

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
APRIL 16, 2024**

ATTENDANCE: Lisa Shanahan, Chair; Heather Dunn, Josh Goldstein, Johan Lopez, Melissa Murray, Nora Niedzielski-Eichner, Jalin Sead

STAFF: Atty. Brian Candela

OTHERS: Doris Ash, Board of Assessment Appeal; Sharon Connors, Purchasing Department; Diane Lauricella

Via Videoconference and Teleconference

CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:02 p.m. A quorum was present.

**PUBLIC HEARING
(and possible action on):**

• Discuss and vote on Chapter 19 – Bidding and Purchasing, Sections 19-1 and 19-2.

Ms. Shanahan opened the public hearing for this item at 7:03 p.m. She noted that this was just to have the City change its procurement process to mimic what the State allows. She asked if there was anyone present who would like to speak on the matter.

Ms. Diane Lauricella introduced herself and said she lived at 21 Little Fox Lane. She said she would be speaking about Section 19.2, the Procurement Guide. Ms. Lauricella said it was terrific that the City will follow what the State does. She suggested it might have been helpful for the City to attempt to purchase fair trade materials that reflect true life cycle costs of different products and use green produces from the EPA list along with ones from ESG lists and recyclable products. She said that she would like the Ordinance Committee to consider this for the future.

Ms. Shanahan asked if there was anyone else present who would like to speak on the matter. Seeing none, she closed the public hearing on Agenda Item Chapter 19 – Bidding and Purchasing, Sections 19-1 and 19-2.

Ms. Shanahan asked the Committee if they were ready to vote regarding whether this item should be forward to the full Council for consideration at their next meeting.

**** COUNCIL MEMBER MURRAY MOVED TO FORWARD AGENDA ITEM CHAPTER 19 – BIDDING AND PURCHASING, SECTIONS 19-1 AND 19-2 TO THE FULL COUNCIL FOR CONSIDERATION AT THEIR NEXT MEETING.**

**** THE MOTION PASSED UNANIMOUSLY.**

• Discuss and vote on Chapter 103 – Taxation, Article V – Board of Assessment Appeals, Section 103-14.

Ms. Shanahan opened the public hearing for this item at 7:08 p.m. She asked if there was anyone present who would like to speak on the matter.

Ms. Diane Lauricella introduced herself and said that she lived at 21 Little Fox Lane. She said when they have the evaluations, it would make sense to increase the numbers on the Board, but she was concerned that there needed to be an addition to insure that there is better training given to those who are doing the assessment appeals hearing and review the conflict of interest guidelines. She said in the near future she would clarify why she was stating this. Since the City is currently holding a number of hearings, it is time to remind the members of the Appeals Board about their duty to declare conflicts of interest and to avoid them as well as making sure that they have received training in all of the most recent laws related to their work.

Ms. Ash thanked Ms. Lauricella for her comments and said that she would pass them along to the rest of the Board.

Ms. Shanahan asked if there was anyone else present who would like to speak on the matter. Seeing none, she closed the public hearing on Agenda Item Chapter 103 – Taxation, Article V – Board of Assessment Appeals, Section 103-14.

Ms. Shanahan asked the Committee if they were ready to vote regarding whether this item should be forward to the full Council for consideration at their next meeting.

**** COUNCIL MEMBER MURRAY MOVED TO FORWARD AGENDA ITEM CHAPTER 103 – TAXATION, ARTICLE V – BOARD OF ASSESSMENT APPEALS, SECTION 103-14 TO THE FULL COUNCIL FOR CONSIDERATION AT THEIR NEXT MEETING.**

Ms. Shanahan said that she had asked Atty. Candela to research the timing involved when additional members may be appointed to the Board of Assessment Appeals. Atty. Candela said that he has spoken with Ms. Ash about adding new volunteer members. They also reviewed the statute at that time to insure that one can add volunteers on during the year. The year following an assessment is when people can be nominated to serve with the regular members. When there are a number of appeals, more volunteers can be added to prevent burn out.

Ms. Shanahan reminded everyone that all the members of Boards and Commissions are subject to the Ethic Commission's Rules.

Atty. Candela said that Chapter 32 indicates that all elected officials, appointed officials, City employees and BOE members are subject to the Code of Ethics. This is included not only in the Ordinances but both the new and old Charters. Atty. Candela said that Ethics Commission was working on creating some PowerPoint slides that would be available on YouTube for the general public.

Council Member Murray said that she had reviewed the Ethics Chapter and found it to be nuanced. Having a lawyer that is familiar with the intent of the Code is very helpful. A PowerPoint presentation with an explanation will be excellent.

Council Member Lopez asked about the Mayor shall appoint someone until their successor is elected. He asked for clarification on the process. Atty. Candela said that the section should read “until their successor is appointed” rather than “elected”.

Council Member Goldstein had some concerns about the use of the word “qualified”. Discussion followed.

Atty. Candela then changed the sentence to read: “Each regular member shall serve a term of four years from the date of appointment and until their successor is appointed and confirmed by the Common Council.”

Council Member Goldstein had a question about the timing process and asked for clarification on what constituted the “assessment year”. Atty. Candela said that the General Statutes 9-1 199c allows for the appointment of additional to the Board of Assessment Appeals. Atty. Candela said that it was his opinion that additional members could be appointed at any point following a revaluation. The assessment year would be over at the end of 2023. Additional members appointed in 2023 could continue on for another year. Council Member Goldstein said that the Mayor has some flexibility in terms of appointment.

**** COUNCIL MEMBER GOLDSTEIN MOVED TO APPROVE THE CHANGES TO SECTION CHAPTER 103 – TAXATION, ARTICLE V – BOARD OF ASSESSMENT APPEALS, SECTION 103-14 A & B AS DISCUSSED.**

**** THE MOTION TO AMEND PASSED UNANIMOUSLY.**

**** THE MOTION TO FORWARD AGENDA ITEM CHAPTER 103 – TAXATION, ARTICLE V – BOARD OF ASSESSMENT APPEALS, SECTION 103-14 AS AMENDED TO THE FULL COUNCIL FOR CONSIDERATION AT THEIR NEXT MEETING.**

• Discuss and vote on Chapter 63 – Law Department, Sections 63-1 through 63-7.

Council Member Shanahan opened the public hearing for this item at 7:18 p.m. She asked if there was anyone present who would like to speak on the matter.

There was no one present who wished to comment on Agenda Item Chapter 63 – Law Department, Sections 63-1 through 63-7. Seeing none, she closed the public hearing on Chapter 63 – Law Department, Sections 63-1 through 63-7.

**** COUNCIL MEMBER MURRAY MOVED TO FORWARD AGENDA ITEM CHAPTER 63 – LAW DEPARTMENT, SECTIONS 63-1 THROUGH 63-7 TO THE FULL COUNCIL FOR CONSIDERATION AT THEIR NEXT MEETING.**

Council Member Shanahan said that the one question they had discussed at the previous meeting was whether they should reference the contract that Corporation Council attorneys have. It was generally agreed this was not a good idea since contracts change over time.

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Candela said for the record that for Chapter 19, there were no changes made other than the ones that had been posted previously in the Legal Notice. There were no changes made to Chapter 63. The only changes that were made were to Chapter 103-4 A and B and the Ordinance Committee approve those changes.

PUBLIC COMMENT:

Council Member Shanahan said that the only item that was on the agenda was the Leaf Blower Ordinance, Section 4.

Ms. Diane Lauricella introduced herself and said she lived at 21 Little Fox Lane. She thanked the Council and Atty. Candela for the work on this ordinance over the last few months. She said she was happy when amendments were made to improve any law since she is a former regulator and former professional health and safety or OSHA professional when she worked with consulting firms and the State of Connecticut.

She asked that they add the word “Batteries” because it is a safety issue. She said that the Council had not taken up her suggestion about having a separate section about manufacturer recommended and rated batteries. She asked them to consider adding the phrase “without manufacturer recommended and rated batteries and personal protective equipment in accordance with industry standards, potential including but not limited hearing, respiratory protection and batteries for the electric power equipment” to Section 4. She said that she thought it was awkward because the intent for this section was Personal Protective Equipment, however if the Committee decides to leave out the batteries, the issue can make or break the ordinance. She said that she would email Council Member Shanahan about this and added that the UL listed batteries were not creating the fire hazard problems that were being reported in New York City and beyond. Just by inserting “UL Listed” or “manufacturer recommended and rated batteries” it becomes a safety issue and will help to withstand any challenges and also be better when the law comes in to effect.

Mr. Tyson Canveri of Esquire Road greeted the Council Members and thanked them for the opportunity to speak.

He said that he would like to respond to Ms. Lauricella about batteries. He said that Tesla batteries had caused a recent fire because of a Tesla recharger at the Norwalk Mall. He added that Tesla was now recommending that people recharge their cars in the driveway, not in the house. Secondly, he pointed out that landlords would not allow tenants to charge the batteries in the houses. It was pointed out that this was not on the agenda. Mr. Canveri replied that Ms. Lauricella had already spoken about UL batteries.

Mr. Canveri asked why the industry was being attacked and pointed out that the construction industry is also loud. He reminded everyone that the YMCA was in the process of being demolished. The workers do not have ear muffs and goggles but the landscaping industry is being required to have them. Electric lawn mowers cost \$36,000. Who was going to pay for that? He added that making landscapers buy electric equipment was wrong since DPW does not own any electric equipment. These issues come up during the busy season when the landscapers are working long hours. Even if he bought the ear muffs for his crews, he would be fined if they don't wear them. Yet construction workers who use jackhammers are not required to wear them. He asked how they differentiate between the two. This is just a feel good ordinance.

There was no one else who wished to address the Committee at this time.

ACCEPTANCE OF MINUTES:

- **March 19, 2024 – regular meeting of the Ordinance Committee**

**** COUNCIL MEMBER SEAD MOVED THE MINUTES OF THE MARCH 19, 2024 REGULAR MEETING OF THE ORDINANCE COMMITTEE.**

**** THE MOTION TO APPROVE THE MINUTES OF MARCH 19, 2024 REGULAR MEETING OF THE ORDINANCE COMMITTEE PASSED WITH SIX (6) IN FAVOR (DUNN, GOLDSTEIN, LOPEZ, NIEDZIELSKI-EICHNER, SEAD, AND SHANAHAN) AND ONE (1) ABSTENTION (MURRAY).**

OLD BUSINESS:

There was no Old Business to discuss at this time.

NEW BUSINESS:

Discuss and vote on amendment to Leaf Blower ordinance, Section 4.

Council Member Shanahan said that Vanessa was not present at the meeting, but explained that the DPW group was reviewing the ordinance and trying to comply. They do want eye and hearing protections for the DPW workers, but there was a question about respiratory protection.

When they checked the manufacturer's recommendations for gas powered leaf blowers, there were recommendations for eye and ear protection but nothing about respiratory protection. DPW informed the Council that they would have to set the standard and determine which masks were appropriate since it was not a manufacturer's recommendation. This change is being instituted at the request of the Public Works Department and it makes sense to keep everyone as safe as possible.

Council Member Shanahan noted that there was a small error in the current draft. She said that it should read "potential, including but not limited to eye, hearing and respiratory protection" if they were to add respiratory protection at a later date. She noted that the words "OSHA approved" had been removed because there is no OSHA approve respiratory protection and they wanted to go with what the manufacturer's recommendations were for personal protection.

Batteries were not included in this draft because that would take more research and that was not what they were responding to in terms of the DPW request.

Council Member Shanahan said that this ordinances should go into effect in December of 2024 and the final date is yet to be determined by the Common Council.

Council Member Shanahan said that they wanted to move this item through in time for a vote at the June Common Council meeting.

Council Member Goldstein said that there was a major discussion about the elimination of leaf blowers, which this item does not address at all. Council Member Shanahan said that this ordinance was focused on protecting DPW workers and general landscapers as well.

Council Member Sead asked how this would be enforced for the general public. He reminded everyone that the landscape owners could give the equipment to the employees, but the employees may choose not use the PPE. Council Member Shanahan said that the Blight Officer would be responding to the complaints. She added that this would be difficult to enforce.

Discussion followed about where it was located in the budget. Council Member Dunn asked that any requests from DPW about this type of equipment be forward to members of the Committee. Council Member Shanahan made a note of this.

Council Member Murray pointed out that she had seen people wearing hearing protection step into the street without realizing they could not hear a vehicle approaching. She said that it would be important to communication that the City expects the contractors to enforce this even though it might be hard. She said that she is familiar with heavy construction and that they do wear protection when something is going to be loud. However, with leaf blowers, people think it will only be for twenty minutes or so and don't realize the damage.

Council Member Niedzielski-Eichner said that this was similar to the introduction of safety helmets for skiing and biking. It was hard at first, but now people don't even think twice about it.

The more the expectation is set, the more it will happen over time. They don't want landscapers to have diminished lives because the City values all their residents. She said that she applauded the DPW team for taking the lead on showing them how to take the lead and following through. It will be beneficial for everyone.

Council Member Murray agreed and reminded people about the changes when they introduced seat belts.

**** COUNCIL MEMBER SHANAHAN MOVED TO FORWARD THE AMENDMENT TO LEAF BLOWER ORDINANCE, SECTION 4 TO THE FULL COMMON COUNCIL FOR A VOTE.**

**** THE MOTION PASSED WITH SIX (6) IN FAVOR (GOLDSTEIN, LOPEZ, MURRAY, NIEDZIELSKI-EICHNER, SEAD, AND SHANAHAN) AND ONE (1) ABSTENTION (DUNN).**

DISCUSSION ITEM:

There were no additional discussion items to consider at this time.

ADJOURNMENT

**** COUNCIL MEMBER MURRAY MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services