

**CITY OF NORWALK
ORDINANCE COMMITTEE
PUBLIC HEARING
AND
REGULAR MEETING
APRIL 19, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Douglas Hempstead;
Bruce Kimmel; Thomas Livingston; Travis Simms

STAFF: Attorney Brian McCann

ROLL CALL

Ms. Melendez called the meeting to order at 7:07 p.m. and called the Roll.

PUBLIC HEARING

Commercial Parking

Ms. Melendez opened the public hearing at 7:08 p.m. and asked three times if anyone wished to speak. Hearing no one, she closed the public hearing at 7:08 p.m.

Alarm Ordinance

Ms. Melendez opened the public hearing at 7:08 p.m. and asked three times if anyone wished to speak. Hearing no one, she closed the public hearing at 7:08 p.m.

PUBLIC HEARING DISCUSSION

There was no discussion this evening.

PUBLIC COMMENT

There were no members of the public present this evening who wished to comment.

**** MR. LIVINGSTON MOVED TO SEND THE FOLLOWING ITEMS TO
THE FULL COMMON COUNCIL:**

**COMMERCIAL PARKING
ALARM ORDINANCE**

**** MOTION PASSED UNANIMOUSLY**

ACCEPTANCE OF MINUTES

March 15, 2016

The following corrections were made to the minutes of March 15, 2016:

Correct the spelling: Shannon O'Toole Giandurco and Attorney Brian McCann

**** MR. CORSELLO MOVED TO APPROVE THE MINUTES AS
CORRECTED**

**** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

Extra Police Work

Police Sgt. David Orr said that he was here to discuss the proposed Ordinance, specifically traffic control. He distributed a spreadsheet showing the breakdown of a cases.

Sgt. Orr said that they want the right of first refusal. Mr. Kimmel asked what kind of job would Police Officers refuse. Sgt. Orr said that the right of first refusal pertains to them getting the first shot at each job. He said that there could potentially be jobs that they could staff or the job comes in at the last minute.

Mr. Corsello said that a common call he gets is when residents see a Police Officer on a call and traffic is tied up. Sgt. Orr said that the Union gets the most complaints about excessive use of cell phones. He said that is just snapshot, but if an officer is found to be using their cell phone excessively, disciplinary action will be taken. He noted that given the volume of jobs they do, the violations are the exception. Sgt. Orr asked Mr. Corsello to contact him if there are any complaints.

A discussion took place about the accountability of Flagmen and Sgt. Orr said that they do not have any authority over traffic. Mr. Livingston asked if the hourly rate covers all of the costs to hire an Officer. Sgt. Orr said that it does. In 2012 the Union posed that question to the City and in doing that felt that they were pricing them out of work. The City showed them that the cost of the extra duty program was so much that it necessitated and increase to 15% more.

Sgt. Orr said that there is a problem with collections from contractors and nightclubs. Mr. Corsello suggested creating an Ordinance, that if someone does not pay, they will not be permitted to hire extra duty Police Officers. Attorney McCann said that each department is responsible for their own debt collection, but there is no one at the Police

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Department who is responsible for collections. Mr. Hempstead said that they could pull the bar license of in the case of a contractor, not issue road encroachment permits.

Mr. Hempstead asked if a Supervisor has the ability to discipline an extra duty Officer if he sees them doing something wrong. Sgt. Orr said that the supervisor can suspend the extra duty Officer on the spot.

Mr. Hempstead asked what would happen if an extra duty Officer was not available and one was needed. Sgt. Orr said that the Police Chief could order someone to go to that site. He noted that companies notify them in advance.

Mr. Corsello asked if there is a prohibition from requiring only Police Officers rather than Flagmen. Attorney McCann said that Darien and New Canaan has language that requires Police Officers; however, Flagmen may alternately be employed.

Mr. Kimmel asked how many Flagmen are used. Sgt. Orr said that less than 10% are used. In response to Mr. Kimmel's question, Sgt. Orr said that there is diminished public safety when Flagmen are used.

Sgt. Orr said that the Ordinance they are looking for codifies the existing practices.

Mr. Corsello said that there has to be a way to collect unpaid fees. Mr. Kimmel said that they can't jeopardize public safety. Mr. Livingston said that it sounds like a collection problem and they need to understand how that process works.

Sgt. Orr said that in the last contract negotiations, they came to an understanding that allows the Chief of Police or his designee to shut down a job for lack of sufficient traffic control and they were required to notify Public Works. He said that they developed a good relationship with Public Works supervisors.

Attorney McCann said that he was concerned that if they drafted an Ordinance with blank prohibition against Flagmen, he would want language in that to be tied to public safety. Sgt. Orr noted that there is a lot of development going on in Norwalk. He said that if work is being done on a side street, and there is no traffic, then there would not be a need for an extra Duty Officer.

Mr. Kimmel asked Attorney McCann to come up with language. He said that he wants the best available coverage

Mr. Hempstead suggested inviting the Police Chief and Public Works Director to come together to create bullet points. Mr. Corsello asked to get something from Law Department or Finance to figure out how to fix the collection problem. Attorney McCann suggested having the contractor put up a bond or surety to cover costs. Mr. Kimmel said that his concern is to make public safety a standard.

NEW BUSINESS

Chapter 77 – Peddlers, Street Vendors and Solicitors

Ms. Melendez explained that this matter falls under the responsibility of the Health, Welfare and Public Safety Committee.

- ** MS. MELENDEZ MOVED TO SEND THIS ITEM TO THE HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE FOR DISCUSSION**
- ** MOTION PASSED UNANIMOUSLY**

ADJOURNMENT

- ** MR. HEMPSTEAD MOVED TO ADJOURN**
- ** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:20 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services