

**CITY OF NORWALK
ORDINANCE COMMITTEE
MARCH 20, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello (arrived at 7:07PM); Thomas Livingston; Beth Siegelbaum; Doug Stern; Chris Yerinides; Doug Hempstead

STAFF: Brian Candela, Corporation Counsel

OTHERS: Ray Birney, Personnel Director

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:05PM and called the roll. A quorum was present.

2. PUBLIC HEARING (POSSIBLE ACTION ON)

401 (a) Defined Contribution Plan
457 Deferred Compensation Plan

Ms. Melendez opened the public hearing at 7:02pm
Ms. Melendez closed the public hearing at 7:03pm
No one from the public spoke.

3. PUBLIC HEARING DISCUSSION

401 (a) Defined Contribution Plan

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Mr. Livingston suggested the following changes:

In section 8, line 6 to add “members” before the Defined Contribution Board.

In section 8, line 8, to delete “delegate or appointee”.

In section XV, item 15.1 (h) should have its own section, and to delete “401” in three places.

In section 8 “insurance” should be added and delete “401”

457 Deferred Compensation Plan

Mr. Livingston suggested in section 3.1 delete “457” and section 6.14 needs to be conformed and that “457” should also be deleted.

**** MR. HEMPSTEAD MOVED TO APPROVE THE 401 (A) DEFINED CONTRIBUTION PLAN AND 457 DEFERRED COMPENSATION PLAN AS AMENDED.**

**** THE MOTION PASSED WITH (6) SIX IN FAVOR AND (1) ONE ABSTENTION- (MR. CORSELLO).**

4. PUBLIC COMMENT

Diane Lauricella - 21 Blue Mountain Ridge Road

Ms. Lauricella said that she continues urging this commission to continue the conversations about banning certain fracking processes and use within our town boundaries. She said that urges the commission to do this prior to June because that is when the states provisional moratorium is due, and that hundreds of thousands of gallons of fracking waste is produced each month in other states and they are looking for places to put the material, and we don't want Norwalk to be a receptacle for chemicals that can be used and have been used in other states for de-icing substances.

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Ms. Smith- 42 Ledgebrook Drive

Ms. Smith stated that it has come to her attention that the interstate commerce laws may make this difficult for some towns, and that other towns have found ways to limit their language so that it doesn't involve any interstate commerce, and asked if that has come up in the research that has been done. Attorney Candela said at the last meeting Ms. Jennifer Siskind, from the Food and Water Watch, raised a lot of those points about interstate commerce and how difficult it is and they have relied a lot on river keepers from New York, and that a lot of municipalities that have passed ordinances in Connecticut have relied on that language.

5 ACCEPTANCE OF MINUTES

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**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES.
** THE MOTION PASSED WITH (6) IN FAVOR AND (1)
ABSTENTION – (MR. CORSELLO)**

6. OLD BUSINESS

Indemnification (Chapter 67A)

Mr. Livingston recommend to following changes:

In sections (a) and (b) to add except to the extent otherwise prohibited by Connecticut or Federal Law.

To take the language that Attorney Candela added in to section 67A-3 and add it 67A-4 because it also applies.

In section 67A-5, line one to change "employee are" to "employee is"

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Mr. Hempstead asked if the indemnification will also apply to Oak Hills. Attorney Candela said that he will have to check with Attorney Coppola. Mr. Hempstead recommend in section 67A-1 section (a) after committee to add "authority"

**** MR. LIVINGSTON MOVED TO APPROVE AS AMENDED BY HIMSELF AND MR. HEMPSTEAD.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. HEMPSTEAD MOVED TO FORWARD THE ITEM TO THE COMMON COUNCIL FOR APPROVAL.**

**** THE MOTION PASSED UNANIMOUSLY.**

Fracking

Mr. Corsello asked what the argument is against this ordinance. Mr. Yerinides said that he had spoken to Senator Duff regarding this bill and it has been discussed about for a very long time, and they just received updated language which is supposed to close some of the loop holes. He said that Senator Duff is in support of what we are doing here so there is support for it. Mr. Livingston asked if this has been brought to the Purchasing Department. Attorney Candela said that it has not but that he can do that. Mr. Livingston asked why it would be sent back to the Common Council if there is a violation and asked what other municipalities do. Attorney Candela said that it was based on other municipalities but that he has not had a chance to speak with them regarding the specifics other than the fact that Ms. Siskind had indicated that they had followed what River Keepers had done, but he can look to see if anyone has done the enforcement differently. Mr. Livingston said that a decision should be made by this committee on who should be enforcing this for the city and asked Attorney Candela if he had any recommendations on who should be doing the enforcement. Attorney Candela said that one of the policies behind this is it is for the health, safety and welfare of a community so in that regard perhaps the Director of Health. There was further discussion ensued and Attorney

Candela said that he will follow up with Chief of Police, Director of Health, Building Manager, Conservation and Planning & Zoning to see what their thoughts are. He also said that he will follow up with DPW on what their current de-icing methods are.

**** MR. YERINIDES MOVED TO SCHEDULE A PUBLIC HEARING FOR APRIL 17, 2018 AT 7:00PM.**

**** THE MOTION PASSED UNANIMOUSLY.**

7. NEW BUSINESS

There was no new business discussed.

8. DISCUSSION ITEM

There was no discussion item brought forward.

9. ADJOURNMENT

**** MS. SIEGELBAUM MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 7:50 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services

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