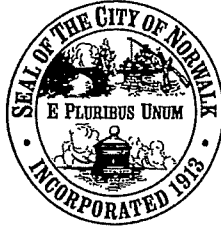


CITY OF NORWALK

LAW DEPARTMENT

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125



TEL: (203) 854-7750

FAX: (203) 854-7901

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

May 15, 2018

7:00 p.m. – Room 231

Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on): Senior Tax Relief
Signs
Fracking
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: April 17, 2018
6. OLD BUSINESS:
7. NEW BUSINESS: Liquor License
Innovation District
8. DISCUSSION ITEM:
9. ADJOURNMENT

Taxation (Chapter 103)

Chapter 103. Taxation

Article III. Tax Relief for the Elderly and Disabled Homeowners

§ 103-6. Eligibility.

- F. All permanent residents in the domicile who are aged 25 years and older and who occupy such domicile for more than 200 days of each year shall have combined annual aggregate adjusted gross income, as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest per Section 103 of the Internal Revenue Code of 1954, as amended, social security benefits, railroad retirement benefits and income from other tax-exempt sources of an amount less than 150.70% of the maximum qualifying income defined in Connecticut General Statutes, Section 12-170aa, for the Grand List of October 1, 1999, this amount shall be \$33,500. The amount shall be adjusted annually as provided by Section 12-170aa(2) for the calendar year immediately preceding the year for which tax relief is sought and shall be posted in the office of the Assessor.

§ 103-12. Amount of benefits; annual adjustment.

[Amended 3-27-2001; 4-27-2004; 2-26-2008; 3-22-2011; 10-28-2014; 4-12-2016; 2-28-2017]

Any individual or married couple eligible for tax relief as provided by this article, having income as provided in § 103-6F of this article, shall be entitled to tax relief as follows:

- A. For the 2017 grand list and all subsequent tax years:

1. Tier 1: 117.44% of maximum qualifying state income: \$1,450.
2. Tier 2: 117.44% to 150.70%; \$800, except that, if the maximum credits granted under the provisions of this program shall exceed an amount equal to ½% of the total property tax assessed in Norwalk in the preceding fiscal year, then the amount of benefits for Tier 2 shall be adjusted by subtracting the total amount of benefits for Tier 1 from the maximum tax relief allowed under the program pursuant to § 103-9, leaving a balance of tax relief available to Tier 2. The amount of benefits for each Tier 2 recipient shall be calculated by dividing the remaining funding for tax relief available to Tier 2 by the total number of eligible persons in Tier 2.

Chapter 21

Billboards and Signs

Chapter 21. Billboards and Signs

Article II. Signs on Streets and Highways

§ 21-19. Permits required; fee.

- A. The Traffic Authority, subject to the conditions set out below, shall issue permits for signs intended to inform the public of the existence or location of the following:
1. Public or nonprofit museums and places of historical or cultural interest which are open to the public.
 2. Public or nonprofit schools and colleges.
 3. Governmental buildings or departments.
 4. Public parks, beaches or recreation areas.
 5. Public or nonprofit hospitals, clinics or treatment centers.
 6. Enterprise Zone boundaries.
[Added 6-28-1983]
 7. Neighborhood crime watch areas.
[Added 6-28-1983]
 8. No more than seven (7) signs for each farm stand associated with a farm, as defined in Connecticut General Statutes § 1-1(q), within the City of Norwalk. These farm stand signs may only be erected and/or displayed between June 1 and October 31 of each calendar year.
- B. No permit for a sign shall be issued until an application therefor on forms provided by the Traffic Authority shall have been submitted to the Authority and a fee of \$5.00 paid; no fee shall be required if the applicant is any agency or department of the City of Norwalk.

§ 21-21. Requirement for signs.

Except as otherwise determined by the Traffic Authority, each sign shall meet the following minimum requirements:

- A. Shape: Rectangular and one of the following dimensions: 12 inches by 24 inches, 18 inches by 24 inches.
- B. Color: Blue background with white legend and border.
- C. Clearance: A minimum clearance height of seven feet to the bottom of the sign where there are sidewalks or footpaths; a minimum clearance of five feet from the bottom of the sign where there is vehicular traffic only.
- D. Setback: The outer edge of each sign shall not be less than one foot from the curb or outer edge of the footpath. Where there are no sidewalks or footpaths, the outer edge of

the sign shall be not less than two feet from the edge of the paved or traveled portion of the street or highway.

- E. Legend: Signs shall not bear language or design which resembles those used in traffic control devices.
- F. Structure: Signs and channel post mounts shall meet the design standards equal to those used by the City of Norwalk Traffic Engineering Department.

Fracking Waste

MEMORANDUM TO FILE

Date: May 10, 2018

From: Brian Candela

RE: Fracking Waste for the May 15, 2018 public hearing

Enclosed please find a copy of the revised fracking ordinance (in both redline and non-redline formats) for your file and review.

Chapter ____: Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities within the City of Norwalk

A. Purpose

The purpose of this ordinance is to protect the health, safety, welfare and property of the residents of the City of Norwalk (hereinafter the "City") pursuant to the provisions of § 7-148 of the Connecticut General Statutes, as amended, by prohibiting the waste associated with drilling and extraction of natural gas and oil from being used, accepted, received, collected, stored, treated or transferred for any purpose on any road or real property in the City.

B. Definitions

- 1) **Application:** The physical act of placing or spreading Natural Gas Waste or Oil Waste on any road or real property located within the City.
- 2) **Hydraulic Fracturing:** The fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
- 3) **Natural Gas Extraction Activities:** All geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
- 4) **Natural Gas Waste:**
 - a. Any liquid or solid waste or its constituents that is generated as a result of Natural Gas Extraction Activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
 - b. Leachate from solid wastes associated with Natural Gas Extraction Activities;
 - c. Any waste that is generated as a result of or in association with the underground storage of natural gas;
 - d. Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and
 - e. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
- 5) **Oil Extraction Activities:** All geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

6) Oil Waste:

- a. Any liquid or solid waste or its constituents that is generated as a result of Oil Extraction Activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
- b. Leachate from solid wastes associated with Oil Extraction Activities; and
- c. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

C. Prohibitions

- 1) The application of Natural Gas Waste or Oil Waste, whether or not such waste has received Beneficial Use Determination or other approval for use by the State of Connecticut Department of Energy and Environmental Protection (DEEP) or any other regulatory body, on any road or real property located within the City for any purpose is prohibited.
- 2) The introduction of Natural Gas Waste or Oil Waste into any wastewater treatment facility within or operated by the City is prohibited.
- 3) The introduction of Natural Gas Waste or Oil Waste into any solid waste management facility within or operated by the City is prohibited.
- 4) The storage, disposal, sale, acquisition, transfer, handling, treatment, and/or processing of Natural Gas Waste or Oil Waste within the City is prohibited.

D. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the City.

- 1) All requests for bids or proposals and contracts related to the performance of services for the construction, renovation, rehabilitation or maintenance of any public work, roadway or real property, including infrastructure work or capital improvement, within the City shall include a provision stating that no materials containing Natural Gas Waste or Oil Waste shall be utilized in the performance of any service on behalf of the City.
- 2) All bids or proposals and contracts related to the purchase or acquisition of materials to be used in connection with the construction, renovation, rehabilitation, or maintenance of any public work, roadway or real property, including infrastructure work or capital improvement, within the City shall include a provision prohibiting the use or provision of any materials containing Natural Gas Waste or Oil Waste.
- 3) The following statement shall be sworn by an officer or other individual with appropriate authority under penalty of perjury and shall be included in all bids or proposals related to the purchase or acquisition of materials to be used in connection with the construction, renovation, rehabilitation, or maintenance of any public work, roadway, or real property, including infrastructure work or capital improvement, within the City and all bids related

to the retention of services to construct, renovate, rehabilitate or maintain any public work, roadway, real property, including infrastructure or capital improvement, within the City:

"I/We, _____, hereby certify under penalty of perjury that in connection with this submission of a bid for materials, equipment and/or labor to the City, Project Number _____, no Natural Gas Waste or Oil Waste (as defined in Chapter ____ of the Norwalk City Code) will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the performance of any contract related to such bid, if awarded."

E. Penalties for Offenses

- 1) This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, the City is empowered to:
 - a. Issue "Cease and Desist" orders demanding abatement of the violation of the prohibitions and provisions stated in this ordinance.
 - b. Seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance.
 - c. File a complaint with any other proper authority.
 - d. Require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the City.
 - e. Recoup from the offending person(s) or business entity(ies), jointly and severally, all costs, including experts, consultants and attorney's fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance.
 - f. Issue citations in the maximum amount permitted under Norwalk City Code for any violation of this section and seek any other remedies allowable under the law.

F. Enforcement

- 1) The City shall issue orders and other directives under this ordinance. In addition to any equitable relief available, this Chapter shall be enforced by citations issued by the City. Any designee authorized by the City shall enforce this ordinance. These designees, include but are not limited to the Norwalk Police Department, Norwalk Fire Department, Department of Public Works, Health Department, Purchasing Department and Conservation Commission are empowered by the City to issue said orders, directives and citations.
- 2) City employees, officers and officials are not required to personally carry out testing of waste products to determine chemical contents, as this work may be done via contacting the State of Connecticut Department of Energy and Environmental Protection or the appropriate analytical laboratory or laboratories. If appropriate, the City may request that the State of Connecticut Department of Energy and Environmental Protection pursue civil penalties allowable under the law.

- 3) A citation hearing procedure is hereby established pursuant to Connecticut General Statutes § 7-152c(a). The City shall appoint one or more citation hearing officers, other than the employees or persons who issue citations, to conduct the hearings authorized by this section. The citation hearing procedure provisions of Connecticut General Statutes § 7-152c, Subsections (c) through (g), inclusive, are hereby adopted by reference as if fully set forth herein.

G. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this ordinance or the application thereof to any person, individual, private corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this ordinance or in its application to the person, individual, private corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this ordinance are hereby declared to be severable.

H. Conflicts with other Ordinances or Codes

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City, the provision that establishes the higher standard for the protection of the health, safety, welfare, and property of the residents of the City shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City, which other ordinance or code establishes a lower standard for the protection of the health, safety, welfare, and property of the residents of the City, the provisions of this ordinance shall be deemed to prevail.

I. Transportation

Nothing in this ordinance shall be interpreted to ban the transportation of any Natural Gas Waste or Oil Waste on any roadway or real property within the City.

Chapter _____: Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities within the City of Norwalk

A. Purpose

The purpose of this ordinance is to protect the health, safety, welfare and property of the residents of the City of Norwalk (hereinafter the "City") pursuant to the provisions of § 7-148 of the Connecticut General Statutes, as amended, by prohibiting the waste associated with drilling and extraction of natural gas and oil from being used, accepted, received, collected, stored, treated or transferred, ~~accepted, received, collected, stored, treated or transferred~~ for any purpose on any road or real property in the City.

B. Definitions

- 1) **Application:** The physical act of placing or spreading ~~n~~Natural ~~g~~Gas ~~w~~Waste or ~~e~~Oil ~~w~~Waste on any road or real property located within the City.
- 2) **Hydraulic Fracturing:** The fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purposes of stimulating oil, natural gas, or other subsurface hydrocarbon production.
- 3) **Natural Gas Extraction Activities:** All geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
- 4) **Natural Gas Waste:**
 - a. Any liquid or solid waste or its constituents that is generated as a result of ~~n~~Natural ~~g~~Gas ~~e~~Extraction ~~a~~Activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
 - b. Leachate from solid wastes associated with ~~n~~Natural ~~g~~Gas ~~e~~Extraction ~~a~~Activities;
 - c. Any waste that is generated as a result of or in association with the underground storage of natural gas;
 - d. Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and
 - e. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
- 5) **Oil Extraction Activities:** All geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

6) Oil Waste:

- a. Any liquid or solid waste or its constituents that is generated as a result of ~~Oil Extraction Activities~~, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
- b. Leachate from solid wastes associated with ~~Oil Extraction Activities~~; and
- c. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

C. Prohibitions

- 1) The application of Natural Gas Waste or Oil Waste, whether or not such waste has received Beneficial Use Determination or other approval for use by the State of Connecticut ~~DEEP~~ (Department of Energy and Environmental Protection) (DEEP) or any other regulatory body, on any road or real property located within the City for any purpose is prohibited.
- 2) The introduction of Natural Gas Waste or Oil Waste into any wastewater treatment facility within or operated by the City is prohibited.
- 3) The introduction of Natural Gas Waste or Oil Waste into any solid waste management facility within or operated by the City is prohibited.
- 4) The storage, disposal, sale, acquisition, transfer, handling, treatment, and/or processing of Natural Gas Waste or Oil Waste within the City is prohibited.

D. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the City.

- 1) All requests for bids or proposals and contracts related to the performance ~~retention~~ of services for the ~~to~~ construction, renovation, rehabilitation or ~~maintain~~ maintenance of any public work, roadway or real property, including infrastructure work or capital improvement, ~~publicly owned and/or maintained road or real property~~ within the City shall include a provision stating that no materials containing Natural Gas Waste or Oil Waste shall be utilized in the performance of any ~~providing such a service~~ on behalf of the City.
- 2) All bids or proposals and contracts related to the purchase or acquisition of materials to be used in connection with ~~to for~~ the construction, renovation, rehabilitation, or ~~maintain~~ maintenance of any public work, roadway or real property, including infrastructure work or capital improvement, ~~roadway or real property publicly owned and/or maintained road or real property~~ within the City shall include a provision prohibiting the use or provision of any ~~stating that no materials containing Natural Gas Waste or Oil Waste shall be provided to the City~~.

- 3) The following statement, ~~which shall be a-sworn by an officer or other individual with appropriate authority~~ ~~statement under penalty of perjury~~; and shall be included in all bids or proposals related to the purchase or acquisition of materials to be used in connection with the ~~to~~ construction, renovation, rehabilitation, or maintenance of ~~construct or maintain~~ any public work, roadway, or real property, including infrastructure work or capital improvement, ~~publicly owned and/or maintained roadway, public work, real property or capital improvement road or real property~~ within the City and all bids related to the retention of services to construct, renovate, rehabilitate or maintain any public work, roadway, ~~public work, real property~~, including infrastructure or capital improvement, ~~publicly owned and/or maintained road or real property~~ within the City:

"I/We, _____, hereby certify under penalty of perjury that in connection with ~~my~~ this submission ~~submit~~ of a bid for materials, equipment and/or labor to ~~for~~ the City, Project Number ~~of Norwalk~~. ~~The bid is for bid documents titled _____, I/We hereby certify under penalty of perjury that no Natural Gas Waste or Oil Waste (as defined in Chapter __ of the Norwalk City Code) will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any contractor, sub-contractor, agent or vendor agent thereof apply any Natural Gas Waste or Oil Waste to any road or real property within the City of Norwalk in connection with the performance of any contract related to such bid, if awarded as a result of the submittal of this bid if selected.~~"

E. Penalties for Offenses

- 1) This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, the City is empowered to:
- Issue "Cease and Desist" orders demanding abatement of the violation of the prohibitions and provisions stated in this ordinance.
 - Seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance.
 - File a complaint with any other proper authority.
 - Require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the City of Norwalk.
 - Recoup from the offending person(s) or business entity(ies), jointly and severally, all costs, including experts, consultants and attorney's fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance.
 - Issue citations in the maximum amount of ~~\$250.00 per violation per day~~ permitted under Norwalk City Code for any violation of this section and seek any other remedies allowable under the law.

F. Enforcement

- 1) The City's shall ~~___(Chief of Police, Building Manager and/or Director of Health)___~~, or his/her designee(s), is hereby empowered and authorized to, if appropriate, issue orders and other directives under this ordinance. ~~The Norwalk Police Department and/or any other designee(s) of the ___(Chief of Police, Building Manager and/or Director of Health)___ are also authorized to enforce this Chapter.~~ In addition to any equitable relief available, this Chapter shall be enforced by citations issued by the City, ~~said designated officers or employees.~~ The Norwalk Police Department, Norwalk Fire Department, Department of Public Works, Health Department, Purchasing Department and Conservation Commission are empowered by the City to issue said orders, directives and citations.
- 2) City employees, officers and officials are not required to personally carry out testing of waste products to determine chemical contents, as this work may be done via contacting the State of Connecticut Department of Energy and Environmental Protection or the appropriate analytical laboratory or laboratories. If appropriate, the City's ~~___(Chief of Police, Building Manager and/or Director of Health)___~~, or designee(s), may request that the State of Connecticut Department of Energy and Environmental Protection pursue civil penalties allowable under the law.
- 3) A citation hearing procedure is hereby established pursuant to Connecticut General Statutes § 7-152c(a). The City ~~___(Chief of Police, Building Manager and/or Director of Health)___~~ shall appoint one or more citation hearing officers, other than ~~police officers or the employees or persons who issue citations,~~ to conduct the hearings authorized by this section. The citation hearing procedure provisions of Connecticut General Statutes § 7-152c, Subsections (c) through (g), inclusive, are hereby adopted by reference as if fully set forth herein.

G. Severability

If any clause, sentence, paragraph, subdivision, section, ~~of~~ or part of this ordinance or the application thereof to any person, individual, private corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this ordinance or in its application to the person, individual, private corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this ordinance are hereby declared to be severable.

H. Conflicts with other Ordinances or Codes

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City, the provision that establishes the higher standard for the protection of the health, safety, welfare, and property of the residents of the City shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City, which other ordinance or code establishes a lower standard

for the protection of the health, safety, welfare, and property of the residents of the City, the provisions of this ordinance shall be deemed to prevail.

I. Transportation

Nothing in this ordinance shall be interpreted to ban the transportation of any Natural Gas Waste or Oil Waste ~~product or by-product described herein~~ on any roadway or real property within the City of Norwalk.

**Draft Meeting Minutes from
4/17/2018 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
APRIL 17, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello;
Thomas Livingston; Beth Siegelbaum; Doug Stern;
Doug Hempstead; Chris Yerinides; George Tsiranides

STAFF: Brian Candela, Corporation Counsel

OTHERS: Michael Stewart, Tax-Assessor; Greg Burnett; Common
Council; Debora Goldstein; Laura Lamorte; Maury
Smith; Louise Washer; Diane Lauricella; Adam Fasciolo;
Jennifer Siskind; Dick Harris

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:00PM and called the roll. A quorum was present.

2. PUBLIC HEARING (POSSIBLE ACTION ON) FRACKING:

Mr. Candela said that the public notice that had gone out does not indicate that the public hearing was on the proposed fracking ordinance. Ms. Melendez said that everyone in attendance tonight will be heard but there will be another public hearing held in May.

Debora Goldstein

Ms. Goldstein stated that she is grateful that the City of Norwalk is considering the passing of a fracking ordinance, and that she worked very hard three years ago to try and get the ban and that they had gotten the semi-ban which is about to expire. She said that

she had gone through the language and that it is a very good effort; however, she thinks it could be strengthened in several ways such as penalties for spillage during transport for rail, water and air. She also said it would be a mistake not to specify the compliance and enforcement mechanism and leaving it up to the DEEP is a mistake and suggested that the appropriate agency to be the enforcement mechanism for this would be the Conservation Commission.

Laura Lamorte

Ms. Lamorte stated that there is a lack of caution being exercised by those we trust to protect us and the potential for health threats. She asked that the committee advocate for us in the absence of DEEP regulations at a state level, and in these days of weakening EPA regulations in general, we as the public count more and more on our local representatives to protect our health and quality of life, and urge the committee to pass the ordinance to ban fracking waste within Norwalk.

Maury Smith

Ms. Smith stated we have arranged a meeting that will be held on May 2, 2018, at 6:30PM and that will be held at Rowayton School cafeteria on fracking waste and the need to have a ban, and they have invited Jennifer Siskind who is very impressive on her first hand knowledge on the issue, as well as someone from the Norwalk River Watershed Alliance. She said that we would love to have a third speaker to be on the panel and they would like it to be someone from the Ordinance Committee because you will be the ones that will be making the decision on the ordinance.

Louise Washer

Ms. Washer stated that she is the President of the Norwalk River Watershed Alliance and this committee and this city know what it is to have toxic waste get into our drinking water, and this is the future threat and it is our time to say we will not let this happen again. She said in speaking with the staff from the oyster industry they see this as a huge threat.

Diane Lauricella

Ms. Lauricella stated that she had sent the commission an e-mail as well as a website which is wastefreect.org which is a constellation of 30 of this state's credible environment organizations. She said she wants to be sure that we don't depend on the state or the federal government for our safety, and she believes that the enforcement on the local level should be with the Fire Department because they have hazardous material enforcement people on staff that have had years of training. In addition, with the help of

City of Norwalk
Ordinance Meeting
Regular Meeting
April 17, 2018
Page 2

the Health Department to handle the preliminary duties as long as training is included and that the Purchasing Dept., Public Works and Planning and Zoning department should also be included.

Adam Fasciolo

Mr. Fasciolo stated that he has heard a lot about the independent studies that have been done regarding fracking leakage and seepage into water systems, and the fracking companies who are denying those findings. He said that the prospect of having fracking waste transported through Connecticut and potentially have an accident where it could seep into the water system is alarming to him, and we would be unable to see and cleanup ourselves because it is an unseen toxin and he does not understand what the benefit is for allowing this to transport through Connecticut, or what the benefits are that would outweigh banning it.

Jennifer Siskind

Ms. Siskind said that she is the local coordinator for Food and Water Watch and she distributed the slides that she will be using for the presentation at the Rowayton School and said she would be happy to take any questions.

Dick Harris

Mr. Harris stated that he is the former Director of Harbor Watch and they have worked for years on this harbor to clean it up, and got the town organized to help us out and it is now a model in terms of being a good clean harbor, and the forward track is looking even better. He said that to the Dept. of Public Works, Conservation and Health Departments are working as a group to keep it that way. He said that allowing frack waste is a poor deal and that 42 towns have already banned it.

Ms. Melendez closed the public hearing at 7:24PM.

3. PUBLIC HEARING DISCUSSION

Mr. Corsello said that one of his concerns is who is going to enforce this and there are a lot of ordinances that are currently not being enforced due to the lack of resources and before we get too far ahead of ourselves we need to figure out how this will be enforced because the only thing worse than not having an ordinance, is having an ordinance that is not enforced. Mr. Livingston asked Mr. Candela if he has checked with the Department of Public Works to see if they had any issues with the language. Mr. Candela said that he

had inquired with them to see what they are placing on the roadways and they said what they are placing on the roadways is nothing that is described here. Mr. Livingston said that he has some changes to the language that he will send to Mr. Candela. Mr. Stern said he also has a concern regarding enforcing and suggested to start with the Health Department as a possible enforcing mechanism with fire and police as secondary. Mr. Hempstead said he has the same concerns and that it may need to be broken into enforcement levels for certain items, and that the Health Department probably will play a role in this because if it is a hazard to our environment they would certainly be the ones to address this versus an immediate hazard which becomes the Fire Department because they have a Haz-Mat unit, but that would be more of a response than a determining factor of how it will be enforced. He suggested that three departments be chosen to make it more solvable than trying to have one department handle it all. Mr. Hempstead said the Popular Mechanics did a simple explanation and asked Ms. Siskind if that is a good or bad source to get some information. Ms. Siskind said that she would be happy to look at it and she will provide feedback. She also said the concerned health professionals of New York have taken research studies that have been done independent researchers that are affiliated with educational institutions and have written easy to read summaries of the scientific research. Mr. Livingston asked Ms. Siskind in her review of all the other States surround municipalities if there is a consensus as to who enforces. Ms. Siskind said that it differs depending on the town or the city. Mr. Yerinides asked if fines can be issued if there is a spill during transportation. Mr. Corsello said this authorizes a \$250 fine which he thinks is low, but that if there is a spillage he assumes there will be a lawsuit.

**** MR. HEMPSTEAD MOVED TO SCHEDULE A PUBLIC HEARING ON FRACKING AND FRACKING WASTE ON MAY 15, 2018 AT 7:00PM.**

**** THE MOTION PASSED UNANIMOUSLY.**

4. PUBLIC COMMENT

Brian Benz

Mr. Benz stated that they are a small farm located in Norwalk and have been here since 1954, and we are off the beaten path and they do advertise when they can afford but that they also post directional signs but the City of Norwalk has had a constant battle each year with them as far as posting directional signs, and stated that the sign be taken down

City of Norwalk

Ordinance Meeting

Regular Meeting

April 17, 2018

Page 4

and threatening us with fines. He said we are trying to come up with an agreement for an ordinance change so that they can post their signs July through September on an annual basis and they will post them and remove them.

Donna Benz

Ms. Benz stated that the farm is licensed and are listed in the Connecticut Agricultural Farm and vicinity for fresh vegetables and are seeking the committee's help to at least get the approval for three months of putting up the directional signs and provided a list of the streets that are the most important to them.

Diane Lauricella

Ms. Lauricella stated that there are very few farms around and buying local and growing local is something that we should all try and preserve. She said we have a Zoning Department and at times is an enforcing agency but for them to cherry pick this situation is beyond belief, and she is glad this committee is looking into it and there is definitely through proper language to make this workable so that other types of business don't take advantage of this.

5. ACCEPTANCE OF MINUTES

March 20, 2018

** MR. HEMPSTEAD MOVED TO APPROVE THE MINUTES.
** THE MOTION PASSED UNANIMOUSLY.

6. OLD BUSINESS

There was no discussion.

7. NEW BUSINESS

Senior Tax Relief

Mr. Stewart said that we have been losing seniors in the city and as we increase the limits more and more people who were receiving the Tier II benefits have shifted to the Tier I. In the 2015/16 fiscal year we had 190 people in the Tier II and have dropped down to 84 and are requesting to make an 18.2% increase in the upper limit in the income and hopefully increase the numbers. He said that the increase will go from \$54,800 to \$64,800 and increase the benefits from \$750 to \$800 per household. Mr. Livingston asked if this is the maximum we can give or did we cap it at what we thought we could afford. Mr. Stewart said it is the maximum we can give. Mr. Hempstead asked if this is still within the guidelines of the State. Mr. Stewart said "yes" and that the ordinance is tied to the State. Mr. Corsello asked when the deadline to apply is. Mr. Stewart said May 15, 2018. Mr. Livingston asked how the information will get out to the public. Mr. Stewart said that an extensive article was run in the Norwalk Hour and it will also be included on the tax bill and is available on the website. He also said that since the program was advertised that 178 applications were given out and to date have received 73 back but it is still early in the process, and even if 100 respond we will have met our goal to bring the numbers up to 1139.

**** MR. HEMPSTEAD MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 15, 2018 AT 7:00PM.**

**** THE MOTION PASSED UNANIMOUSLY.**

Signs

Mr. Livingston said this is the only licensed farm stand in Norwalk and as they explained they have been putting up a signs for many years, and of late the signs were taken down and the idea is to find a solution for this problem and to find a solution that does not open us up to signs for everything, but is reasonably crafted to deal with farm stands. He said the proposed is language as an exception to permit the signs under 21-19 for no more than a certain number of signs for each licensed farm as defined in the Connecticut General Status within the City of Norwalk for a specified amount of time. Mr. Stern asked Mr. Benz how many signs they would like to have. Ms. Benz said five to seven. There was further discussion ensued and it was proposed that the signs be installed for June 1st through October 31st.

**** MR. HEMPSTEAD MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 15, 2018 AT 7:00PM.**
**** THE MOTION PASSED UNANIMOUSLY.**

8. DISCUSSION ITEM

There was no discussion.

9. ADJOURNMENT

**** MR. YERINIDES MOVED TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:25 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services

Liquor License

MEMORANDUM TO FILE

Date: May 10, 2018

From: Brian Candela

RE: **Liquor License Permit for the May 15, 2018 committee meeting**

1) Enclosed please find documents concerning the Liquor License Permit

When an applicant comes into the Office of the Fire Marshal to pay \$65.00 for the annual renewal inspection, the applicant receives a form/checklist from the Office of the Fire Marshal. This form/checklist provides information to the applicant concerning what will be inspected and what is required to pass this inspection. The Office of the Fire Marshal believes that this new streamlined process will result in fewer return inspection visits as the applicants will be better prepared. The cost is far less than other municipalities charge.

The Office of the Fire Marshal is already responsible for and conducting these initial and annual renewal inspections. Norwalk is not responsible for enforcing violations. If an applicant is in noncompliance, Norwalk simply reports it to the State of Connecticut.

Chapter 42A. Fire Prevention

§ 42A-5. Approval of rates and fees.

The Fire Marshal, with the concurrence of the Fire Commission, and subject to the approval of the Common Council, shall establish and amend a schedule of fees for permits and licenses, issued by and services performed by the Office of the Fire Marshal. The Fire Commission shall submit the proposed fee schedule to the Common Council. A committee of the Common Council shall hold a public hearing on the proposed fee schedule not less than seven nor more than 14 days from the date of the notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Norwalk. Within 90 days of receipt by the City Clerk of notice of the action taken by the committee subsequent to the public hearing, the Common Council shall approve, modify and approve, or disapprove the proposed fee schedule. If the Council takes no action within such 90 days, the rates and fees shall be deemed disapproved, and the City Clerk shall issue a notice so stating, which notice shall be maintained with the records of the Common Council. Copies of the approved fee schedule shall be maintained in the records of the Common Council and the Office of the Fire Marshal. All fees collected by the Office of the Fire Marshal shall be deposited in the general fund.

§ 42A-6. Purpose.

The purpose of this article is to streamline the Office of the Fire Marshal's application and annual renewal inspection process for liquor license permits in the City of Norwalk.

A. Application

Initial applicant must submit a formal application to the State of Connecticut. Upon approval, the applicant must have the Office of the Fire Marshal sign the temporary application and then the applicant must re-submit this application to the State of Connecticut.

B. Annual Renewal Inspection

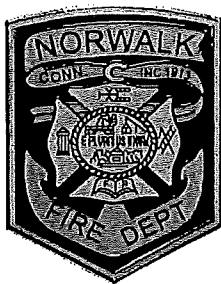
The applicant must make an appointment with the Office of the Fire Marshal to setup a renewal inspection and pay the annual renewal liquor license permit inspection fee as established in the Office of the Fire Marshal's schedule of fees for permits and licenses.

C. Duration of Liquor License Permit

Each liquor license permit issued in accordance with this chapter shall be valid for the period of one year from the date of issuance, unless revoked or suspended. Liquor license permits shall not be transferrable.

D. Penalty for Offenses

If an applicant fails to complete an annual renewal inspection in a timely manner, the Office of the Fire Marshal will notify the State of Connecticut immediately.



Norwalk Fire Department Office of the Fire Marshal

121 Connecticut Avenue - Norwalk, CT 06854

1(203)854-0244 Office - 1(203)854-0250 Fax



Fire Marshal Fees

Buildings Plans < 5,000 sq. ft. gross floor area (per floor)

Plan Review	\$25.00	1-Dept
Certificate of Occupancy Inspection	\$25.00	2-Dept

Buildings Plans > 5,000 ft. gross floor area (per floor)

Plan Review	\$100.00	3-Dept
Certificate of Occupancy Inspection	\$100.00	4-Dept

Automatic Sprinkler Systems

Plan Review (per floor)	\$25.00	5-Dept
Acceptance Test/Inspection (per floor)	\$25.00	6-Dept

Commercial Kitchen Hoods

Plan Review (per hood)	\$25.00	7-Dept
Acceptance Test/Inspection (per hood)	\$25.00	8-Dept
Hood Suppression Review	\$25.00	9-Dept
Hood Suppression Test/Inspection	\$25.00	10-Dept

Fire Alarm

Plan Review (per floor)	\$25.00	11-Dept
Acceptance Test/Inspection (per floor)	\$25.00	12-Dept

Permit Fees

Blasting Permits	\$30.00	13-Dept
Tank Removal Permit	\$25.00	14-Dept
Tank Installation Permit	\$25.00	15-Dept
Liquor Licene Permit: Annual Renewal Inspection	\$65.00	20-Dept
Liquor Licene Permit: Additional Renewal Inspection	\$100.00	21-Dept

Office / Lookup -Fees

Photo CD (each)	\$25.00	16-Dept
Lookup Underground Tank (per address)	\$5.00	17-Dept
Lookup Code Violations (Per Building/Business)	\$5.00	18-Dept
Copies (per page)	\$0.50	19-Dept

Rev 140324

Innovation District

Innovation District Tax Incentives

§99-1. Concept

It is hereby found and declared that the establishment of a Norwalk Innovation District (the "District") in the Wall Street and West Avenue area will assist in the revitalization of that area and diversify its economy as it relates to advanced health, science, design and technology. The District shall serve as an economic development tool by which partnerships between public and private institutions, businesses, and government will fuel future job growth. The District's concept is that collaboration and productivity result from proximity and therefore job creation and innovation can be fostered through the intentional clustering of businesses, institutions, ideas and people.

§99-2. Objectives

The District's objectives include; leveraging area advantages, improving local industry research, growing, attracting and retaining new technology companies, securing a sufficient workforce and ensuring that those who work in the district, can live in the district.

§99-3. Eligible Projects

The following project types are eligible for tax incentive consideration:

- (a) Office use
- (b) Mixed Use
- (c) Retail use
- (d) Manufacturing use
- (e) Information Technology
- (f) Light Manufacturing

§99-4. Eligibility Requirements

From time to time eligibility requirements may be amended by the Common Council,

§99-5. Review Process

- a. The decision to grant or reject any application shall be within the sole and exclusive discretion of the Common Council. The Common Council is under no obligation to approve any application, nor will any application be granted that does not comply with CGS 12-65b and 12-65h.
- b. The Planning Committee of the Common Council will review every application with the advice and analysis of the Norwalk Redevelopment Agency and determine those applications that shall proceed to the Common Council for a vote on approval of tax incentives.
- c. If approved for a tax incentive, the fixed assessment period shall commence the first fiscal year following the issuance of a Certificate of Occupancy for the real property or air space which is the subject of the tax agreement.
- d. The Common Council, may, in its sole discretion, enter into an Agreement with a successful applicant for an abatement of taxes at a lesser percentage and/or for fewer years than authorized by the statute or this ordinance.
- e. Approved Projects are required to commence construction within six (6) months and shall be completed within 30 months of execution of the Agreement. Failure to comply with this schedule may result in termination of the Agreement by the Common Council.

If a successful applicant's valuation exceeds \$5,000,000 and, during the term of the Agreement it: (a) relocates its business from Norwalk; (b) becomes delinquent in taxes or fees; (c) declares bankruptcy; (d) substantially reduces its operations on the subject property during the time of the Agreement, with substantially reduced "operations" meaning for purposes of this Ordinance, among other things, a reduction in square feet occupied within the facility by more than 20% or more, a reduction in workforce by more than 20% or more, a failure to construct upon additional phases of construction, and/or sale or lease of some or all of the property; and/or in any other way fails to comply with the Agreement, this Ordinance and or C.G.S. 12-65b and 12-65h, the Common Council may terminate the Agreement and any tax incentive or other benefit granted to the successful applicant under this program, the Agreement shall be deemed breached, and the successful applicant shall be required to pay all assessments which were abated under the Agreement.

(f) Applications shall be submitted to the Norwalk Redevelopment Agency with an estimated application processing fee (deposit) on a form approved by the Common Council. The application and the recommendation of the Redevelopment Agency shall be forwarded to the Planning Committee of the Common Council. The Planning Committee shall advance the Redevelopment Agency materials to the Board of Estimate and Taxation (BET). The BET shall review the Redevelopment Agency materials and provide its comments to the Planning Committee within forty five (45) days. Planning Committee shall review all materials, recommendations and

comments and determine application advancement to the Common Council for final action consistent with the limitations of subsection 5a.

DRAFT