

**CITY OF NORWALK
ORDINANCE COMMITTEE
MARCH 21, 2017**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Bruce Kimmel; Thomas Livingston, Doug Hempstead; Shannon O'Toole; Giandurco; Travis Simms (7:15PM)

STAFF: Brian Candela, Corporation Counsel

OTHERS: Tom Callahan, Director of Health; Nancy Rosett; Howard Vernon; Tom Rich; Diane Cece; Diane Laurcella; Luigi DiMeglio; Isaac Camoro; Vincent Palumbo; Ernie Dumas; Rick Reardon; Sylvia Hall; Bruce Morris; Greg Romano

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:02PM and called the roll. A quorum was present.

2. PUBLIC HEARING

Ms. Melendez opened the public hearing at 7:03PM.

Luigi DiMeglio- 20 Lubrano Place

Mr. DiMeglio distributed photos and stated that his backyard abuts to Premier Wood Company and said that they run a hydraulic buzz saw and kiln, and there is no warning of when the noise will start or how long it will last, and that the noise is destroying his quality of life and it is very stressful on his family. He said that the hydraulic buzz saw creates an 80 decibel noise level in his backyard, and that he called the police today and that they took some samples of decibel levels and from what he understands that got a 62 point decibel level on his front porch. He said that there needs to be strong noise ordinances in the city.

Diane Cece- Omstead Place

Ms. Cece said that strengthening the noise ordinance in Norwalk is something that is long overdue, and pointed out that noise is much more than a nuisance to people and it impacts the

quality of life, and that is also a health issue. She said that she urges the committee to look at the noise ordinance as much as they can so that there is a robust ordinance that protects residences so that their quality of life is not impaired.

Sylvia Hall- Lubrano Place

Ms. Hall stated that besides Premier Wood Company that AMEC Carting is also next door to her and they idle their trucks at 4:00AM., and that there is noise all hours of the day and evening and that no one can sleep. She said that she would like someone to address the issue.

Vernon Howard- 110 Washington Street

Mr. Howard read an article from the internet from 2004 regarding Washington Street and said that thirteen years later he feels the frustrations and that nothing has changed since 2004. He said that in New York City the acceptable interior decibel level is 42, and he urges the committee to use New York City's ordinance as a guide to further revamp the ordinance here. He said that it is time for Norwalk to implement a fair and humane noise ordinance that protects all businesses and residents from those who don't follow the rules and disrespect our community.

Isaac Camoro- Owner of Room 112

Mr. Camoro stated that he has a petition with 300 signatures; supporting SONO as it is and that 75 percent of the people who live on Washington Street want it the way it is. He said that when you build something, you need to build in consideration that it is an entertainment district, and that they are all spending money when they build bars and clubs. He said that we spend money on speakers, sound controls, everything, and that change to the noise ordinance would mean spending an extra \$2,000 to have someone come in and check for us to get a zoning approval. He said that we are trying to work together, not fight and that we're fighting together, that's what's happening, and that its entertainment and has been like that for 30 years. He said that he understands you own something and you really want something quieter like they say, rent your space, move two miles away, and that the change would hurt every restaurant in Norwalk, not just SONO, and that you have to expect noise in SONO.

Tom Rich- Various properties on Washington Street

Mr. Rich stated that out of control noise in any neighborhood with a variety of uses does not work and the neighborhood has become the home to 400 unit rental and condo home community, with approximately 600 full time residents and those residents deserve an undisturbed and peaceful night's sleep. He said that all the small business's that he just mentioned along with some that he has not mentioned along with their residential neighbors are absolutely the lifeblood of SONO, and not one of them causes a noise disturbance or would be negatively impacted by the suggested change in this noise ordinance. He said the petition was advertised deceptively on Facebook, calling it as having zero value, and that the unreasonable noise makers city-wide who continue to blast noise into the streets, through their ceilings and walls in total disregard for the neighbors

despite hundreds of calls to the police and years and years of pleading to turn it down. He said that with the warm weather is coming he shudders to think of how these few establishments will be emboldened if this ordinance isn't sent to the Common Council.

Vincent Palumbo- Washington Street

Mr. Palumbo stated he has no problem with the noise and does think the noise level to go from where it is to down to 45 decibels.

Diane Laurcella - 21 Blue Mountain Ridge Road

Ms. Laurcella stated that she is in favor of the proposed noise ordinance changes and that she completely disagrees with the previous speaker. She said that sound is a health issue related to constant sound, and it makes it impossible for people to seek peace to realize the value of their homes. She said that she is in support of the two changes to the noise ordinance, and suggested that a sub-committee be formed to help the police and health department with the enforcement and the implantation. She said that the noise ordinance will never work if we don't have the equipment, knowledge and training to enforce it.

Greg Romano- 126 Washington Street

Mr. Romano stated that's it's a couple of restaurants on Washington Street not the majority which are causing a great deal of trouble, and he thinks they can be in a really good spot with the ordinance changes, and that he really hopes they will be passed.

Bruce Morris- 315 Ely Avenue

Mr. Morris requested that the current noise ordinance be enforced because enforcement is an issue.

Ms. Melendez closed the public hearing at 7:38PM.

3. PUBLIC HEARING DISCUSSION

Ms. Melendez said that the actual change to the noise ordinance is to 45 decibels, and she thanked everyone for coming out whether they were for or against the changes. She said that the problem with Washington Street is that it is dually zoned for residential and commercial so it creates an issue when people are trying to live and sleep.

Mr. Kimmel said that he understands the residential perspective but there's also an industrial threshold, making for a complicated issue. He said that the industrial issue needs to be pursued down the road and thanked Mr. DiMeglio for bringing it to their attention.

Mr. Hempstead said this has been an issue going way back and has had more versions in 30 years and that the enforcement part is always the toughest part, and suggested that the committee be advocates for the funding for the enforcement, the equipment that goes with the enforcement and training, because just implanting this is empty without that part of it.

Mr. Hempstead asked for clarification on warning devices required by OSHA or other state or federal safety regulations.

Mr. Corsello said that going from 62 to 45 decibels all at one time may be too drastic and suggested making the decibel level 50, and that normal conversation is 60 decibels. Mr. Vernon said that meter reading was taken outside of the building. Mr. Livingston asked if restaurants can operate at 45 decibels and are we effectively putting restaurants out of business. Ms. O'Toole Giandurco said that she has the same concerns and suggested making the decibel level 50 for a starting point. Attorney Candela said that he will look to see if a change like that can be made. Mr. Livingston said that the time period needs to be clarified. Mr. Simms said this is a very difficult issue and that he is sensitive to small businesses and he equally concerned about the residence, but that there needs to be a common ground. He said that he's familiar with noise, but dropping the standard from 62 to 45 is almost like killing their business. He suggested that the members of the committee go to SONO with the meter and listen to what the difference in the decibels is to get an idea on how to move this forward. Mr. Hempstead suggested getting a noise consultant and that the existing ordinance is probably based on old technology and that he would much rather take the time to make it right.

Mr. Kimmel said that the idea was to get this done quickly, and that we used all the information we had to come up with these two very minor changes and according to the police these minor changes should have an immediate impact, and he thinks they are obligated to get this to the full council as soon as possible.

Ms. Melendez said The Connecticut Department of Energy and Environmental Protection would have to review any ordinance changes, and she was almost positive that the proposed changes would go through quickly.

**** MR. KIMMEL MOVED TO APPROVE THE TWO PROPOSED NOISE ORDINANCE CHANGES.**

**** THE MOTION FAILED WITH TWO IN FAVOR (MR. KIMMEL, MS. MELENDEZ) AND FIVE AGAINST (MR. HEMPSTEAD, MR. SIMMS, MR. CORSELLO, MS. O'TOOLE GIANDURCO AND MR. LIVINGSTON)**

**** MR. CORSELLO MOVED TO APPROVE THE PROPOSED NOISE ORDINANCE CHANGE TO INCREASE THE PENALTIES.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Kimmel said that for next month he would like to see all the material that has been requested for the decibel levels, and also what other municipalities are doing in similar situations to see how

they are handling it. He also requested that someone from Planning and Zoning attend next month's meeting to understand what legal tools there are and to answer any questions that the committee may have. Ms. Melendez requested that Chief Kulhawik also attend the meeting since there has been so much talk regarding the enforcement aspect of this.

4. PUBLIC COMMENT

Ms. Dumas said that Mr. DiMeglio has complained for over six years about noise at his house from Premier Wood Company and this should stop and it is a quality of life issue.

Mr. Simms left at 8:25PM.

Mr. Rick Reardon said that on Glover Avenue the city gave permission to a company to work until 10:00PM jack hammering, at asked if the people in that section of town were notified ahead of time. Ms. Melendez requested that he e-mail the information to the committee members. He also said that dumpsters are being emptied at 5:00AM all throughout SONO, and that LaJoie's has a shredder machine that they start using at 6:00AM.

Mr. Corsello left at 8:30PM.

Mr. Rich said that there's one business or two businesses in the entire SONO neighborhood that doesn't care about their neighbors, and that all of the other restaurants and businesses are not going to be affected. He said that they are the life blood of the neighborhood; the residents are the lifeblood of the neighborhood, not a single nightclub or two. He said that they need to take responsibility to soundproof their space and that he thinks there has been a setback here and that he is very worried that they are now going to go into a complete sideways momentum. He said he implores the committee to get a sound consultant. Mr. Hempstead said it's not a matter of resolving one issue but coming up with long term solutions as the city grows.

Ms. O'Toole Giandurco said that she understands the frustrations but that this only got to us last month and for the committee to push something through in one month is not us doing our homework to the whole city. She said we can take, and we have taken years to get through ordinances and said that she promises that will not be the case, but again this just got to the committee last month and for them to get from last month to a public hearing and have a fruitful discussion, and that the committees gets it and that they are working on it, but she does not think they did a disservice by not pushing everything through tonight, and showed a good act of faith and that they have the committees attention, and they are working on this.

Ms. Laurcella said that she supports making the Bike/Walk Task Force to a commission and she thinks it's a terrific idea. She also suggested that a report be done by the Health Department on the affects of noise.

Ms. Melendez closed the public hearing at 8:40PM.

5 ACCEPTANCE OF MINUTES

February 21, 2017

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

6. OLD BUSINESS

Indemnification

Mr. Livingston asked for clarification on how the municipal officer is defined. Attorney Candela said that he can look at the statute to see if there is a definition next to 7-101A.

Bike/Walk Advisory Committee

Mr. Kimmel asked about the issue of liability and if it has to be looked at in specific situations. Attorney Candela said that specific situations need to be looked at, but there are advisory opinions by a committee that the city is being put on notice of potential liability. Mr. Livingston asked if there is any difference in terms of liability with having a committee versus a task force. Attorney Candela said that he will look to see if there is language that differentiates between the two. Ms. Melendez said that she is in full support of the Bike/Walk task force and that the liability issue has been her only concern. Mr. Livingston said that he is also in support of the Bike/Walk task force but that there needs to be some clarity as to what they will actually be doing. Attorney Candela said that he will reach out to CCM. Ms. O'Toole Giandurco requested a copy of the complete streets program for the next meeting. She also suggested that Ms. Rosett establish a wish list on what she would like the task force to do because as it is written now it is very specific to three items. There was further discussion ensued and Mr. Livingston said he would work with Ms. Rosett on the proposed language.

7. NEW BUSINESS

There was no new business discussed.

ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:15 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services