unanimously adjourned at 8:45 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services