

**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; Marny
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

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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.

Marny 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

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 Statutes 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

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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 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 committees 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 a 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