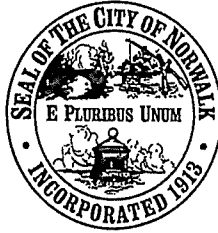


CITY OF NORWALK

LAW DEPARTMENT

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125

TEL: (203) 854-7750
FAX: (203) 854-7901



COMMON COUNCIL ORDINANCE COMMITTEE

PUBLIC HEARING AND REGULAR MEETING

February 21, 2017
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on): Parking Authority
Senior Tax Relief
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: January 17, 2017
6. OLD BUSINESS (possible action on): Indemnification
Arts Commission
7. NEW BUSINESS: (possible action on): Noise Ordinance
Bike/Walk Task Force
8. ADJOURNMENT

**CITY OF NORWALK
ORDINANCE COMMITTEE
JANUARY 17, 2017**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Bruce Kimmel; Thomas Livingston, Shannon O'Toole Giandurco; Travis Simms; Nicholas Sacchinelli; John Kydes (arrived at 7:50PM)

STAFF: Matt Sapienza, Corporation Counsel

Others: Thomas Kulhawik, Police Chief; David Orr, President, Norwalk Police Union; Michael Stewart, Tax Assessor; Lunda Asmani, Director of Management & Budgets; Diane Cece, Deborah Goldstein

1. ROLL CALL

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

2. PUBLIC HEARING

There was no public hearing held this evening.

3. PUBLIC HEARING DISCUSSION

There was no discussion held this evening.

4. PUBLIC COMMENT

Ms. Cece said that she was not aware of any other commission in the city that allows for a paid Executive Director position, and asked if precedence is being set with the Arts Commission? She said they are also trying to seek through an ordinance the ability to apply for specific grants that they otherwise would not be eligible for, and she wants to understand that operation, versus them just simply being a non-profit organization on their own, which would then let them fund Executive Directory positions that they want and possibly open them up to additional revenue that they may not otherwise get as a city commission.

Ms. Cece asked how the determinations were made to where extra duty work would be required, and said that the math that is in the packet still does not make the information any clearer to her, and she hopes this item is kept in committee until it is clear to the committee.

5 ACCEPTANCE OF MINUTES

November 15, 2016

The following correction was made to the minutes:

Page 3, paragraph 1, change Ms. O'Toole Giandurco said that" she is not happy" to "she is not happy that the meeting did not to have any Common Council representation present"

** MOVED KIMMEL MOVED TO APPROVE THE MINUTES AS CORRECTED
** MOTION PASSED UNANIMOUSLY

6. OLD BUSINESS

Parking Authority

Mr. Livingston recommend under the Annual Budget and Reports, Item B to remove the "Finance Claims Committee" of the.

Mr. Kimmel asked if the proposed change in the time line will now allow the authority and the council enough time to go back and forth if there are some differences on the parking fee increases. Mr. Hempstead said the proposed change moves the approval of the parking fee increase up to October 1st so that is adequate time to have discussions and differences.

Mr. Hempstead requested under the Responsibility for Parking Facilities, Items A and B that the Waypointe Special Services district be removed because it does not exist.

**** MR. LIVINGSTON MOVED TO AMEND THE PROPOSED LANGUAGE IN ITEM B AND TO REMOVE THE "FINANCE CLAIMS COMMITTEE OF THE".**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. KIMMEL MOVED THAT THIS BE SCHEDULED TO GO TO A PUBLIC HEARING ON FEBRUARY 21, 2017 at 7:00PM.**

**** MOTION PASSED UNANIMOUSLY.**

Indemnification

Mr. Sapienza said that the Oak Hills Authority was worried that they were not specifically mentioned in the ordinance, and at the last meeting it was requested that the ordinance be changed to be more generic and not specific to certain entities, and that is what the proposed version does. Mr. Livingston asked if the city is providing anything that is beyond what the state says we must do? Mr. Sapienza said "no" and that the State Statute requires us to indemnify any board except for willful acts. Mr. Livingston said that the language is not necessarily consistent with the State Statute. Mr. Corsello agreed and said that the reference can be made to the Connecticut General Statute, and simply state that the city will indemnify and hold harmless all members of agencies and boards etc. in accordance with the requirements of the Connecticut General Statute, and make reference to the Statute.

**** MR. LIVINGSTON MOVED TO TABLE THE ITEM**

**** MOTION PASSED UNANIMOUSLY**

{00020429.DOC 1}

City of Norwalk

Ordinance Meeting

Regular Meeting

January 17, 2017

Page 3

Arts Commission

Mr. Kimmel said that the second paragraph should be amended to "the commission shall include two members from the Common Council, but no more than one member from any political party, and council representatives on the commission shall be appointed by the Common Council. He also said that "one member from each political party" should be deleted.

Mr. Hempstead said there needs to be clarification on how the person is chosen, and have the language reflect on how the caucus chooses the person. Mr. Hempstead said there also needs to be clarification on if the person that is chosen does not want to serve. Mr. Simms suggested since the Arts Commission has no charter to follow the same language that is in the Historical Commissions charter. There was discussion ensued and it was decided the question be deferred to the legal department for clarification prior to establishing an ordinance.

Ms. Melendez said that on paragraph one to change "resident" to "elector"

**** MR. KIMMEL MOVED TO AMEND THE PROPOSED ARTS COMMISSION ORDINANCE.**

**** MOTION PASSED UNANIMOUSLY**

Extra Police Work

Mr. Corsello asked Chief Kulhawik to work toward getting all police officers working extra duty at road construction sites, to wear fluorescent vests reading POLICE on both the front and back. He said that he thinks the visibility of a police officer is important and it would also provide consistency. Chief Kulhawik said he would explore whether such vests are available.

Mr. Livingston said that he supports the goal of this for safety, and that it's very important and that he thinks the idea of protecting the schools and the fire departments is a good one, but that he proposes that we amend this to delete the reference to the city minor arterials, city major arterials and state roadways. He said that not all such roads are the same in every part of the city, and treating them as identical would result in unnecessary costs to the city, the contractors and to homeowners. He said he just does not think that these blanket statements warrant that cost, particularly when we have the language in here that says that the Director of Public Works in coordination with the police chief shall approve a traffic control plan and that he thinks the goal of safety is covered.

Mr. Orr read an e-mail that was prepared by Mr. Barron outlining the costs of extra duty. He said that he provided a three-year trend of hours, rates and categories of pay for police extra-duty work and addressed the 15percent surcharge, and for one hour of work at a construction site, the city pays the officer \$61 and bills the utility company \$71.15. He said that Mr. Barron estimated the cost of additional extra-duty work, and he had provided an analysis in the past, for a wide range of scenarios, and stated that the city is roughly at break-even as the extra cost to the city is offset by the extra revenue it receives from the vendor, and he calculated the additional potential costs as between \$290.65 and \$1,453.23.

Mr. Orr explained why the police last year asked for guidelines governing extra-duty work and said that there is no accountability, and that there is no recourse when these civilian flaggers are not doing their job. He said there is also no recourse when the contractors don't provide for traffic control, and that nobody is doing anything and we're the ones that bear the brunt of the phone calls.

Mr. Hempstead said it was time to act on the ordinance and said what doesn't work can later be tweaked.

****MR. LIVINGSTON MOVED TO APPROVE THAT THE DIRECTOR IN COORDINATION WITH THE POLICE CHIEF SHALL APPROVE THE TRAFFIC CONTROL PLAN, AND TOGETHER SHALL DETERMINE WHETHER TRAFFIC CONTROL PERSONS OR NORWALK POLICE OFFICERS ARE NECESSARY TO ENSURE THE PUBLIC SAFETY, AND SHALL FURTHER DETERMINE APPROPRIATE NUMBER OF SAME HOWEVER, WHEN THE ROADWAYS AFFECTED ARE IN A SCHOOL ZONE OR IMMEDIATELY ADJACENT TO ENTRANCES OR EXITS OF HOSPITALS OR FIRE DEPARTMENTS, THE DIRECTOR SHALL FIRST PROVIDE NORWALK POLICE OFFICERS WITH THE OPPORTUNITY TO DIRECT TRAFFIC SAFELY THROUGH THE AREA, IF THE POLICE DEPARTMENT DETERMINES THAT NO POLICE OFFICERS ARE NECESSARY OR IS UNABLE TO PROVIDE SUFFICIENT POLICE OFFICERS THE DIRECTOR SHALL, IN THE ALTERATIVE, DETERMINE THE APPROPRIATE NUMBER OF TRAFFIC CONTROL PERSONS NECESSARY TO ENSURE THE PUBLIC'S SAFETY**

Mr. Kydes left at 7:35PM

7. NEW BUSINESS

Senior Tax Relief

Mr. Kimmel thanked Mr. Asmani and Mr. Stewart for attending the meeting, and said if the Ordinance Committee approves what the Finance Committee has discussed it will then go for a public hearing, and then to the Common Council for approval. He said this will need to be done in time for folks to start applying for the relief program in February. Mr. Stewart said that they will be taking information and keeping people on record as having met the standard in establishing this ordinance, or being close to meeting the standard. He said if approved he would like to publicize this change in the ordinance as soon as possible, so that people who were on the fence of applying will have some clarity, and can come into the office and submit their application. Mr. Kimmel said if and when that this goes to the Common Council for approval that Mr. Stewart and Mr. Asmani include the material and charts that was dealt with at the Finance Committee. Mr. Kimmel said this is fair adjustment that is being made, and the amount of the tier I credit they are proposing will go from \$1390 to \$1400 and are raising the qualifying income in tier 1 from \$42,900 to \$46,500, and that will enable at least 82 additional families to move from tier II to tier I, and is an increase of \$750 credit to a \$1400 credit. He said that the application period begins February and goes through May 15, 2017, and will need to send it for a public hearing, and eventually before council and they will do whatever than can to publicize this. He said that there is a notice in the tax bills that went out. Ms. Giandurco said that this has been discussed at the Finance Committee and that this is the next step in the process and it was fully supported at the Finance Committee.

Mr. Hempstead said that reviewing this every couple of years is a great.

- ** MR. KIMMEL MOVED THAT THE BE SCHEDULED TO GO TO A
PUBLIC HEARING ON FEBRUARY 21, 2017, AT 7:00PM.
** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:45 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services

DRAFT

Parking Authority
(Norwalk City Code Ch. 73A)

§ 73A-1 Creation; powers and duties.

There is hereby created, in accordance with the provisions of Chapter **100**, Sections 7-202 to 7-212a of the Connecticut General Statutes, as amended (the "Chapter"), an authority known as the "Norwalk Parking Authority." The Norwalk Parking Authority (the "Authority") shall have all the powers and perform all the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the Chapter, as it shall be amended from time to time, subject to the provisions of this ordinance.

§ 73A-2 Responsibility for parking facilities.

A.

The Authority shall have all of the powers and perform all of the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the chapter with respect to all City parking facilities. For purposes of this chapter, "City parking facilities" shall mean lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles off the street or highway and open to the general public with or without charge, and off-street and on-street parking meters owned by the City wherever located, including, without limitation, parking facilities and parking meters constructed subsequent to the effective date of this chapter, additions to or replacements of existing parking facilities and parking meters and parking facilities and parking meters within mixed-use facilities, including the property comprising the South Norwalk, East Norwalk and the Merritt 7 Railroad Stations and their related parking facilities, subject to relevant agreements with the State of Connecticut. The areas included within the definition of this term are all buildings and improvements and all means of ingress and egress used to access and travel about within the railroad station facilities. Excluded from this definition is the property comprising the Rowayton Rail Station which is subject to an agreement with the State of Connecticut and any property now or hereafter located within the ~~Waypointe Special Services District~~, unless otherwise provided for by a separate agreement by and between the City and the Parking Authority.

[Amended 1-13-2004; 3-24-2009]

B.

The Authority is hereby granted all net revenues earned from City parking facilities on and after July 1, 2002, including, but not limited to, revenues from the lease, license or other use of any portion of City parking facilities directly related to the parking of motor vehicles, revenues from parking meters and parking permits collected on or after July 1, 2002, and revenues from parking fines and penalties levied on or after July 1, 2002, plus any interest thereon. ~~Excluded from this provision are all revenues (including net revenue) generated from any parking facilities, parking meters and parking pay stations owned by the City located within the Waypointe Special Services District.~~ For purposes of this chapter, "net revenues" shall mean revenues less any and all related expenses incurred in generating such revenues, including, but not limited to, contractual and other obligations of the City charged to the Authority, such as the cost of collecting and enforcing parking fines and penalties and an allocable share of expenses of City departments and City personnel providing services to the Authority. Net revenues shall be used by the Authority for any of its corporate purposes pursuant to the chapter, including, but not limited to, the acquisition, construction, expansion, improvement and equipping of City parking facilities, the operation and maintenance of City parking facilities, the establishment of capital

and operating reserves and the payment of debt services on bonds issued by the City or the Authority pursuant to the provisions of the chapter.

[Amended 11-12-2002; 3-24-2009]

C.

The Authority shall assume all existing obligations of the City in connection with City parking facilities as of July 1, 2002, and any obligations which accrue on or after July 1, 2002, which arise from City parking facilities. Nothing contained in this chapter shall be deemed to transfer any existing fee ownership interest of the City in any City parking facility, including the underlying land, air rights above or any easements through City parking facilities, to the Authority, and provided further, that control over parking meters within the City, including, but not limited to, the type, location, number and servicing thereof, shall be subject to the approval of the traffic authority of the City.

[Amended 11-12-2002]

§ 73A-3 Members; terms, vacancies; residency.

A.

The Authority shall consist of five members to be appointed by the Mayor and confirmed by the Common Council, not more than three of whom shall be of the same political party.

B.

Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter a member shall be appointed to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term. The Mayor and the Director of the Department of Public Works, or their designee, shall serve as ex officio, nonvoting members of the Authority.

C.

No person shall be appointed or reappointed to the Authority unless a resident of the City.

§ 73A-4 Compensation of members.

The members of the Authority shall serve without compensation but may be reimbursed for necessary expenses.

§ 73A-5 Organization; officers and employees.

A.

The Authority shall organize and operate in conformity with the provisions of Section 7-203 of the chapter.

B.

The Authority shall annually elect one of its members as Chairman and shall elect one of its members as Vice Chairman. The Authority may also employ an Executive Director (who shall not be a member of the Authority), who shall serve at the pleasure of the Authority and have such duties and receive such compensation and benefits as shall be fixed by the Authority. The Executive Director shall be professionally qualified to carry out the purposes of the Authority.

C.

The Authority or its Executive Director, as directed by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out the purpose of the Authority. The selection, appointment, assignment of duties, compensation, benefits,

termination, status and other terms and conditions of employment of its employees shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority. The Executive Director and other employees of the Authority shall not be considered employees of the City.

D.

The Authority or its Executive Director as directed by the Authority, shall have the sole right to select, direct and control such technical consultants, accountants, parking operators and other contractors as it deems necessary to carry out the purpose of the Authority. The selection, scope of services, compensation, termination and other terms and conditions of such contacts shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority.

E.

The Authority or its Executive Director, as directed by the Authority, may enter into agreements with the City to provide the Authority with various services to support the Authority.

[Amended 11-12-2002]

§ 73A-6 Annual budget and reports.

A.

On or before November 15th of each year, the Executive Director of the Authority shall submit to the Authority a recommended annual budget for the Authority for the next succeeding fiscal year commencing July 1st and ending June 30th. The Authority shall adopt a proposed budget on or before December 15th of each year and submit the proposed budget to the Director of Finance on or before December 31st of each year, or on or before such other dates as departments of the City shall be required to submit budgets. The Authority's budget shall be submitted to the Board of Estimate and Taxation and the Common Council for consideration and adoption in the manner and on the same schedule as departments of the City.

[Amended 11-12-2002]

B. Parking fee increases shall be submitted by the Executive Director of the Authority to the Board of Estimate and Taxation and the Common Council for their consideration and approval. Proposed increases shall be submitted no later than October 1st in order to be considered for the succeeding fiscal year.

C.

The Authority shall contract for an annual independent audit and shall submit a copy thereof to the Mayor, the Board of Estimate and Taxation and the Common Council on or before the date of submission of the City's audit for the same period.

§ 73A-7 Meetings.

A.

The Authority shall annually adopt a schedule of its regular meetings and file that schedule with the City Clerk. The Authority may hold special meetings on the call of the Chairman or any two members upon giving notice thereof to all members of the Authority at least 24 hours in advance of such meeting.

B.

All meetings of the Authority shall be held in compliance with the applicable provisions of the Connecticut Freedom of Information Act, as amended.

[Amended 11-12-2002]

§ 73A-8 Term of Authority.

The Authority shall continue to exist until abolished by subsequent ordinance of the Common Council, which shall not be earlier than the repayment of all obligations of the Authority, including without limitation, the retirement of all outstanding indebtedness of the Authority, or the assumption of such obligations by the City.

§ 73A-9 When effective.

This chapter shall take effect upon its adoption by the Common Council.



MEMORANDUM OF UNDERSTANDING

Re: *Communication between the Norwalk Parking Authority and the Common Council Regarding the Advanced Budgetary Process and Changes to the Rate Structure and on Street Hours of Operation*

This MOU is to facilitate/clarify continued communication between the Parking Authority and the Common Council to provide the members of the Common Council the opportunity to comment prior to issue of changes to rates or on street hours of operation.

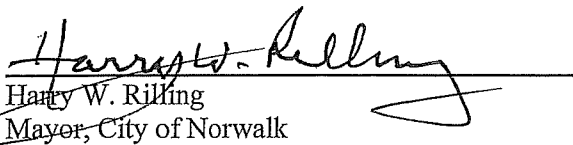
The budget process shall follow the City of Norwalk's Finance Department process for submission (attached):

- October-November, preliminary discussions regarding City of Norwalk's parking needs to meet next fiscal year's budget*
- Mid to late December-First draft is submitted to NPA board with suggested changes for board review and input*
- Mid-January-Board workshop meeting to review recommendations, input changes and create draft budget*
- Late January- Final review, approve operating budget, any rate changes or policies and schedule a Public Hearing for February as part of the NPA regularly scheduled meeting*
- Late February- Public Hearing to present budget and receive public comment. Review public hearing comments refine budget if necessary and approve budget for submission*
- Late February/early March-transmit final approved NPA budget to the Finance Director*

(*NPA to provide designated Common Council Members with summaries after each phase of process).

Meetings are open to the public and Common Council Members are invited and encouraged to attend.

Changes to the rate structure and on street hours of operation other than during the budget process would have advanced notice to the Common Council prior to a public hearing.


Harry W. Rilling
Mayor, City of Norwalk


Dick Brescia
Chairman, Parking Authority

Dated 2/16/17

2/17/17

Senior and Disabled Tax
Relief
(Norwalk City Code §§ 103-5,
et seq.)

Chapter 103. Taxation

Article III. Tax Relief for the Elderly and Disabled Homeowners

§ 103-5. Enactment; purpose.

The City of Norwalk hereby enacts a tax relief program for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the City of Norwalk, on the terms and conditions provided herein. This ordinance is enacted for the purpose of assisting elderly and disabled homeowners with a portion of the costs of property taxation.

§ 103-6. Eligibility.

Any resident of the City of Norwalk who qualifies under the following requirements is eligible for property tax relief with respect to real property owned and occupied by such person as his or her principal residence.

A.

Such resident is 65 years of age or over or his or her spouse, who is living with such resident, is 65 years of age or over; or such resident is 60 years of age or over and is the surviving spouse of a taxpayer who was qualified in the City of Norwalk under this ordinance at the time of his or her death, with respect to real property on which any such resident or spouse is liable for taxes under the provisions of § 12-48 of the Connecticut General Statutes; or

B.

Such taxpayer is under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security, or has not been engaged in employment covered by social security and, accordingly, has not qualified for benefits thereunder, but has qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act, and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to the requirements under social security; and provided that

C.

Such person shall have been a taxpayer of the City of Norwalk and have paid taxes for a period of five years immediately prior to his or her receipt of tax relief under this ordinance. No tax relief shall be given under this ordinance to any person who owes delinquent taxes to the City of Norwalk.

D.

The property for which the tax relief is claimed is the legal domicile of such person and is occupied more than 200 days of each year by such person.

E.

Such person shall have applied for property tax relief under any state statutes for which he or she is eligible; or if such person has not applied for tax relief under any state statutes because he or she is not eligible, he or she shall so certify by filing a form acceptable to the Tax Collector swearing to his or her ineligibility under current qualification requirements.

F.

All permanent residents in the domicile who are aged 25 years and older and who occupy such domicile for more than 200 days of each year shall have combined annual aggregate adjusted gross income as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest per Section 103 of the Internal Revenue Code of 1954, as amended, dividend exclusions as set forth in Section 116 of the Internal Revenue Code of 1954, as amended, social security benefits, railroad retirement benefits and income from other tax-exempt sources of an amount less than 127.77% ~~121.45%~~ of the maximum qualifying income defined in Connecticut General Statutes, Section 12-170aa, For the Grand List of October 1, 1999, this amount shall be \$33,500. The amount shall be adjusted annually as provided by Section 12-170aa(2) for the calendar year immediately preceding the year for which tax relief is sought and shall be posted in the office of the Assessor.
[Amended 3-27-2001; 4-12-2016]

§ 103-7. Filing of application.

A.

In order to be entitled to the benefits provided herein, an application must be filed with the Assessor not earlier than February 1 nor later than May 15 of each odd-numbered year so that these benefits shall be available to the taxpayer in the next following two fiscal years. This application for such tax relief must be acted on in accordance with the eligibility standards hereinabove set forth. The Assessor is empowered to require all necessary documents to determine eligibility, and the withholding of such information, if reasonably available, shall be sufficient reason for the denial of tax relief.

[Amended 5-28-2002; 10-28-2014]

B.

For tax relief on the Grand List of 1999, applications must be filed no later than October 27, 2000, and for tax relief on the Grand List of 2000, applications must be filed no later than April 15, 2001. Application for tax relief filed prior to the passage of this amendment shall automatically be eligible for the increased tax relief provided herein for the Grand List of 1999 and the increased relief provided herein shall be applied retroactively by the Assessor on such applications.

§ 103-8. Limits of tax relief.

No property tax relief provided for any person shall exceed, in the aggregate, 75% of the tax which would, except for benefits provided by state statutes and the within program, be laid against said person.

§ 103-9. Maximum credits.

The total tax relief granted under the provisions of this program shall not exceed an amount equal to 1/2 of 1% of the total property tax assessed in Norwalk in the preceding fiscal year.

§ 103-10. Benefits to be prorated.

Only one tax credit shall be allowed for each parcel of real property eligible for tax relief under the within program. In the event that title to real property is recorded in the name of the taxpayer or his or her spouse, who are eligible for tax relief, and any other person or persons, the tax relief under the within program shall be prorated to allow tax relief equivalent to the fractional share in the

property of such taxpayer or spouse, and the person or persons not eligible shall not receive any tax credit.

§ 103-11. Effect on other tax benefits.

The tax relief granted to any person under the within program shall not disqualify such person with respect to any benefits for which such person is eligible under state statutes, and any tax relief provided under the within ordinance shall be in addition to any such benefits.

§ 103-12. Amount of benefits; annual adjustment.

[Amended 3-27-2001; 4-27-2004; 2-26-2008; 3-22-2011; 10-28-2014; 4-12-2016]

Any individual or married couple eligible for tax relief as provided by this article, having income as provided in § 103-6F of this article, shall be entitled to tax relief as follows:

A.

For the 2016~~2014~~ grand list and all subsequent tax years:

(1)

Tier 1: 108,504~~100~~% of maximum qualifying state income: \$1,400~~1,390~~.

(2)

Tier 2: 108,514~~100.04~~% to 127.77~~121.45~~%; \$750, except that, if the maximum credits granted under the provisions of this program shall exceed an amount equal to 1/2% of the total property tax assessed in Norwalk in the preceding fiscal year, then the amount of benefits for Tier 2 shall be adjusted by subtracting the total amount of benefits for Tier 1 from the maximum tax relief allowed under the program pursuant to § 103-9, leaving a balance of tax relief available to Tier 2. The amount of benefits for each Tier 2 recipient shall be calculated by dividing the remaining funding for tax relief available to Tier 2 by the total number of eligible persons in Tier 2.



CITY OF NORWALK
OFFICE OF THE ASSESSOR
125 East Avenue, PO BOX 5125
Norwalk, CT 06856-5125

P: 203-854-7888 / F: 203-854-7986
norwalkct.org

MEMORANDUM

Date: January 24, 2017
TO: Ordinance Committee
FROM: Michael Stewart, Assessor
RE: Local Elderly Tax Relief Program

In response to your request at last month's Ordinance Committee meeting, I am providing the attached impact summary of recent Elderly Homeowners program ordinance changes, and the current recommendation of the Finance/Claims Committee to amend the local Elderly Tax Relief program under Chapter 103 of the City Code.

The proposed amendments would alter the existing program in two ways. First the amount of tax relief provided to Tier 1 recipients would be increased from \$1,390 to **\$1,400**. The last time that this benefit was modified was for FY 17. The benefits for Tier 2 will remain at \$750.

Secondly, the income range for Tier 1 would be modified from the current 0% to 100.01% of the State maximum income under the State Elderly Relief program, to 0% to **108.50%** of the State program's maximum income. The State income limit is currently \$42,900, and is adjusted annually by the State in keeping with Federal Social Security cost of living adjustment (COLA). No social security COLA adjustment was made, and the State's maximum income for the Elderly Homeowners Tax Relief program is scheduled to remain at \$42,900 for FY 2018.

Additionally, the proposed Tier 2 income limit is increased from 121.45% of the maximum State income to **127.77%** of the State income.

The cost of the recommend changes is estimated at \$117,740. Details are contained in the attached summary.

CC: Robert Barron, Director of Finance
Frederic Gilden, Comptroller
Matt Sapienza, Associate Corporation Counsel

NORWALK ELDERLY HOMEOWNERS PROGRAM				PROPOSED			
GL 2014 FY 2015-16		GL 2015 FY 2016-17		GL 2016 FY 2017-18		Year-over-Year Variance	
State Max \$42,200		State Max \$42,900		State Max \$42,900		\$0	
Min Income Max Income Max Benefit	Norwalk % of Max	Norwalk % of Max	Norwalk Max	Norwalk % of Max	Norwalk Max	Norwalk % of Max	Norwalk Max
	\$	\$	\$	\$	\$	\$	\$
	93.01%	100.01%	42,900	108.50%	46,500	8.5%	3,600
1,265		1,390		1,400		10	
39,201		42,901		46,501		3,600	
48,200		52,100		54,800		2,700	
750		750		750		-	
7.1%		7.1%		6.3%		2,700	
-		-		-		-	
Tax Relief Maximum		Tax Relief		Tax Relief		Tax Relief	
0.5% of PY Property Tax Levy		Tax Levy		Tax Levy		Tax Levy	
\$ 290,154,733		\$ 296,608,814		\$ 302,151,858		\$ 5,543,044	
\$ 1,450,774		\$ 1,483,044		\$ 1,510,759		\$ 27,715	
TAXPAYER #1		TAXPAYER #1		TAXPAYER #1		TAXPAYER #1	
Taxpayer Count		Taxpayer Count		Taxpayer Count		Taxpayer Count	
Tax Relief		Tax Relief		Tax Relief		Tax Relief	
Average / Taxpayer		Average / Taxpayer		Average / Taxpayer		Average / Taxpayer	
899		971		1,053		82	
\$ 1,123,471		\$ 1,284,411		\$ 1,412,514		\$ 128,103	
1,250		1,323		1,341		19	
TAXPAYER #2		TAXPAYER #2		TAXPAYER #2		TAXPAYER #2	
Taxpayer Count		Taxpayer Count		Taxpayer Count		Taxpayer Count	
Tax Relief		Tax Relief		Tax Relief		Tax Relief	
Average / Taxpayer		Average / Taxpayer		Average / Taxpayer		Average / Taxpayer	
190		148		132		(16)	
\$ 139,862		\$ 108,494		\$ 98,131		(\$10,363)	
736		733		745		12	
TOTAL		TOTAL		TOTAL		TOTAL	
Taxpayer Count		Taxpayer Count		Taxpayer Count		Taxpayer Count	
Tax Relief		Tax Relief		Tax Relief		Tax Relief	
Average / Taxpayer		Average / Taxpayer		Average / Taxpayer		Average / Taxpayer	
1,089		1,119		1,185		66	
\$ 1,263,333		\$ 1,392,905		\$ 1,510,645		\$ 117,740	
1,160		1,245		1,275		30	
VARIANCE		VARIANCE		VARIANCE		VARIANCE	
Tax Relief		Tax Relief		Tax Relief		Tax Relief	
\$ 187,440		\$ 90,139		\$ 114		\$	

- State Maximum Income level will remain at \$42,900
- The yellow shaded cells show the percent of State Maximum Income level and benefit amount for last fiscal year, this fiscal year and an estimate for next fiscal year
- The pink shaded cells show the estimated income range changes for next fiscal year, FY 2017-18:
 - Tier #1 \$0.00 to \$46,500, and
 - Tier #2 \$46,501 to \$54,800
- The green cells show the Maximum Relief for the Ordinance, FY 2015-16 and FY 2016-17 Actual and FY 2017-18 Estimated tax relief
 - In FY 2015-16 the Max Available was \$1,450,774; Actual \$1,263,333; and Variance or unspent available \$187,440
 - In FY 2016-17 the Max Available was \$1,483,044; Actual \$1,392,905; and Variance or unspent available \$ 90,139
 - In FY 2017-18 the is estimated to be:
 - \$1,510,759 Max Available;
 - Actual of \$1,510,645; and
 - Variance or unspent available \$114
 - This represents an increase of \$117,740 in Tax Relief or 8.5%

Indemnification
(Norwalk City Code § 67A-1)

Chapter 67A. Municipal Liability

§ 67A-1. Indemnification.

[Amended 7-9-2002]

The City of Norwalk shall protect and save harmless and shall defend any lawsuit or administrative proceeding instituted against ~~a director, any board member, commissioner, employee, or representative, board, commission, agency, or authority of the City in accordance with applicable provisions of the Connecticut General Statutes including, but not limited to, Section 52-557n(c) and Section 7-101a, as those sections may be amended from time to time,~~ appointed or confirmed by the City of Norwalk of the Maritime Center Authority, the Transit District, the Housing Authority, the Redevelopment Agency, the Norwalk Harbor Management Commission, the Norwalk-Wilton Convention and Visitors Commission and District, the Southwestern Regional Planning Agency, the Interlocal for the Connecticut Resource Recovery Authority, the Housing Sites Development Agency, the Norwalk Parking Authority, the Norwalk Water Pollution Control Authority or any other such agency which is not normally insured by the City of Norwalk and which the Mayor designates to be insured by the City of Norwalk for damages awarded for infringement of any person's civil rights or physical damage to person or property or breach of contractual obligations or claim arising out of the performance of the person's duties in an action brought against said director, commissioner or representative for acts or omissions occurring in the performance of governmental functions or while, acting within the scope of the person's duties. The City shall be liable for the acts or omissions occurring in the performance of governmental functions or duties of a director, Commissioner or representative so long as the person acts in good faith in the exercise of honest judgment and not maliciously, wantonly or in abuse of discretion.

§ 67A-2. Defense provisions.

The City shall defend any action brought against the director, commissioner or representative. It shall not be liable for any judgment, settlement or for fees of attorneys or other costs if a director, commissioner or representative does not notify the City Clerk, in writing, within 10 days of his/her first notice of presentation or institution of a claim or a lawsuit or chooses to defend any action on his/her own without the authority of the Mayor or the Corporation Counsel, unless it is determined that the city was required to represent the interests of such person and has failed to provide counsel for such person.

§ 67A-3. Notice of withdrawal of defense.

In the event that the City of Norwalk determines at any time that it will not defend or save harmless the director, commissioner or representative of the within-named authorities or agencies as a result of the person's acts or omissions occurring not in the performance of governmental functions or within the scope of the person's duties or if the person has acted in bad faith and not in the exercise of honest judgment or has acted maliciously, wantonly or in abuse of his/her discretion, the Mayor or the Corporation Counsel shall give prompt written

notice to the person that the city will withdraw coverage and provision of defense as established by this chapter. The Mayor shall deliver written notice of the withdrawal to the Common Council at its next regular meeting. The withdrawal shall be effective unless rejected by a resolution of the Common Council.

§ 67A-4. Notice of withdrawal of policy to save harmless.

In the event that the City of Norwalk determines, at the time of the institution of any suit or administrative proceeding or at any time during the course of said suit or proceeding, that it will not defend said action or proceeding or protect and save harmless the director, commissioner or representative of the within-named authorities or agencies as a result of the person's acts or omissions occurring not in the performance of governmental functions or within the scope of the person's duties or if the person has acted in bad faith and not in the exercise of honest judgment or has acted maliciously, wantonly or in abuse of his/her discretion, the Mayor or the Corporation Council shall give prompt written notice to the person that the city will not defend and shall not protect and save harmless from any judgment or order entered in the lawsuit or administrative proceeding. The Mayor shall deliver written notice of the withdrawal to the Common Council at its next regular meeting. The withdrawal shall be effective unless rejected by a resolution of the Common Council: provided, further, that, in an appropriate case as determined by the Corporation Counsel, the city may elect to defend said person under a reservation of rights upon written notice to the person of such reservation of rights and upon informing the individual of a right to seek independent counsel.

§ 67A-5. Effect of existing coverage.

In the event that a director, commissioner or representative is covered by an insurance policy in effect at the effective date of this chapter, this chapter shall not take effect as to the director, commissioner or representative until the City Clerk has been advised, in writing, by the authority or agency that the current insurance has terminated by reason of expiration or nonrenewal by the insurer.

Connecticut General Statutes Annotated

Title 52. Civil Actions

Chapter 925. Statutory Rights of Action and Defenses (Refs & Annos)

C.G.S.A. § 52-557n

§ 52-557n. Liability of political subdivision and its employees, officers
and agents. Liability of members of local boards and commissions

Currentness

(a) (1) Except as otherwise provided by law, a political subdivision of the state shall be liable for damages to person or property caused by: (A) The negligent acts or omissions of such political subdivision or any employee, officer or agent thereof acting within the scope of his employment or official duties; (B) negligence in the performance of functions from which the political subdivision derives a special corporate profit or pecuniary benefit; and (C) acts of the political subdivision which constitute the creation or participation in the creation of a nuisance; provided, no cause of action shall be maintained for damages resulting from injury to any person or property by means of a defective road or bridge except pursuant to section 13a-149. (2) Except as otherwise provided by law, a political subdivision of the state shall not be liable for damages to person or property caused by: (A) Acts or omissions of any employee, officer or agent which constitute criminal conduct, fraud, actual malice or wilful misconduct; or (B) negligent acts or omissions which require the exercise of judgment or discretion as an official function of the authority expressly or impliedly granted by law.

(b) Notwithstanding the provisions of subsection (a) of this section, a political subdivision of the state or any employee, officer or agent acting within the scope of his employment or official duties shall not be liable for damages to person or property resulting from: (1) The condition of natural land or unimproved property; (2) the condition of a reservoir, dam, canal, conduit, drain or similar structure when used by a person in a manner which is not reasonably foreseeable; (3) the temporary condition of a road or bridge which results from weather, if the political subdivision has not received notice and has not had a reasonable opportunity to make the condition safe; (4) the condition of an unpaved road, trail or footpath, the purpose of which is to provide access to a recreational or scenic area, if the political subdivision has not received notice and has not had a reasonable opportunity to make the condition safe; (5) the initiation of a judicial or administrative proceeding, provided that such action is not determined to have been commenced or prosecuted without probable cause or with a malicious intent to vex or trouble, as provided in section 52-568; (6) the act or omission of someone other than an employee, officer or agent of the political subdivision; (7) the issuance, denial, suspension or revocation of, or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization, when such authority is a discretionary function by law, unless such issuance, denial, suspension or revocation or such failure or refusal constitutes a reckless disregard for health or safety; (8) failure to make an inspection or making an inadequate or negligent inspection of any property, other than property owned or leased by or leased to such political subdivision, to determine whether the property complies with or violates any law or contains a hazard to health or safety, unless the political subdivision had notice of such a violation of law or such a hazard or unless such failure to inspect or such inadequate or negligent inspection constitutes a reckless disregard for health or safety under all the relevant circumstances; (9) failure to detect or prevent pollution of the environment, including groundwater, watercourses and wells, by individuals or entities other than the political subdivision; or (10) conditions on land sold or transferred to the political subdivision by the state when such conditions existed at the time the land was sold or transferred to the political subdivision.

Relevant subsection (c)
is on next page →

(c) Any person who serves as a member of any board, commission, committee or agency of a municipality and who is not compensated for such membership on a salary or prorated equivalent basis, shall not be personally liable for damage or injury occurring on or after October 1, 1992, resulting from any act, error or omission made in the exercise of such person's policy or decision-making responsibilities on such board, commission, committee or agency if such person was acting in good faith, and within the scope of such person's official functions and duties, and was not acting in violation of any state, municipal or professional code of ethics regulating the conduct of such person, or in violation of subsection (a) of section 9-369b or subsection (b) or (c) of section 1-206. The provisions of this subsection shall not apply if such damage or injury was caused by the reckless, wilful or wanton misconduct of such person.

Credits

(1986, P.A. 86-338, § 13, eff. Oct. 1, 1986; 1992, P.A. 92-198; 1993, P.A. 93-290.)

Notes of Decisions (449)

C. G. S. A. § 52-557n, CT ST § 52-557n

The statutes and Constitution are current with enactments of the 2016 February Regular Session, the 2016 May Special Session, and the 2016 September Special Session.

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated
Title 7. Municipalities
Chapter 97. Municipalities: General Provisions

C.G.S.A. § 7-101a

§ 7-101a. Protection of municipal officers and municipal employees from damage suits. Reimbursement of defense expenses. Liability insurance. Time limit for filing notice and commencement of action

Currentness

(a) Each municipality shall protect and save harmless any municipal officer, whether elected or appointed, of any board, committee, council, agency or commission, including any member of a local emergency planning committee appointed from such municipality pursuant to section 22a-601, or any municipal employee, of such municipality from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such officer or such employee while acting in the discharge of his duties.

(b) In addition to the protection provided under subsection (a) of this section, each municipality shall protect and save harmless any such municipal officer or municipal employee from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand or suit instituted against such officer or employee by reason of alleged malicious, wanton or wilful act or ultra vires act, on the part of such officer or employee while acting in the discharge of his duties. In the event such officer or employee has a judgment entered against him for a malicious, wanton or wilful act in a court of law, such municipality shall be reimbursed by such officer or employee for expenses it incurred in providing such defense and shall not be held liable to such officer and employee for any financial loss or expense resulting from such act.

(c) Each such municipality may insure against the liability imposed by this section in any insurance company organized in this state or in any insurance company of another state authorized to write such insurance in this state or may elect to act as self-insurer of such liability.

(d) No action shall be maintained under this section against such municipality or employee unless such action is commenced within two years after the cause of action therefor arose nor unless written notice of the intention to commence such action and of the time when and the place where the damages were incurred or sustained has been filed with the clerk of such municipality within six months after such cause of action has accrued.

(e) For the purposes of this section "municipality" means any town, city, borough, consolidated town and city, consolidated town and borough, district, district department of health, or authority established by the general statutes, a special act or local law, ordinance or charter or any public agency.

Credits

(1971, P.A. 726; 1975, P.A. 75-408, § 1; 1977, P.A. 77-399; 1980, P.A. 80-403, § 9, eff. May 23, 1980; 1989, P.A. 89-212, § 11; 1989, P.A. 89-378.)

Notes of Decisions (22)

C. G. S. A. § 7-101a, CT ST § 7-101a

The statutes and Constitution are current with enactments of the 2016 February Regular Session, the 2016 May Special Session, and the 2016 September Special Session.

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.

Location:

LIABILITY, LEGAL; MUNICIPAL OFFICIALS AND EMPLOYEES;

**OLR RESEARCH REPORT**

December 14, 2009

2009-R-0444

CIVIL LIABILITY OF A MUNICIPAL OFFICIAL

By: George Coppolo, Chief Attorney

You asked for general information about the civil liability of a person who serves as a municipality's first selectman including whether (1) someone could sue the official individually for actions that he or she took in the capacity as first selectman and (2) the municipality's liability insurance might provide some protection.

Our office is not authorized to give legal opinions and this report should not be considered one.

SUMMARY

Connecticut statutory and common law provides municipal officials with significant protection from civil liability. But the law does not provide total immunity. Thus, under certain circumstances municipal officials can be sued individually. Also, under certain circumstances, the law requires municipalities to indemnify municipal officials who are sued because of actions they took in their official capacity.

Municipalities can purchase insurance to protect themselves and municipal officials who are sued because of actions they took in their official capacity. Municipal officials should examine any insurance policy that a municipality has purchased to determine whether the insurance policy provides adequate protection from personal liability in light of Connecticut's law that provides limited immunity and requires municipalities to indemnify municipal officials under certain circumstances.

STATUTORY IMMUNITY FOR MUNICIPAL OFFICIALS

CGS § 52-557n(b) makes municipalities and their employees, officials, and agents acting within the scope of their employment or official duties immune from civil liability for damages resulting from:

1. the condition of natural land or unimproved property;
2. the condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person in a manner that is not reasonably foreseeable;
3. the temporary condition of a road or bridge which results from weather, if the municipality has not received notice and has not had a reasonable opportunity to make the condition safe;
4. the condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreational or scenic area, if the municipality has not received notice and has not had a reasonable opportunity to make the condition safe;
5. starting a judicial or administrative proceeding, unless it was commenced or prosecuted without probable cause or with a malicious intent to vex or trouble;
6. the act or omission of someone other than a municipal employee, office, or agent;
7. the issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, when such authority is a discretionary function by law, unless the action or referral constitutes a reckless disregard for health or safety;
8. failure to inspect or making an inadequate or negligent inspection of any property, other than property owned or leased by or leased to the municipality, to determine whether the property complies with or violates any law or contains a hazard to health or safety, unless the municipality (a) had notice the violation of law or such a hazard or (b) the failure to inspect or such inadequate or negligent inspection constitutes a reckless disregard for health or safety under all the relevant circumstances;
9. failure to detect or prevent pollution of the environment including groundwater, watercourses, and wells, by individuals or entities other than the municipality; or
10. conditions on land sold or transferred to the municipality by the state when such conditions existed at the time the land was sold or transferred to the municipality.

Liability of Uncompensated Municipal Officials

CGS § 52-557n(c) makes those who serve as a member of any municipal board, commission, committee, or agency and who are not compensated on a salary or prorated equivalent basis, immune from civil liability for damage or injury resulting from any act, error, or omission made in the exercise of their policy or decision-making responsibilities if they were:

1. acting in good faith and within the scope of their official functions and duties and
2. not violating (a) any state, municipal, or professional code of ethics regulating the conduct of such person, (b) their duty to prepare and print a concise explanatory text of local proposals or questions approved for submission to the electors of a municipality at a referendum as required by law (CGS § 9-369b(a)); or (c) the law prohibiting public officials from denying access to public records or meetings (CGS § 1-206(b) or (c))).

This immunity applies to negligence on the part of a public official in their decision making capacity. But it does not apply to damages or injuries caused by their reckless, willful, or wanton misconduct.

Negligence. In order to recover under a negligence theory, an injured person must prove (1) the defendant owed him a duty of care, (2) the defendant breached this duty, and (3) he or she was injured because of the breach.

Common-law negligence is the failure to use reasonable care under the circumstances. A duty to use care exists when a reasonable person, knowing what the defendant either knew or should have known at the time of the challenged conduct, would foresee that harm of the same general nature as that which occurred was likely to result from that conduct (*Coburn v. Lenox Homes, Inc.*, 186 Conn. 370, 375 (1982)).

Reasonable care is the care that a reasonably prudent person would use in the same circumstances (*Hoelter v. Mohawk Services, Inc.*, 170 Conn. 495, 501 (1976)). In determining the care that a reasonably prudent person would use in the same circumstances, the jury (or court in a non-jury case) must consider all of the circumstances that were known or should have been known to the defendant at the time of the conduct in question. Whether care is reasonable depends upon the dangers that a reasonable person would perceive in those circumstances (*Galligan v. Blais*, 170 Conn. 73, 77 (1976); *Pleasure Beach Park Co. v. Bridgeport Dredge & Dock Co.*, 116 Conn. 496, 503 (1933); *Geoghegan v. G. Fox & Co.*, 104 Conn. 129, 134 (1926)).

Willful, Wanton, and Reckless Misconduct. Under Connecticut law, willful, wanton, or reckless misconduct refers to unreasonable conduct involving an extreme departure from ordinary care in a situation where a high degree of danger is apparent. The conduct must be more than any mere mistake resulting from inexperience, excitement, or confusion, and more than mere thoughtlessness, inadvertence, or inattention (*Pouliot v. Arpin Van Lines, Inc.*, 367 F. Supp. 267 (D. Conn. 2005)).

Common Law Immunity

The common law appears to provide similar immunity for compensated municipal officials as this statute does for uncompensated officials.

COMMON-LAW IMMUNITY FOR MUNICIPAL OFFICIALS

The common law gives compensated and uncompensated municipal officials qualified immunity from civil liability when performing discretionary functions. A municipal official's immunity for performing discretionary governmental functions is qualified by three recognized exceptions:

1. the circumstances make it apparent to the public official that his or her failure to act would be likely to subject an identifiable person to imminent harm;
2. a statute that authorizes a person to sue a municipality or municipal official for failure to enforce certain laws; or
3. the alleged acts involve malice, wantonness, or intent to injure, rather than negligence (*Spears v Garcia*, 263 Conn. 22 (2003)).

"Governmental acts" for which municipal officials have qualified immunity are performed wholly for the direct benefit of the public and are supervisory or discretionary in nature. The hallmark of a discretionary act is that involve the exercise of judgment. In contrast, ministerial acts refers to a duty that is to be performed in a prescribed manner without the exercise of judgment or discretion (*Bailey v. Town of West Hartford*, 100 Conn. App. 805 (2007)). The common law does not provide immunity to municipal officials for negligently performing ministerial acts.

The imminent harm exception to discretionary act immunity applies when the circumstances make it apparent to the public official that his or her failure to act would be likely to subject an identifiable person to imminent harm. This test requires three things: (1) imminent harm, (2) an identifiable victim, and (3) a public official to whom it is apparent that his or her conduct is likely to subject that victim to that harm (*Violano v. Fernandez*, 280 Conn. 310 (2006)).

An injured person who claims that an official's conduct was wanton, reckless, willful, or intentional must prove the official's conduct was more than negligence, and more than gross negligence. The injured person must prove that the official's conduct amounted to a reckless disregard of the rights or safety of others (*Belanger v. City of Hartford*, 578 F. Supp. 2d, 360, District of Connecticut (2008)).

INDEMNIFICATION AND REIMBURSEMENT FOR MUNICIPAL OFFICIALS

CGS § 7-101a

A statute requires each municipality to indemnify any elected or appointed municipal official, or any municipal employee from financial loss and expense, including legal fees and costs, arising out of any claim, demand, suit, or judgment for negligence or infringement of civil rights by the official or employee while acting in the discharge of his or her duties (CGS § 7-101a (a)).

The law also requires each municipality to indemnify municipal officials and employees from financial loss and expense, including legal fees and costs arising

out of any claim, demand, or suit instituted against them by reason of an alleged malicious, wanton, or willful act, or any act beyond the scope of their authority while acting in the discharge of their duties. But an official or employee who has a judgment entered against him or her for a malicious, wanton, or willful act, must

reimburse the municipality for expenses it incurred in providing such defense and the municipality may not be held liable to such official or employee for any financial loss or expense resulting from such an act (CGS § 7-101a(b)).

This duty to indemnify only applies if (1) the lawsuit is initiated within two years after the cause of action arose and (2) written notice of the intention to sue and of the time and place where the damages were incurred or sustained has been filed with the municipality's clerk within six months after the cause of action has accrued (CGS § 7-101a(d)).

The law authorizes each municipality to insure against the duty to indemnify or elect to act as self-insurer of such liability (CGS § 7-101 a(c)).

CGS § 7-465

A separate statute also requires municipalities to indemnify municipal employees for all sums the employees become obligated to pay for damages awarded for infringing any person's civil rights or for physical damages to person or property, if the employees, at the time of the occurrence, accident, physical injury, or damages complained of, were (1) acting in the performance of their duties and within the scope of their employment, and (2) the occurrence, accident, physical injury, or damage was not the result of the their willful or wanton act (CGS § 7-465). This statute specifies that a municipality may arrange for and maintain appropriate insurance or may elect to act as a self-insurer to maintain protection for lawsuits filed against it under this statute's provisions.

This statute's indemnification requirement does not apply to:

1. libel or slander proceedings brought against an employee or
2. physical injury to an employee caused by another employee while both are engaged in the scope of their employment for the municipality if the injured employee or his or her dependent, has a right to workers' compensation benefits or compensation.

No action for personal physical injuries or damages to real or personal property may be maintained against such municipality and employee jointly unless (1) the lawsuit is commenced within two years after the cause of action arose and (2) written notice of the intention to commence the action and of the time and place where the damages were incurred or sustained has been filed with the clerk of such municipality within six months after the cause of action accrued.

This statute specifies that the doctrine of "governmental immunity" is not a defense in any lawsuit filed under its provisions.

This statute also specifies that in any lawsuit filed under its provisions, the municipality and the employee may be represented by the same attorney if the municipality, when the attorney enters his or her appearance, files a statement with the court that it will pay any final judgment rendered in the lawsuits against the employee.

GC:df

Arts Commission

Arts Commission

Establishment; membership; appointment; terms of office.

There shall be a Commission known as the "Norwalk Arts Commission." The Commission shall consist of eleven members, who shall be appointed by the Mayor, with the consent of the Common Council. The first commissioners appointed shall be designated to serve staggered terms: three commissioners shall serve for one year; three for two years; and three for three years. After the initial appointments, each commissioner shall serve a term of three years. Any vacancy shall be filled for the unexpired portion of the term. No person shall be appointed or reappointed to the Commission unless they are an elector of the City.

The Commission shall include two members of the Common Council, but no more than one member from any political party. The Common Council members shall serve only during their terms of office as Council members; and, upon the expiration of such terms of office, vacancies shall exist which shall be filled by the Mayor with the consent of the Common Council. Each vacancy shall be forthwith filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

Officers and executive director.

At its first meeting subsequent to July 1 of each year, the Commission shall elect three officers, a Chairman, Vice Chairman and Secretary. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.

Purposes and duties.

The purpose of the Commission shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations shall become effective upon approval by the Common Council.

City of Norwalk, CT
Tuesday, February 14, 2017

Chapter 57A. Historical Commission

§ 57A-1. Establishment; legislative authority.

Pursuant to the terms of § 1-189.2 of the Code of the City of Norwalk, there is hereby established the Norwalk Historical Commission.

§ 57A-2. Purpose.

The purpose and intent of this ordinance is to safeguard the heritage of the City of Norwalk by preserving the elements of its historic, cultural, social, economic, political and architectural history, and to promote the use of historic sites for the education, welfare and pleasure of the citizens of Norwalk and of the general public.

§ 57A-3. Membership; terms; vacancies.

- A. Said Commission shall consist of 11 members, 10 of whom shall be appointed by the Mayor, with the approval of a majority of the Common Council. The terms of the members whose terms were authorized prior to January 1, 1987, are as follows: two members' terms expire December 31, 1990; two members' terms expire December 31, 1991; and one members' term expires December 31, 1987. The terms of those five members appointed by the Mayor whose terms were authorized subsequent to January 1, 1987, shall be as follows: one member for a term to expire December 31, 1987; two members for terms to expire December 31, 1988; and two members for terms to expire December 31, 1989. The terms of all members appointed by the Mayor shall be for five years commencing on January 1, and the Mayor, with the approval of a majority of the Common Council, shall appoint successors to those members whose terms expire on December 31 of each such year. The Mayor may, with the approval of the Common Council, fill any vacancy for the balance of the term of such vacant position. "Vacancy," as used herein, shall be deemed to result upon the expiration of the term of a member or the resignation, removal from the City of Norwalk or the death of any member. Nothing herein shall prohibit reappointment by the Mayor of a member at the expiration of his or her current term.
[Amended 3-10-1987]
- B. In addition to the 10 members appointed as set forth above, the Common Council of the City of Norwalk shall appoint one member to serve on the Commission for a period of two years, for a term concurrent with the tenure of the Common Council.
[Amended 3-10-1987]
- C. All members shall be electors of the City of Norwalk and shall serve without pay.

§ 57A-4. Powers and duties.

- A. The Commission, subject to the approval of the Common Council, shall designate sites and buildings owned or hereafter acquired by the City of Norwalk as historic land sites, and, upon such approval by the Council, such sites shall come under the control and direction of the Commission. The Commission may from time to time recommend to the Mayor and Common Council the acquisition or relinquishment of additional historic land sites.

- B. The Commission shall be charged with the control, development, management, operation, improvement and maintenance of the historic land sites so designated and shall, additionally, institute and carry out programs designed to acquaint the general public with the historical, cultural and economic history of the City of Norwalk.

§ 57A-5. Officers; meetings; notification of meetings.

- A. The Commission shall elect its own Chairman and such officers as may be necessary at any meeting in January of each year.
- B. The Commission shall hold regular meetings at least once each month and designate the time and place thereof.
- C. Each Commissioner shall be notified of all meetings, and public notice, in the newspaper, shall be given of all meetings at which site designation is part of the agenda.

§ 57A-6. Municipal historian.

[Added 9-14-1988^[1]]

In accordance with the provisions of the Connecticut General Statutes, Section 7-148(c)(5)(D), as it may be amended, there shall be a Municipal Historian. The Municipal Historian shall be responsible for the collection of information relating to the history of Norwalk and for making the material available to the public. The Municipal Historian shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall be subject to removal from office only for just cause.

[1] *Editor's Note: This amendment also provided for the renumbering of former §§ 57A-6 through 57A-11 as §§ 57A-7 through 57A-12.*

§ 57A-7. Transaction of business; records; monthly reports.

[Amended 3-10-1987]

The Commission shall adopt rules and regulations for the transaction of business within its jurisdiction and shall keep records of all its proceedings. Two copies of the minutes of its regular meetings and, with the help of the Comptroller, monthly reports or receipts and expenditures shall be filed with the City Clerk, one copy of which shall be available at all reasonable times for public inspection. Five members of the Commission shall constitute a quorum for the purpose of transacting business.

§ 57A-8. Annual operating and capital budgets.

- A. The Commission shall prepare an annual operating budget for submission to the Common Council on or before the fourth Monday of February in each year. Such budget may be approved, modified or amended by a majority vote of the entire membership of the Council. Such budget shall thereupon be forwarded to the Comptroller for presentation to the Board of Estimate and Taxation.
- B. The Commission shall prepare an annual capital budget and capital projects program for the ensuing five-year period for submission to the Comptroller and the City Planning Commission on or before the first day of January in each year and which shall be subject to approval in the same manner as the capital budget for all other City departments as required by law.

§ 57A-9. Charges for public use of historic sites.

The Commission, with the approval of the Common Council, may establish reasonable charges for the use by the public of historic landmark sites and for any of its purposes as set out above.

§ 57A-10. Requests for assistance.

The Commission shall have the right to call upon any other department of the city government for assistance in performing its duties; and it shall be the duty of such other department to comply with a proper request of said Commission. Any question as to what shall constitute a proper request for assistance shall be decided by the Mayor.

§ 57A-11. Acceptance of gifts.

The Commission may receive gifts in the name of the municipality for any of its purposes and shall administer the same for such purposes subject to the terms of the gift.

§ 57A-12. Severability.

If any part of this ordinance shall be declared invalid by a court of competent jurisdiction, all other parts shall remain in full force and effect.

COMMON COUNCIL MINUTES DECEMBER 13, 2016
NORWALK, CONNECTICUT 7:30 PM EST COUNCIL CHAMBERS

**ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO
APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND
OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS
ARE SUBJECT TO THE AVAILABILITY OF FUNDS**

CALL TO ORDER.

Mayor Rilling called the meeting to order at 7:36 p.m. He then led all those present in reciting the Pledge of Allegiance. Following the conclusion of the Pledge, the Mayor requested that all present remain standing for 26 seconds of silence in memory of the 26 victims of the Sandy Hook Elementary School shooting, which occurred on December 14, 2014 in Newtown, Connecticut.

ROLL CALL.

Ms. King called the roll.

Council at Large:	Mr. Richard Bonenfant Mr. Douglas Hempstead Mr. Nicholas Sacchinelli	Mr. Michael Corsello Mr. Bruce Kimmel
District A:	Ms. Eloisa Melendez	Mr. Steve Serasis
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Michael DePalma
District E:	Mr. John Igneri Council President.	Mr. Thomas Livingston

There were 14 Council Members present and one absent (Maggio). A quorum was present.

Also present were Mayor Harry Rilling, Attorney Mario Coppola, Corporation Counsel and Donna King, City Clerk.

II. ACCEPTANCE OF MINUTES

Regular Meeting:

November 22, 2016

**** MR. IGNERI MOVED THE MINUTES OF NOVEMBER 22, 2016.**

The following correction was noted:

City of Norwalk
Common Council
Regular Meeting
December 13, 2016

Page 9, paragraph 2, line 4: please change the following from:

“the costs of the project has risen to \$140,000.” To “the costs of the project has risen to \$140,000,000.”

**** THE MOTION TO APPROVE THE MINUTES OF NOVEMBER 22, 2016 AS CORRECTED PASSED WITH TWELVE (12) IN FAVOR (BONENFANT, CORSELLO, HEMPSTEAD, KIMMEL, SACCHINELLI, MELENDEZ, SERASIS, BOWMAN, KYDES, O'TOOLE-GIANDURCO, DEPALMA, AND IGNERI) AND TWO (2) ABSTENTIONS (SIMMS AND LIVINGSTON).**

III. PUBLIC PARTICIPATION

Ms. Susan Wallerstein came forward and greeted the Council members. She said that she was present as Chairman of the Arts Commission and wished to address Agenda Item VII D 1, which was coming from the Ordinance Committee for approval.

Ms. Wallerstein said that there were two words in the proposed ordinance that she would like the Council Members to focus on along with two reasons for approving this ordinance. The first word was “connect”. She went on to explain that in the three years that she had been chairman of the Arts Commission, the Commission has trained approximately 50 to 60 volunteer docents from all age ranges. The Commission has also been able connect local graphic design professionals with students interested in the profession. Signage and digital resources have been created to help Norwalk residents and visitors understand the arts, along with assisting graduates of the Norwalk public schools.

“Stewarding”, which involves accepting, maintaining and de-accessioning, are three critical functions for the public art. Examples of recent donations such as one from David Cole to the Center for Global Studies and the family of the late Bruce Mellon donated his art collection. In order to do this, someone has to contact the donors, and inventory the items. Maintaining the various pieces includes work with the Board of Education and the Anti-Graffiti Task Force, along with working to repair public art that may be damaged. Ms. Wallerstein said that the Commission was not the decision makers, but provided value added input.

She then said one reason the Council should proceed with this was due to continuity. Many people think that the Arts Commission started under Mayor Moccia, but it was actually begun by Mr. Cliff Barton under Mayor Bill Collins. With the Commission's current status, if the Mayor or the citizens are not interested in having an Arts Commission, then there isn't one because it is not codified in the Charter.

The second reason has to do with eligibility. Last spring, the Commission discovered that

the CDBG funding would only be available to a municipal Arts Commission. She thanked everyone for the time.

Mr. Charles Taney then came forward to address the Council members. He said that he was president of the Manresa Association which represents over 900 Norwalk households. He said that he wished to address Agenda Item VII A 2, the Economic Impact study involving a public/private partnership between the City of Norwalk and the Manresa Association. He then offered two reason why this would be important to approve.

Mr. Taney said that he had moved to the Village Creek area of Norwalk nine years ago, Prior to that, he lived in Greenwich and commuted into New York City on a daily basis. Each day, his train would pass by the closed Cos Cob power plant, which slowly crumbled into the ground for 29 years. When the Manresa plant was closed three years ago, Mr. Taney decided he did not want to be looking at that plant crumbling into Long Island Sound for the next 20 years. It's been three and a half years since the plant closed and nothing has been done on the property. NRG has said that they have not determined what the future plans are for the property. It is actually cheaper just to do nothing on the site and sit on it, which is what they did in Cos Cob. The Manresa Association does not want to see that happen and hopes that the Council does not want to have 125 acres right on Long Island Sound in that deteriorating condition.

Secondly, by undertaking this partnership, Norwalk will be moving towards a better outcome. It will be the current Common Council or their successors who will eventually have the NRG presenting a recommendation for the property. Having the Economic Impact Analysis will put the Council Members in the position of being able to make an informed decision. The Council Members will have their own metrics and data that has been developed by the City with the Manresa Association available to consider, rather than depending on their information.

Finally, Mr. Taney said that he would like to thank the City of Norwalk. The Manresa Association brought the idea of the Economic Impact study to the City with an offer of sharing the cost of the study. Mr. Taney said that the City stepped up and that the task force team that the Mayor appointed was terrific. He also thanked the Steering Committee for their hard work in selecting the firm to do the study. Mr. Taney then outlined the process for selecting the firm, including the RFP and evaluating the proposals. The selection of Fitzgerald & Halliday was unanimous.

Mr. Taney then said that he had a check in the amount of \$75,000 to cover the Manresa's Association's half of the study cost.

Ms. Rita Steinburger, who lives in Marvin Beach, which is one of the communities that is

Mr. Serasis said that he was in support of the project and the work that has been put into it along with the funding raised. He said that he was planning on abstaining on voting because he was from District A. Mr. Serasis said that there was a comment made earlier about the synergy in the area and the parking and traffic on main and Wall Street is crazy. The state of the uptown development want. An economic study on an uptown train platform. He spoke about a building on Wall Street that was in serious disrepair. He said that he was abstaining because Wall Street needs an economic study for the TOD.

Mr. Kimmel said that it was his understanding that the BET had already approved this issue.

**** MR. KIMMEL MOVED TO AMEND THE ITEM FROM:**

APPROVE ENTERING INTO A CONTRACT WITH FITZGERALD & HALLIDAY FOR THE DEVELOPMENT OF THE MANRESA ISLAND ECONOMIC IMPACT ANALYSIS NOT TO EXCEED \$150,000 (ACCOUNT #017025-5258) AND APPROVE THE ECONOMIC DEVELOPMENT DIRECTOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS.

TO:

APPROVE ENTERING INTO A CONTRACT WITH FITZGERALD & HALLIDAY FOR THE DEVELOPMENT OF THE MANRESA ISLAND ECONOMIC IMPACT ANALYSIS NOT TO EXCEED \$150,000 (ACCOUNT #017025-5258) AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS.

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

Mayor Rilling congratulated the Manresa Association, Land Trust and the Council members who attended the meetings and worked so hard for this project. They bring their passion for open space in Norwalk to the City and protect the space for the residents. He also thanked Mr. Kimmel, Mr. Livingston and Mr. Igneri for their time in attending these meetings in order to bring this to the Council for approval.

**** THE MOTION TO APPROVE THE ITEM AS AMENDED PASSED WITH ELEVEN (11) IN FAVOR (BONENFANT, CORSELLO, HEMPSTEAD, KIMMEL, SACCHINELLI, MELENDEZ, LIVINGSTON, KYDES, O'TOOLE-GIANDURCO, DEPALMA, AND IGNERI) AND THREE (3) ABSTENTIONS (SERASIS, BOWMAN AND SIMMS).**

D. ORDINANCE COMMITTEE

1. Approve proposed Arts Commission ordinance.

**** MS. MELENDEZ MOVED THE ITEM.**

Ms. Melendez said that she supported the ordinance because it affirms the City's commitment to the arts. It makes sense to have an official commission to help with the Arts.

Mr. Bonenfant said that he did not think it was quite ready and had some issues with the language. He suggested that the word "consent" in the second line of the first paragraph be replaced with the word "approval". He also had a suggestion regarding the use of the word "resident". Discussion followed and Mr. Bonenfant agreed that the phrase "resident elector" would be an acceptable substitution.

The discussion then moved to the language in the second paragraph. Mr. Bonenfant expressed concern about the minority party representation and said that only recognizing two parties blocked future Independent or unaffiliated Council Members from serving on the Commission. He also had concerns about the descriptions of the part time employee. He asked if the Commission would have the power to spend money. Mr. Bonenfant asked if they would have the ability to put a piece of art in a park without any departmental approval or a display in a public building without the Council's approval.

Mr. Kimmel said that he would like to make an amendment to the second paragraph by having it read: "The Commission shall include two members of the Common Council, no more than one member per political party, selected by the Council caucuses. The Common Council member shall serve only during their terms of office as Council members."

Regarding the other questions, he said that they were answered during the meetings and felt that the Council could move ahead with this tonight. Discussion followed about how the amendment should be amended.

Mr. Bonenfant said that he wanted some clarification on the Executive Director. Ms. Bowman agreed. She asked if the Council was creating a department and what their ability would be to spend funding.

Ms. Melendez asked Ms. Wallerstein to come forward to answer questions. Ms. Wallerstein came forward and explained that the Arts Commission had gone to CCM and other towns to see what kind of ordinances they had as examples. The final product was from the Law Department. The Arts Commission does not plan to become a department and did not ask for staffing or a 19 hour week position. The Law Department explained that the Historical Commission employs a part time handyman. The Arts Commissions would operate under the same requirements as all the other Commission in the City. For

the last 10 years, the Arts Commission had a modest budget and occasionally hires consultants for projects. A consultant contract, similar to the Manresa agreement that was just approved, would go through the Purchasing Department. The Arts Commission works very closely with the Historical Commission. When the Arts Commission suggested that they remove the employment part, the Law Department suggested it be left in and any hiring would go through Personnel. The other changes seem reasonable.

Atty. Coppola said that since the ordinance was being created now, it was wise to plan ahead so the Council doesn't have to go back and change things. The City already knows what will happen in the event that the Commission needs to part time employee.

Mr. Hempstead said that there were four amendments on the floor and they needed to move the ones already on the floor. Discussion followed.

**** MR. KIMMEL MOVED TO AMEND THE FIRST TWO PARAGRAPHS FROM:**

THERE SHALL BE A COMMISSION KNOWN AS THE "NORWALK ARTS COMMISSION." THE COMMISSION SHALL CONSIST OF ELEVEN MEMBERS, WHO SHALL BE APPOINTED BY THE MAYOR, WITH THE CONSENT OF THE COMMON COUNCIL. THE FIRST COMMISSIONERS APPOINTED SHALL BE DESIGNATED TO SERVE STAGGERED TERMS: THREE COMMISSIONERS SHALL SERVE FOR ONE YEAR; THREE FOR TWO YEARS AND THREE FOR THREE YEARS. AFTER THE INITIAL APPOINTMENTS, EACH COMMISSIONER SHALL SERVICE A TERM OF THREE YEARS. ANY VACANCY SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. NO PERSON SHALL BE APPOINTED OR REAPPOINTED TO THE COMMISSION UNTIL THEY ARE A RESIDENT OF THE CITY.

THE COMMISSION SHALL INCLUDE TWO MEMBERS OF THE COMMON COUNCIL, ONE MEMBER FROM EACH POLITICAL PARTY. THE COMMON COUNCIL MEMBER SHALL SERVE ONLY DURING THEIR TERMS OF OFFICE AS COUNCIL MEMBERS; AND, UPON THE EXPIRATION OF SUCH TERMS OF OFFICE, VACANCIES SHALL EXIST WHICH SHALL BE FILLED BY THE MAYOR WITH THE CONSENT OF THE COMMON COUNCIL FOR THE UNEXPIRED PORTION OF THE TERM OF THE MEMBER WHOSE PLACE SHALL BECOME VACANT.

TO:

THERE SHALL BE A COMMISSION KNOWN AS THE "NORWALK

ARTS COMMISSION." THE COMMISSION SHALL CONSIST OF ELEVEN MEMBERS, WHO SHALL BE APPOINTED BY THE MAYOR, WITH THE APPROVAL OF THE MAJORITY OF THE COMMON COUNCIL. THE FIRST COMMISSIONERS APPOINTED SHALL BE DESIGNATED TO SERVE STAGGERED TERMS: THREE COMMISSIONERS SHALL SERVE FOR ONE YEAR; THREE FOR TWO YEARS AND THREE FOR THREE YEARS. AFTER THE INITIAL APPOINTMENTS, EACH COMMISSIONER SHALL SERVICE A TERM OF THREE YEARS. ANY VACANCY SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. NO PERSON SHALL BE APPOINTED OR REAPPOINTED TO THE COMMISSION UNTIL THEY ARE A RESIDENT ELECTOR OF THE CITY.

THE COMMISSION SHALL INCLUDE TWO MEMBERS OF THE COMMON COUNCIL, NO MORE THAN ONE MEMBER PER POLITICAL PARTY AND SELECTED BY THE APPROPRIATE COUNCIL CAUCUSES. THE COMMON COUNCIL MEMBERS SHALL SERVE ONLY DURING THEIR TERMS OF OFFICE AS COUNCIL MEMBERS.

Mr. Corsello said that he supported the Arts Commission but felt that the ordinance should not be amended on the floor and it should go back to Committee to finalize the language.

**** MR. CORSELLO MOVED TO TABLE THE ITEM.**

Mr. Hempstead requested a recess before the tabling of the item.

RECESS

Mayor Rilling asked the Council members if they would approve a recess. No one objected. A recess was declared at 9:01 p.m. The Mayor called the meeting back to order at 9:07 p.m.

**** THE MOTION TO TABLE THE ITEM PASSED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions from the Council at this time.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no postponed motions from the Council floor at this time.

X. SUSPENSION OF RULES

There were no suspensions of the rules to consider at this time.

XI. ADJOURNMENT

**** MR. HEMPSTEAD MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:08 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

Noise
(Norwalk City Code §§ 68-4
and 68-10)

For proposed revisions, see § 68-4(D) and § 68-10

[HISTORY: Adopted by the City of Norwalk Common Council 7-26-1983; amended in its entirety 9-19-2001. Subsequent amendments noted where applicable.]

Chapter 68. Noise

§ 68-1. Short title.

This chapter shall be known as the "City of Norwalk Noise Control Ordinance."

§ 68-2. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Norwalk through the reduction, control and prevention of noise.

§ 68-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

AMBIENT NOISE or BACKGROUND NOISE

Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

COMMERCIAL ZONE

All commercial districts, business districts, as defined in the Zoning Regulations of the City of Norwalk, and all uses associated therewith, either permitted as a right or as a special use.

COMMON COUNCIL

The Common Council of the City of Norwalk.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

CONSTRUCTION EQUIPMENT

Any equipment or device operated by fuel pneumatically or electric power used in construction or demolition work.

CONSTRUCTION SITE

Site where construction or demolition takes place.

DAYTIME HOURS

The hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, the hours between 8:00 a.m. and 8:00 p.m. on Saturday and the hours 9:00 a.m. through 8:00 p.m. on Sundays and federal and state holidays.

DECIBEL

A logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (sound pressure level) is defined as:

$$\text{SPL} = 20 \log P/P_o \text{ in dB}$$

Where

$$P_o = 0.0002 \text{ microbar}$$

DEMOLITION

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DIRECTOR OF HEALTH

The Health Director of the City of Norwalk.

DOMESTIC POWER EQUIPMENT

Not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a home owner.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE

Any motor vehicle authorized by the City of Norwalk to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

EMERGENCY WORK

Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

HEALTH BOARD

As defined in Chapter 57 in the City Code.

IMPULSE NOISE

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE

All industrial districts as defined by the Zoning Regulations of the City of Norwalk.

MOTOR VEHICLE

Per Section 14-1(26) of the Connecticut General Statutes, as amended.

MUFFLER

A device for abating sounds, such as those produced by escaping gases.

NIGHTTIME HOURS

The hours between 8:00 p.m. and 7:00 a.m., Sunday evening through Friday morning, Friday evening 8:00 p.m. through 8:00 a.m. Saturday morning and Saturday evening 8:00 p.m. through 9:00 a.m. Sunday morning. Saturday nighttime hours apply to state and federal holidays.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 68-5B or C of this chapter.

NOISE DISTURBANCE

Any sound which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person, or which causes injury or damage to property or business.

NOISE LEVEL

The sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The level so read is designed "dB(A)" or "dBA."

NOISE SENSITIVE ZONE

Any area designated by the Norwalk Board of Health as a "noise-sensitive zone" where noise problems are likely to occur or known to exist. As a minimum requirement, said zone must include within its boundaries a school, hospital, house of worship, day-care center, nursing home, public library, senior citizen center, residence or court.

PERSON

Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES

Any buildings, structure, land, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

PROPERTY LINE

That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL VEHICLE

Any internal combustion-engine powered vehicle which is being used for recreational purposes.

RESIDENTIAL ZONE

All city-owned property used for recreational or educational purposes and all residential districts and any commercial district when used for residential purposes, as defined in the Zoning Regulations of the City of Norwalk, and all uses permitted therewith either as a right or as a special use.

SOUND

A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL METER

An instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4-1971 (Type S2A).

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter (20×10^{-6} Newtons/meter²), and is expressed in decibels (dB).

§ 68-4. Noise level measurement procedures.

For the purpose of determining noise level as set forth in this chapter, the following guidelines shall be applicable:

A.

All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.

B.

Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this chapter.

C.

The general steps listed below shall be followed when preparing to take sound level measurements:

(1)

The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

(2)

The sound level meter shall be calibrated before and after each set of measurements.

(3)

When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions.

(4)

The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.

(5)

Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.

D.

Multiple uses. Where multiple uses exist within a given noise zone, the least more restrictive land use category for the emitter and receptor shall apply regarding the noise standards.

§ 68-5. Noise levels.

A.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this chapter.

B.

Noise level standards.

(1)

No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential (day)	(night)
Residential	62 dBA's	55 dBA's	55 dBA's	45 dBA's

(2)

No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential (day)	(night)
Commercial	62 dBA's	62 dBA's	55 dBA's	45 dBA's

(3)

No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential (day)	(night)
Industrial	70 dBA's	66 dBA's	61 dBA's	51 dBA's

C.

High background noise levels and impulse noise.

(1)

In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA's, provided that no source subject to the provisions of this chapter shall emit noise in excess of 80 dBA's at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.

(2)

No person shall cause or allow the emission of impulse noise in excess of 80 dB's peak sound pressure level during the nighttime to any residential noise zone.

(3)

No person shall cause or allow the emission of impulse noise in excess of 100 dB's peak sound pressure level at any time to any zone.

D.

Exclusions. These levels shall not apply to noise emitted by or related to:

(1)

Natural phenomena.

(2)

Any bell or chime from any building clock, school or church.

(3)

Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation.

(4)

Warning devices required by OSHA or other state or federal safety regulations.

(5)

Farming equipment or farming activity.

E.

Exemptions. The following shall be exempt from this chapter these regulations subject to special conditions as spelled out and to the general prohibition of § **68-6**:

(1)

Noise generated by any construction equipment which is operated during daytime hours.

(2)

Noise created as a result of, or relating to, an emergency.

(3)

Noise from domestic power equipment, such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours, provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises that result therefrom.

(4)

Noise from snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(5)

Noise from demolition work conducted during daytime hours.

(6)

Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

(7)

Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City, including, but not limited to, parades, sporting events, concerts and firework displays.

(8)

Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(9)

Noise created by the normal and ordinary activities of the Department of Public Works or any taxing district utility, including but not limited to the following: street sweeping, snow and ice control, maintenance of the sanitary sewer collection system, maintenance of storm drainage systems, solid waste collection and disposal, maintenance of traffic control devices and operation of off-street parking facilities.

(10)

Noise created by public school construction.

§ 68-6. Prohibited activities.

A.

General prohibition. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary and unreasonable noise.

B.

The following activities are prohibited:

(1)

Vehicle horns. No person shall at any time sound any horn or audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

(2)

Emissions from stationary or idling mobile sources. No mobile source engine shall be allowed to operate for more than three consecutive minutes when the mobile source is not in motion except as follows:

(a)

When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(b)

When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source;

(c)

To bring the mobile source to the manufacturer's recommended operating temperature;

(d)

When the outdoor temperature is below 20°F;

(e)

When the mobile source is being repaired.

(3)

Exhaust discharge. No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge is through a muffler as defined by § 68-3 of this chapter or through an apparatus providing equal noise reduction and that meet noise level requirements identified in § 68-5B.

(4)

Construction. No person shall at any time operate construction equipment on the construction or demolition site or carry on any construction or demolition during nighttime hours, except in an emergency in the interest of public safety and then only with a permit from the Director of Health or his designee and subject to all other applicable rules and regulations provided by state and local law, and said permit may not exceed a period of three days.

(5)

Blasting. No person shall at any time carry on blasting between the hours of 5:00 p.m. and 8:00 a.m. except in an emergency in the interest of public safety and then only with a permit from the Director of Health or his designee and subject to all other applicable rules and regulations provided by state and local law and the permit may not exceed a period of three days.

(6)

Leaf blowers. No person shall at any time operate a leaf blower during nighttime hours in a residential zone.

(7)

Nighttime. In-house construction. No person shall carry on nighttime in-house construction unless that construction activity takes place solely within the structure and emits no sound or noise outside of the structure.

§ 68-7. Motor vehicles.

A.

All motor vehicles operated within the limits of the City of Norwalk shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Sections 14-80a-1a through 14-80a-10a, inclusive, of the Regulations of Connecticut State Agencies.

B.

No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § 68-5B or C.

C.

This section dealing with motor vehicle noise shall be enforced by the Chief of Police and/or his designated subordinates.

§ 68-8. Recreational vehicles; loudspeakers; sound reproduction systems.

A.

No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in § 68-5B or C.

B.

The Norwalk Board of Health may designate noise-sensitive zones where noise problems are particularly likely to occur and likely to cause unusual problems. Loudspeakers and public address systems may be prohibited in such noise-sensitive zones by the Norwalk Board of Health.

C.

Operating, playing or permitting the operation or playing of any radio, television, phonograph or similar device which reproduces or amplifies sounds in such a manner as to create a noise disturbance is prohibited.

§ 68-9. Inspections.

A.

For the purpose of determining compliance with the provisions of this chapter, the Chief of Police or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Chief of Police and/or designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

B.

It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his designated representative free access to any premises when the Chief of Police or his designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

C.

It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

D.

No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

§ 68-10. Violations and penalties.

A.

Any person who violates any provision of this chapter or any rule or regulation in force pursuant thereto shall be subject to a fine of no more than \$99 for the first offense, and \$250 for each subsequent offense within one year of the last offense. Each violation shall constitute a separate offense.

B.

Action pursuant to Subsection A of this section shall not be a bar to enforcement of this chapter, rules and regulations in force pursuant thereto and orders made pursuant to this chapter, by injunction or other appropriate remedy, and the Department of Health shall have the power to institute and maintain in the name of the City of Norwalk any and all such enforcement proceedings.

C.

Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.

§ 68-11. Variances; promulgation of regulations; contracts.

A.

Variances.

(1)

Any person living or doing business in Norwalk may apply to the Director of Health for a variance from one or more of the provisions of the chapter, which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Director of Health:

(a)

Location and nature of activity.

(b)

The time period and hours of operation of said activity.

(c)

The nature and intensity of the noise that will be generated.

(d)

Any other information required by the Director of Health.

(2)

No variance from these regulations shall be issued unless it has been demonstrated that:

(a)

The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.

(b)

The noise levels generated by the proposed activity will not constitute a danger to the public health.

(c)

Compliance with the regulations constitutes an unreasonable hardship on the applicant.

(3)

Following receipt and review of an application for a variance, the Director of Health shall fix a date, time and location for a hearing on such application.

(4)

The Director of Health shall cause the applicant to publish at his/her own expense all notices of hearings and other notices required by law, including, but not limited to, notification of all abutters of record and property owners within 200 feet.

(5)

Within 65 days of the receipt of the record of the hearings on a variance application, the Director of Health shall issue his/her determination regarding such application. All such decisions shall briefly set forth the reasons for the decision.

(6)

The Director of Health may, at his/her discretion, limit the duration of any variance granted under this chapter. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this chapter. Any such application shall include a certification of compliance with any condition imposed under the proposed variance.

(7)

The Director of Health may attach to any variance any reasonable conditions he/she deems necessary and desirable, including, but not limited to:

(a)

Requirements for the best practical noise control measures to be taken by the owner or operator of the source to minimize noise during the period of the variance.

(b)

Requirements for periodic reports submitted by the applicant relating to noise, to compliance with any other conditions under which the variance was granted or to any other information the Director of Health deems necessary.

(8)

The filing of an application for a variance shall operate as a stay of prosecution, except that such stay may be terminated by the Director of Health upon application of any party if the Director of Health finds that protection of the public health so requires.

(9)

In any case where a person seeking a variance contends that compliance with any provision of these regulations is not practical or possible because of the cost involved either in installing noise control equipment or changing or curtailing the operation in any manner, he/she shall make available to the Director of Health such financial records as the Director of Health may require.

(10)

A variance may include a compliance schedule and requirements for periodic reporting on increments of achievement of compliance.

(11)

Failure to rule on the application in the designated time shall constitute approval of the variance.

B.

Any person aggrieved by the decision of the Director of Health with respect to any variance may appeal to the Common Council within a period of 10 days of the reception of the Health Director's decision.

C.

The Director of Health is herewith authorized to recommend regulations from time to time not inconsistent with the State Public Health Code and/or the regulations of the State Department of Environmental Protection regarding noise which shall, upon approval by the Common Council and State of Connecticut Department of Environmental Protection, become effective therewith.

D.

Contracts. Any written agreement, purchase order or contract whereby the City of Norwalk is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials, or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this chapter will be operated, constructed, conducted or manufactured without violating the provisions of the chapter.

§ 68-12. Severability.

If any clause, sentence, paragraph or part of this chapter, or the application thereof to any person, firm, corporation or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporation or circumstances, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered and to the person, firm, corporation or circumstances involved. It is hereby declared to be the legislative intent of this body that this chapter would have been adopted had such invalid provisions not been included.

§ 68-13. Conflict with other regulations.

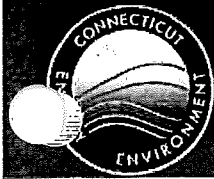
In the event that provisions or standards of this chapter or adopted under this chapter shall conflict with regulations or standards set by the State of Connecticut Department of Environmental Protection, the more strict standard shall apply.

§ 68-14. Word usage.

In construing this chapter, masculine or neuter pronouns shall be substituted for those of feminine form and vice versa, and the plural of the singular and the singular of the plural, shall be substituted in any case which the context may require.

§ 68-15. When effective.

This chapter shall be effective 10 days from its passage.



Department of ENERGY & ENVIRONMENTAL PROTECTION

Select Language | ▼

Translation
Disclaimer[Home](#)[About Us](#)[Programs & Services](#)[Publications](#)[Forms](#)[Contact Us](#)[ENERGY](#)[ENVIRONMENTAL QUALITY](#)[NATURAL RESOURCES](#)[OUTDOOR RECREATION](#)[PURA](#)[Air](#)[Noise Pollution Control](#)[Air Monitoring](#)[Air Permitting](#)[Air Quality and Health
Effects](#)[Air Quality Planning](#)[Air Regulations](#)[Compliance Assurance](#)[Emissions Inventory](#)[Mobile Sources](#)[Working Together for
Clean Air](#)[Environmental Protection
Begins With You](#)[Air Main Page](#)[Main Menu](#)

Municipal Noise Regulation Programs

The policy of the state is to promote an environment free from noise to the extent that it jeopardizes the health and welfare of the citizens of the State of Connecticut. The first point of contact for the resolution of local noise issues is your local government official. In some towns the local [Department of Health](#) can assist, while in others you will need to contact Town Hall to identify the appropriate official.

In accordance with Connecticut General Statutes Section 22a-73, DEEP reviews and approves municipal noise ordinances. For reference purposes, the following table sets out approved municipal noise ordinance text by town.

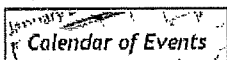
*Ansonia through
Harwington*

*Kent through
Rocky Hill*

*Salisbury through
Woodbridge*

You will need [Adobe Acrobat Reader](#) to view the Adobe PDF files on this page.

Town Name	Date of DEEP Approval
<i>Ansonia through Harwington</i>	
Ansonia	06-13-01
Branford	10-12-89
Bridgeport	-
Bristol	10-24-04
Colchester	09-12-00
Cromwell	08-10-94
Danbury	05-29-12
Darien	12-04-95
Derby	05-12-99
Durham	06-05-00
East Granby	11-16-87
East Hartford	11-19-01
East Lyme	10-25-12
East Windsor	09-30-93
Enfield	06-20-01
Fairfield	07-09-85
Farmington	06-21-09
Greenwich	01-27-84





<u>Groton Long Point</u>	<u>08-21-01</u>
<u>Hamden</u>	<u>01-25-01</u>
<u>Hartford</u>	<u>02-27-09</u>
<i>Kent through Rocky Hill</i>	
Top	
<u>Killingly</u>	<u>11-21-05</u>
<u>Manchester</u>	-
<u>Middletown</u> (Amendment)	<u>03-30-92</u> <u>08-10-94</u>
<u>New Britain</u>	<u>04-03-96</u>
<u>New Canaan</u>	<u>10-11-06</u>
<u>New Haven</u>	<u>07-25-06</u>
<u>New London</u>	-
<u>Newington</u>	<u>03-24-82</u>
<u>Newtown</u>	<u>07-09-09</u>
<u>North Branford</u>	<u>07-19-90</u>
<u>North Haven</u>	-
<u>Norwalk</u>	<u>07-07-02</u>
<u>Old Lyme</u>	<u>01-11-85</u>
<u>Old Saybrook</u>	-
<u>Orange</u> (Amendment)	<u>11-05-02</u> <u>06-13-07</u>
<u>Portland</u>	<u>10-02-01</u>
<u>Ridgefield</u>	<u>03-24-03</u>
<u>Rocky Hill</u>	<u>10-31-88</u>
<i>Salisbury through Woodbridge</i>	
Top	
<u>Seymour</u>	<u>07-25-83</u>
<u>Shelton</u>	<u>04-10-78</u>
<u>Somers</u>	-
<u>South Windsor</u>	<u>11-03-82</u>
<u>Sprague</u>	<u>04-26-11</u>
<u>Stamford</u>	<u>02-05-88</u>
<u>Stratford</u>	<u>11-20-85</u>
<u>Tolland</u>	<u>09-28-06</u>
<u>Trumbull</u>	<u>09-28-06</u>
<u>Union</u>	<u>07-02-87</u>
<u>Voluntown</u>	<u>04-13-83</u>
<u>Wallingford</u>	<u>09-27-02</u>
<u>Waterbury</u>	<u>10-22-87</u>
<u>Waterford</u>	<u>10-08-93</u>
<u>West Hartford</u>	<u>11-17-82</u>
<u>West Haven</u> (Amendment)	<u>12-20-84</u> <u>12-21-03</u>
<u>Westbrook</u>	-

<u>Wethersfield</u> (Amendment)	-
<u>Windham</u>	<u>04-16-10</u>
<u>Windsor</u>	<u>07-26-82</u>
<u>Woodbridge</u>	<u>11-05-02</u>

Note: As of 1/21/2016 the Torrington Area Health District has repealed their noise ordinance. The ordinance covered the following towns: Bethlehem, Cornwall, Goshen, Harwington, Kent, Litchfield, Morris, Norfolk, Plymouth, Salisbury, Thomaston, Torrington, Warren, Watertown, and Winchester.

Related Links

- [Noise Control Regulation \(RCSA Section 22a-69-1 to 22a-69-7.4\)](#)
- [Air Regulations and SIP Revisions](#)

[Top of page](#)

Content Last Updated on January 27, 2016

[Printable Version](#)

79 Elm Street, Hartford, CT 06106-5127 / Phone: 860-424-3000

[Home](#) | [CT.gov Home](#) | [Send Feedback](#) | [Login](#) | [Register](#)

State of Connecticut [Disclaimer](#), [Privacy Policy](#), and [Web Site Accessibility Policy](#). Copyright © 2002-2017 State of Connecticut.

ct.gov



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



June 7, 2002

Ms. Katherine B. Lasberg
Assistant Corporation Counsel
City of Norwalk
P.O. Box 798
Norwalk, CT 06856-0798

SUBJECT: Local Noise Control Ordinance
Norwalk, Connecticut

Dear Ms. Lasberg:

Thank you for your letter of June 7, 2002 regarding the Noise Control Ordinance for the City of Norwalk.

Based on review of the ordinance (copy attached) my staff has determined that the ordinance conforms to state noise control standards. The Commissioner of Environmental Protection has delegated the authority (with respect to Connecticut General Statutes Chapters 446a and 446c) to approve local noise ordinances to the Chief of the Bureau of Air Management. Therefore, pursuant to Connecticut General Statutes Section 22a-73(c), I approve Norwalk's Noise Control Ordinance as adopted by the Norwalk Common Council on September 19, 2001.

If you have any questions regarding this matter, please contact Mr. Joseph Foutz, P.E. at 860-424-3027.

Sincerely,

Carmine DiBattista, Chief
Bureau of Air Management

CD: JEF:jef

Attachment

From: McCann, Brian
To: Sapienza, Matt; Candela, Brian; Coppola, Mario
Cc: Melendez, EloisaM
Subject: FW: Noise Ordinance
Date: Tuesday, December 20, 2016 10:19:31 AM
Attachments: image001.png
image002.png

Matt-

I think you are the new Ordinance person so I am forwarding on to you.

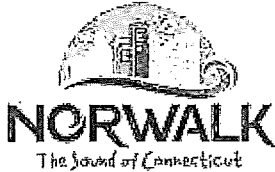
BLM

Brian L. McCann, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7750
Fax: (203) 854-7901

From: Kulhawik, Thomas
Sent: Tuesday, December 20, 2016 10:15 AM
To: 'Vernon Howard'
Cc: Kleppin, Steven; Rilling, Harry; bruce.morris@cga.ct.gov; Spahr, Jeff; McCann, Brian
Subject: RE: Noise Ordinance

Ms Melendez is very responsive. I am sure she will be in contact. I know they are just beginning to look at the noise issue.

Sincerely,
Thomas Kulhawik
Chief of Police



Norwalk Police Department
1 Monroe Street
Norwalk, CT 06854
(203) 854-3001 (Phone)
(203) 854-9215 (Fax)
www.norwalkpd.com
tkulhawik@norwalkct.org
@NPDChief

A-1



"To avoid criticism do nothing, say nothing, be nothing." Elbert Hubbard

The information contained in this electronic message may be legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please purge the communication immediately without making any copy or distribution. Thank You.

From: Vernon Howard [mailto:vern1271@gmail.com]
Sent: Tuesday, December 20, 2016 9:50 AM
To: Kulhawik, Thomas
Cc: Kleppin, Steven; Rilling, Harry; bruce.morris@cga.ct.gov; Spahr, Jeff; McCann, Brian
Subject: Re: Noise Ordinance

Thanks you for following up Chief Kulhawik,

Yes, Officer O'Connor called me yesterday evening to inform me. There seems to be some discrepancy on the numbers though. He says the ordinance book located at the police station shows 66dBA, but on eCode, it shows 62dBA. <http://ecode360.com/27051101>

It may sound like only a difference of four, but If you understood how a decibel is measured, you'd understand why those 4 decibels can make a significant difference in the loudness of the music.

Decibels is not a linear measurement like inches, feet, centimeters... where each unit is equal. The dB is a logarithmic way of describing a ratio. So when someone says it's only 55 dBA, what they really saying to me is that they don't understand how it is measured. The difference between 44 and 55 dBA is perceived at about 50% louder. So the difference from 45 to 65 dBA would be perceived at about twice as loud.

I have reached out the Councilwoman Melendez in regards to this matter, but she has not responded to me as of yet. I think in order for the committee to be fair to everyone (businesses as well), they should at least understand how the dBA is measured and perceived so that we can come to a mutually beneficial resolution for all.

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Dec 20, 2016, at 8:28 AM, Kulhawik, Thomas <TKulhawik@norwalkct.org> wrote:

The Law Department responded back and did not agree with my assessment and instead agreed with Planning and Zoning in that in a mixed use area, the highest levels should be used. Therefore, on Washington Street, the Commercial levels would be the appropriate levels. This may be something to review as we revise the ordinance

moving forward so these ambiguities are corrected.

Sincerely,
Thomas Kulhawik
Chief of Police
<image001.png>

Norwalk Police Department
1 Monroe Street
Norwalk, CT 06854
(203) 854-3001 (Phone)
(203) 854-9215 (Fax)
www.norwalkpd.com
tkulhawik@norwalkct.org

<image002.png>@NPDChief

<image003.gif> *"To avoid criticism do nothing, say nothing, be nothing." Elbert Hubbard*

The information contained in this electronic message may be legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please purge the communication immediately without making any copy or distribution. Thank You.

From: Vernon Howard [<mailto:vern1271@gmail.com>]
Sent: Monday, December 19, 2016 1:26 PM
To: Kulhawik, Thomas
Cc: Kleppin, Steven; Rilling, Harry; bruce.morris@cga.ct.gov
Subject: Re: Noise Ordinance

Will there be public hearings by the ordinance committee pertaining to this? If so, how does one go about attending/being involved in this process?

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Dec 19, 2016, at 1:22 PM, Kulhawik, Thomas
<TKulhawik@norwalkct.org> wrote:

Short term we will see what the Law Dept thinks. Longer term we are working on revising the noise ordinance to make it easier to enforce and less ambiguous. The Ordinance Committee will begin work on this.

Chief Thomas Kulhawik
Norwalk Police Department
1 Monroe Street
Norwalk, CT 06854
(203) 854-3001 - Phone

A-3

(203) 854-9215 - Fax
@NPDChief - Twitter

Sent from my IPAD

From: Vernon Howard <vern1271@gmail.com>
Sent: Monday, December 19, 2016 1:17 PM
Subject: Re: Noise Ordinance
To: Kleppin, Steven <skleppin@norwalkct.org>
Cc: <bruce.morris@cga.ct.gov>, Kulhawik, Thomas
<tkulhawik@norwalkct.org>, Rilling, Harry
<hrilling@norwalkct.org>

OK, so every apartment on Washington St. located above a commercial business can be subjected to 62dBA's of noise if the business wants to at any time? How does someone live like that? Do you know how loud 62 dBA is? I highly doubt that the original authors meant that to be interpreted that way. How do you rent a unit that can subjected to 62 dBA's of sound at any time? Even someone renting the unit as office space would have serious issue with this level of noise, not to mention that the 112 Washington St unit routinely exceeds that level with the sub-sonic bass they emit from their speakers.

62 dBA would be the equivalent of a group of people having a full on conversation in my bedroom and then some. Can you sleep with that going on?

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Dec 19, 2016, at 12:55 PM, Kleppin, Steven
<skleppin@norwalkct.org> wrote:

Mr. Howard,

Both addresses listed are located within the Washington Street Design District which is a business zone that allows both commercial and residential uses. In my opinion, your interpretation is the most conservative opinion and makes common sense. However the way the ordinance is written, I interpret it to read that the zones dictate the noise standard and not the use within the zone. I think they would be held to the 62 dBA commercial standard. Definitely a good idea

A-4

to bounce this off the Law Department.

Steve

From: Kulhawik, Thomas
Sent: Monday, December 19, 2016 11:46 AM
To: 'Vernon Howard'; Kleppin, Steven
Cc: Rilling, Harry; Bruce.Morris@cga.ct.gov
Subject: RE: Noise Ordinance

Lt O'Connor requested clarification from the Law Department as well. We had been using the Commercial zone, but given the fact that Washington Street is named as its own district, the Lieutenant was concerned as to whether this interpretation was correct.

Sincerely,
Thomas Kulhawik
Chief of Police
<image001.png>

Norwalk Police Department
1 Monroe Street
Norwalk, CT 06854
(203) 854-3001 (Phone)
(203) 854-9215 (Fax)
www.norwalkpd.com
tkulhawik@norwalkct.org

<image002.png>@NPDChief

<image003.gif> "To avoid criticism do nothing, say nothing, be nothing." Elbert Hubbard

The information contained in this electronic message may be legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please purge the communication immediately without making any copy or distribution. Thank You.

From: Vernon Howard [<mailto:vern1271@gmail.com>]
Sent: Monday, December 19, 2016 11:42 AM
To: Kleppin, Steven
Cc: Rilling, Harry; Kulhawik, Thomas; Bruce.Morris@cga.ct.gov
Subject: Noise Ordinance
Importance: High

Mr. Kleppin,
You don't know me, but I had to call the Norwalk police this past Saturday night due to the level of noise coming from 112 Washington St (Room 112). I was getting dBA readings in the 70's on my own noise meter before the

police arrived. The officer that responded said that they needed someone from Zoning to tell them (The Norwalk Police Department) what ordinance to hold them to concerning noise levels because Washington Street has it's own zoning district. I myself went and reviewed the zoning ordinance and it does not break it down by district from what I can see, but by commercial, residential and industrial zoned areas. The officer said he was holding them to 52dBA, but that number does not appear anywhere within the ordinance from what I can tell.

So my question to you and everyone cc'd on this email, what are the noise levels that the Norwalk Police officers are to be going by when enforcing noise violations on Washington St? My interpretation of the ordinance is that Room 112 located at 112 Washington St is zoned as a commercial space and my unit (110 Washington St Unit 203) is zoned residential.

B.(2) under section 68-5 seems to specify that they as a commercial unit are not to exceed 55 dBA's during the day and 45 dBA's after 8PM. Is this incorrect and if so why?

I have recordings uploaded to YouTube that prove the unit frequently exceeds the ordinance
limit: <https://www.youtube.com/channel/UC6ac3NWIrLSXB2d62QhRN-Q>

If you could kindly clarify the numbers the Norwalk PD should be going by it would be greatly appreciated.

<image004.png>

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

Bcc: Attorney Samuel Leaf

A-6

From: McCann, Brian
To: Sapienza, Matt
Subject: Fwd: City of Norwalk : NYCDEP "Residential Noise Control Guidance Sheet" Clubs and Bars.
Date: Wednesday, January 11, 2017 1:32:36 PM

Sent via the Samsung Galaxy S@ 6, an AT&T 4G LTE smartphone

----- Original message -----

From: Vernon Howard <vern1271@gmail.com>
Date: 1/11/17 1:04 PM (GMT-05:00)
To: "Shamoon, Charles" <CharlesSh@dep.nyc.gov>, "Melendez, EloisaM" <eloisa.melendez@hotmail.com>
Cc: "Rilling, Harry" <hrilling@norwalkct.org>, "Kulhawik, Thomas" <TKulhawik@norwalkct.org>, Tom Rich <trich@fdrich.com>, Bruce.Morris@cga.ct.gov, "Spahr, Jeff" <JSPAHR@norwalkct.org>, "McCann, Brian" <BMcCann@norwalkct.org>
Subject: Re: City of Norwalk : NYCDEP "Residential Noise Control Guidance Sheet" Clubs and Bars.

Mr. Shamoon,
Thank you for taking time out of your schedule to speak with me Mr. Shamoon. The information you're going to be sending sounds like it will be very helpful in Norwalk's re-writing of their noise ordinance.

Eloisa,

We met with a realtor Monday and she's on the same page as us that it would be morally wrong not to disclose the ongoing noise issue to a perspective buyer and potentially lead to a costly legal battle. That narrows down our target buyer to a very small pool of people who work nights, are deaf, etc. We need to get this rectified so that we're able to sell the place and not worry about any legal ramifications even though CT does not require any disclosure for this issue. As you probably know people can sue anyone for just about anything these days. It does not mean they'll win, but it still costs money to defend in court and we would rather not have to deal with that possibility.

Mr. Shamoon has agreed to speak with the council by phone if needed if they have questions concerning the NYC noise regulations. He has one caveat to speaking with us though. **He is not representing either the City of Norwalk or myself as an attorney.** He's doing this in an informational manner only, not legally binding or taking responsibility in any way. He does not practice law in CT.

We had discussed meeting this month at some point before your council meeting. When would we be able to meet and discuss?

Thanks again Mr. Shamoon.

Best regards
Vernon Howard

B-1

(203) 733-9003
vern1271@gmail.com

On Jan 11, 2017, at 12:03 PM, Shamoon, Charles <CharlesSh@dep.nyc.gov> wrote:

Mr. Howard,
I just called you to see if I can assist you with any of the NYC Noise regulations.
Very truly yours,

Charles Shamoon,
Assistant Counsel, NYC Dept. of Environmental Protection
59-17 Junction Blvd., Flushing, NY 11373-5108, 718-595-6546

From: Shamoon, Charles
Sent: Monday, January 09, 2017 12:19 PM
To: 'Vernon Howard' <vern1271@gmail.com>
Cc: 'Thomas Kulhawik' <tkulhawik@norwalkct.org>; 'Eloisa Melendez' <eloisa.melendez@hotmail.com>
Subject: NYCDEP has added the "Residential Noise Control Guidance Sheet" Clubs and Bars.

Hi,
I had another thought. Big cities have issues with outside noise at residences. NYCDEP has added the "Residential Noise Control Guidance Sheet" to NYCDEP's site.
Some complainants contact me who work from home in NYC and complain about the noise from transient sources. Maybe this can help with building tenants or even offices and those concerned with outside music.

Noise Codes Data Sheets have been updated:
<http://www.nyc.gov/html/dep/html/noise/index.shtml>

Residential Noise Control Guidance Sheet

The following Guidance Sheet is intended to provide guidance for residents of New York City seeking relief from city noise. Residential noise control options, methods, products and services are described to aid homeowners and tenants living in multi-family dwellings (apartments, condos, etc.) and in single-family homes. Guidance is provided for control of airborne, structure-borne, and heating, ventilation and air conditioning (HVAC) and outside noise.

<image001.png> **Residential Noise Control Guidance Sheet (PDF)**

Very truly yours,

Charles Shamoon,

From: Shamoon, Charles

Sent: Monday, January 09, 2017 10:59 AM

To: 'Vernon Howard' <vern1271@gmail.com>

Cc: 'Thomas Kulhawik' <tkulhawik@norwalkct.org>; 'Eloisa Melendez' <eloisa.melendez@hotmail.com>

Subject: RE: NYC DEP Response regarding the Noise Code Clubs and Bars.

Hi,

This gets very complicated. Music has many frequencies. NYC doesn't have a dual music standard.

The section below handles machinery noise in mixed use areas.

If you wanted to have a dual music standard, you would have to hire a music acoustician.

to test all different music frequencies to see what could be acceptable to the listener

In a residence.

I really suggest you watch this video to see how easy it is to control music so you don't need a dual music standard.

This popular DEP/MAYORAL 2-minute Video for Nightlife measurement could be helpful to show how measurement is performed- [Inform NYC Business: Playing Music](#).

DEP also has a nightlife vendor guidance document with suggestions of products to mitigate noise: [Noise Control Guidance for Nightlife Industry](#). These products are suggested to businesses and the specific items included were vetted by DEP's outside noise control consulting engineer

Very truly yours,

Charles Shamoon,

From: Vernon Howard [<mailto:vern1271@gmail.com>]

Sent: Monday, January 09, 2017 10:26 AM

To: Shamoon, Charles <CharlesSh@dep.nyc.gov>

Cc: Thomas Kulhawik <tkulhawik@norwalkct.org>; Eloisa Melendez <eloisa.melendez@hotmail.com>

Subject: Re: NYC DEP Response regarding the Noise Code Clubs and Bars.

OK, you just went way over my head. Octave Band Frequency? I'm not an expert, but I've had to learn more than I've ever wanted to about dBA's in the past three plus years.

Anyway, do you know what tools the Police use to measure and enforce these regulations? Currently the City of Norwalk uses a simple dBA meter, but it sounds like they would need something to measure the frequency (Hz) as well. Am I correct in this assessment?

So, bass/low pressure would probably fall in the 31-5 to 250 Hz range and it's maximum would be dependent of what Hz it is? How does a responding officer know what Hz he is measuring before he takes a dBA meter reading or do your meters isolate the Hz first somehow?

Sorry for all the questions. I just want to be sure I'm clear on this.

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Jan 9, 2017, at 10:00 AM, Shamoan, Charles
<CharlesSh@dep.nyc.gov> wrote:

Hi

NYC does have a section but it does not apply to commercial music. §24-232 Allowable decibel levels-octave band measurement.

§24-232 Allowable decibel levels-octave band measurement. (a) No person shall cause or permit a sound source operating in connection with any commercial or business enterprise to exceed the decibel levels in the designated octave bands shown below as measured within a receiving property as specified therein.

Octave Band Frequency (Hz)	Maximum Sound Pressure Levels (dB) as measured within a receiving property as specified below	
	Residential receiving property for mixed use buildings and residential buildings (as measured within any room of the	Commercial receiving property (as measured within any room containing offices within the building

	residential portion of the building with windows open, if possible).	with windows open, if possible).
31.5	70	74
63	61	64
125	53	56
250	46	50
500	40	45
1000	36	41
2000	34	39
4000	33	38
8000	32	37

(b) All sources that are within the A-scale limits prescribed by any other section of this code must also comply with the octave band decibel levels as specified herein. Compliance with this section does not constitute a defense to violation of decibel limits set by any other section of this code.

(c) Measurements performed on residential property shall not be taken in non-living areas such as closets and crawlspaces.

(d) This section shall not apply to impulsive sound, music or construction devices or activities.

(e) This section shall not apply to any utility structure in existence prior to January 1, 2004. For the purposes of this subdivision the term "utility structure" means any electric substation owned or operated by an electric, gas, or steam utility subject to the jurisdiction of the New York state public service commission.

(f) This section shall not apply to any refuse collection facility owned, operated or regulated by the department of sanitation.

From: Vernon Howard [<mailto:vern1271@gmail.com>]
Sent: Monday, January 09, 2017 9:54 AM
To: Shamoon, Charles <CharlesSh@dep.nyc.gov>
Cc: Thomas Kulhawik <tkulhawik@norwalkct.org>; Eloisa Melendez <eloisa.melendez@hotmail.com>
Subject: Re: NYC DEP Response regarding the Noise Code Clubs and Bars.

Thanks for getting back to me Charles. I appreciate the information. I've cc'd the chief of police Thomas Kulhawik and councilwoman Melendez on this reply.

I'm wondering how New York City handles situations like dual zone areas? Our apartment is dual zoned, meaning it can be used as a residential or commercial property. We currently utilize it as our primary residence (where we sleep). Would there be a distinction in how the city would treat a location that may be dual zoned but used as a residence that is adjacent to a commercial property that plays loud music? The city of Norwalk attorney says that the higher number prevails (62dBA) in situations such as ours. Would NYC make any distinction between residential or commercial in a dual zoned area or just the fact that it's being used as a residential property be enough for it to fall under the 42dBA limit?

Thank you for your time and Happy New Year.

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Jan 9, 2017, at 9:39 AM, Shamoon, Charles <CharlesSh@dep.nyc.gov> wrote:

Hi Mr. Howard,
Sorry about your noise problem. 42 dBA was selected because it is the Federal Housing and Urban Development [HUD] decibel standard for living and sleeping areas of a residence. It is the standard of uninterrupted sleep in a residential setting. I believe the Department of the Army used the same number.

Decibels measured in dBA is the weighting of frequencies attuned to the human ear. Many establishments use music and if it is a business NYC considers it commercial music.

When we lobbied for the law I came up with the attached video to show business owners how to mitigate

The noise using engineering control like noise barriers and noise limiters. Please look at the attached video and

Suggested engineering controls list. Please forward this email to Eloisa Melendez; Thomas Kulhawik and send me their emails.

The NYC Noise code has become a model code within the US and countries around the world. Currently we are assisting a Clinic of Harvard Law School on a version of a local noise code.

This popular DEP/MAYORAL 2-minute Video for Nightlife measurement could be helpful to show how measurement is performed- Inform NYC Business: Playing Music.

DEP also has a nightlife vendor guidance document with suggestions of products to mitigate noise: Noise Control Guidance for Nightlife Industry. These products are suggested to businesses and the specific items included were vetted by DEP's outside noise control consulting engineer

Very truly yours,

Charles Shamoon,
Assistant Counsel, NYC Dept. of
Environmental Protection
59-17 Junction Blvd., Flushing, NY 11373-
5108, 718-595-6546

From: Vernon Howard [mailto:vern1271@gmail.com]
Sent: Wednesday, December 21, 2016 8:48 PM
To: Lamberta, Brian
Cc: Eloisa Melendez; Thomas Kulhawik
Subject: Re: NYC Department of Environmental Protection
Response regarding the Noise Code

Brian,

Thanks for getting back to me so quickly.

To answer your question... No, I don't work for the City of Norwalk. I'm a concerned citizen that has a personal and financial reason (property values and future rental income) for making sure the new noise ordinances in Norwalk, CT are fair to all parties and written so that the police can effectively enforce them when necessary.

To give you some background, my fiancé and I purchased a apartment in 2013 that is above two commercial spaces on Washington St in South Norwalk, CT. It's a densely populated area of Norwalk with commercial units (restaurants, bars, boutique shops, etc) on the ground floor and apartments and offices above that are zoned as dual use. Currently, the city ordinance is being interpreted in a way that allows any commercial unit on Washington St to emit noise up to 62dBA beyond their boundaries (<http://ecode360.com/27051101>). If you understand noise and decibels, then you know 62dBA is quite loud for someone's bedroom at 1 or 2AM in the morning. We were interpreting the code that it was 55 during the day and 45 dBA after 8PM, but the city attorney's are saying 62dBA is the limit since they are dual zoned and the higher number prevails. Half our apartment, which includes our bedroom is over one commercial unit that is currently being operated as a bar/club. As you can imagine, we can't go to bed some nights until they close. The bass, music and people yelling & screaming is just too loud and as long as they aren't above 62dBA there's nothing the police can currently do for us. I've lived in apartments in other cities (Boston, MA, Stamford, CT & London UK) and have never dealt with anything like this level of noise before in my life.

I was informed last week that the city is going to be re-writing some of their ordinances and the noise ordinance is one of them. Councilwoman Eloisa Melendez (cc'd) is charged with this task and I just want to make sure our council committee members have all the necessary

information they need to write a noise ordinance that is fair to all parties and easy for the police to interpret and enforce.

Our Chief of Police Thomas Kulhawik (cc'd) has also expressed interest in how NYC has dealt with the vibrant bar/restaurant areas with residential apartments above in terms of noise and regulations.

For example, one part of the document I referenced in my original email reads...

Commercial establishments that play music must limit the level of unreasonable or disturbing noise that escapes into the streets or is heard in nearby residences by requiring that sounds levels may not exceed:

- 42 decibels as measured from inside nearby residences,*

AND

- 7 decibels over the ambient sound level, as measured on a street or public right-of-way 15 feet or more from the source, between 10:00 pm and 7:00 am*

k

Sometimes residents are disturbed by pervasive bass sounds that resonate and can be felt physically by a person.

- Bass sounds measurements are weighted in the "C" scale and may not exceed 6 dB(C) above the ambient sound if the ambient sound is greater than 62 dB(C).*

I'm wondering how the NYC DEP came to the conclusion that 42 decibels should be the legal limit for music?

What factors or information/data did you reference that helped write these regulations in such a way?

I know you're thinking that I'm just looking out for myself and that is somewhat true to a degree, but I really want everyone in the area I call home (businesses & residents) to feel like they're being treated fairly and equally under the law. 62dBA just seems awfully loud to me and I'm hoping we can come to a more reasonable number in the new noise ordinance.

I am willing to pay reasonable travel expenses and hotel

if needed to have whoever your "resident expert" is on noise regulations to come up and speak with our community leaders on this subject.

Thank you for your time.

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

Sapienza, Matt

From: Tom Rich <TRich@fdrich.com>
Sent: Wednesday, February 01, 2017 6:33 PM
To: Tom Rich; Rilling, Harry; Stocker, Elizabeth L.; Kulhawik, Thomas; Nick Rodriguez; Wrinn, Michael; Sapienza, Matt; johnzappalaphotographer@hotmail.com; Melendez, EloisaM; vern1271@gmail.com; aking@norwalkct.org; Greg Romano; Merilese Fernschild
Cc: Colleen Fraccola
Subject: Thank you for the meeting today....

Thank you all for taking time out of your busy schedules to discuss the noise issue. I think the meeting was very productive. I think we discussed tackling the problem a number of ways

1. Changing the ordinance so that it says "most" instead of "least. Maybe other language changes to beep it up. We also discussed the fines. I think \$1,500, \$3,000 and \$5,000 are appropriate given that the fines are meant to dissuade the breaking of the law. I think we all agreed that \$99.00 was not enough of an incentive to abide by the law.
2. We talked about zoning enforcement regarding open windows and making sure that new nightclubs submit a sound engineers plan/report before being granted a building permit/zoning certificate/CO and that the plan should include all of the things that will ensure that a neighbors sound will not be above 42 DB's. Things like sound limiters, sound proofing, properly designed ducts and properly positioned speakers etc. were noted.
3. We talked about enforcement based upon not only using a sound meter but by having the responding officer determine that an unreasonable disturbance has been created based upon the language in the noise ordinance.

Where do we go from here?? I will advise Mecha Noodle that they need to keep it down and also tell Chi they need to remove their outdoor speakers which are illegal.

Thx. Tom

Sapienza, Matt

From: King, Laoise
Sent: Friday, February 03, 2017 3:27 PM
To: Vernon Howard
Cc: Rilling, Harry; Wrinn, Michael; Kulhawik, Thomas; Kleppin, Steven; Tom Rich; Sapienza, Matt; Melendez, EloisaM
Subject: Re: New York Post: Neighbor makes my life hell: lawsuit

No offense taken Vern. We understand how frustrating this has been.

Laoise

Sent from my iPhone

On Feb 3, 2017, at 1:55 PM, Vernon Howard <vern1271@gmail.com> wrote:

It's been pointed out that I may be coming across a bit too abrasive. I apologize for that last part of my previous email. It's a character flaw that I have to work harder at improving. We're just really frustrated and tired dealing with this problem all the time and for so long. If we had known this is what our life would have become by moving here three years ago, we would have made an entirely different decision on this property.

I know you all have difficult and demanding jobs and I'm just one voice in a very large crowd bidding for your attention, but we and the other residents of Washington Street really need some much needed relief to this problem. I know personally, we're at our wits end. We never know night to night whether we'll be able to sleep in our own bedroom or even be able to get a decent night's sleep. Our decisions are solely based on what Room 112 decides to do that night in regards to the noise level.

Again, my apologies. Don't hold this against Tom Rich or the other residents of Washington Street that need your much needed help in getting this resolved.

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Feb 3, 2017, at 12:25 PM, Vernon Howard <vern1271@gmail.com> wrote:

I would also like to point out that I know for a fact our neighbors (unit 204) are paying a much lesser rent than they would usually pay to the owner of that unit because of this ongoing problem. Their whole downstairs area is over Room 112. The only benefit they have is that their bedroom is on the third floor, so they have a buffer of two floors between them and Room 112 when they go to sleep.

We unfortunately do not enjoy that benefit. Our bedroom is directly above their bar. Our unit (#203) and John Zappalla (#201) are the only units in the building

with bedrooms directly above them. If you speak with John, he'll tell you he just leaves his home when it's too loud for him to handle. The man hangs out in Walmart late at night to escape the noise! They've literally been driving people out of their own homes with their loud music and noise. We're sort of lucky that the other half of our unit is over the salon next door, so we just end up sleeping on our couches if we can when it's too loud for us in our own bedroom. Some nights it's even been too loud over there to sleep.

We really do hope this can be remedied at some point. The meetings with Eloisa, Matt and the Mayor seemed to have shed more light on this thanks to Tom Rich, but I feel there is another issue here (the proverbial elephant in the room) that I'd like to point out.

Why did it take having Tom Rich get involved to get any movement on this? We really appreciate everything Tom has done and is doing, but I think it speaks volumes that an average, hardworking, tax paying, citizen of this city has been saying the exact same thing for the past three years and has gotten absolutely nowhere. Only when someone with a much greater financial investment in Norwalk got involved did we start to see any movement out of City Hall. Seriously? We invested our hard earned money that we saved for many years into a home in Norwalk that has caused us nothing but stress and financial pain and none of you would help us get it resolved. The only conclusion we could make, is that we just don't matter in the grand scheme of things. We're irrelevant. Put yourselves in our shoes for one moment and think about how that makes you feel, because this is how the City of Norwalk has made us feel for the past three years... shut up and pay your taxes.

My thanks to Tom Rich. We appreciate all that you have done so far. I think we might be seeing some light at the end of this long tunnel now.

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Feb 3, 2017, at 10:16 AM, Tom Rich <TRich@fdrich.com> wrote:

Dear Mayor, these attached letters are disturbing (Vern gave me permission to forward) and they show the lack of respect and flouting of the law by the owner of the space which houses Room 112. This goes back to the beer garden, but the pattern of disregard and disrespect continues. The notion that we should have all know better is silly. They could then say to me, well why did you build an apartment house here you should have know better?! That's nutty thinking. They are breaking the law plain and simple. I hope the city can apply maximum pressure to make them conform and be good neighbors. We need a full court press from all corners. I feel bad for us across the street and other neighbors who are beaten down but I feel particularly bad for Vern and his

wife. It will send out a strong message that the neighborhood will not tolerate this anymore. As I mentioned at the meeting, as we are designing the hotel, we are not only trying to create a sound proof envelope from the outside but also between rooms. That's what's missing in this equation, the insistence that noisy places are forced to comply with a design that is designed with real tolerances in mind. No one wants to stamp out night clubs or make them move elsewhere. Anyway, thanks. Tom

Sent from my iPad

Begin forwarded message:

From: Vernon Howard <vern1271@gmail.com>
Date: February 3, 2017 at 9:57:23 AM EST
To: Tom Rich <TRich@fdrich.com>
Subject: Re: New York Post: Neighbor makes my life hell: lawsuit

We considered suing the unit owner when The Beer Garden was their tenant. We decided to stand down when we learned they were getting evicted for failure to pay their rent. Unfortunately, civil litigation is expensive. The average cost in the state of CT is about \$50,000 from what I've read and there's no guarantee you'll be awarded your attorney fees from the court. It's at the judges discretion.

\$50,000 is a lot of money for us. I'm self employed and my Fiancé is a manager at a restaurant. We're not rolling in money, but we get by. When we bought the place we used a huge chunk of our savings (\$50,000) as the down payment and we haven't been able to replenish that in past 3 years. That's why we feel trapped here. We can't sell and we don't have enough money saved for another down payment on another house yet and when we do there's no guarantee we'll be able to keep this place rented out consistently at a decent price to pay the mortgage or even at all because of the noise.

The below article reads differently for me. I might be wrong, but I think the guy is suing his Co-Op to evict his neighbor and the \$750,000. We considered suing the association for their failure to enforce their own Bylaws which basically states that one unit can't do anything offensive or loud that offends their neighbor..., but we choose to see where we could get with a letter to the unit owner.

See the attached PDF's of communication between our attorney and theirs. If these letters are any indication of what a longterm civil trial would consist of, it sounds really expensive.

I wish we had the money to throw away and hope for a win, but we don't. It's too much of a gamble for us at this time.

Best regards
Vernon Howard
(203) 733-9003
vern1271@gmail.com

On Feb 3, 2017, at 7:02 AM, Tom Rich <TRich@fdrich.com> wrote:

Why don't we sue them (room 112) to turn up he heat?

I thought you might be interested in this story from the New York Post.

A West Village man says his downstairs neighbor is making his daily life a living hell — screaming obscenities and banging on the ceiling with a broomstick “at all hours of the day and night.”

Kyle Cameron, who lives in Apt. 6C at 165 Christopher St., says in a Manhattan lawsuit that the building's board has ignored his complaints against Keith Dunn of 5C.

“For nearly two years Mr. Cameron has been unable to feel safe within, and/or quietly use and enjoy his own home,” the suit claims.

In one instance, Dunn “screamed at the top of his lungs, ‘You don’t think I know your story? I know your story you f--king c--ksucker,’” the suit says.

Worse, Dunn has made noise complaints against Cameron to the police while the plaintiff is out of state and his apartment is empty, the suit says.

But Dunn says the racket is coming from Cameron's unit, where he hears doors being slammed in the middle of the night. Dunn's attorney, Brian M. DeLaurentis, said his client never used a broomstick or yelled profanities.

Cameron wants the co-op to evict Dunn and pay him \$750,000 in damages.

Board reps did not immediately respond to requests for comment.

For more from the New York Post and to download our apps, visit NYPost.com.

Sent from my iPad

<8_14_15 Letter to 112 Associates.pdf>
<doc02210320150824151619.pdf>
<8_25_15_letter_to_Goldberg.pdf>

Bike-Walk Advisory **Committee**

[Proposed Ordinance]

Chapter ____ . Bike-Walk Advisory Committee

§ ____ . Composition.

The Bike-Walk Advisory Committee shall be composed of seven members to be nominated by the Mayor and approved by the Common Council. The Mayor shall designate one of the seven members as Chairman. Each member of the Committee shall be appointed for a term of three years, and terms shall be staggered. The terms of the initial members shall be as follows: two members with terms to expire June, 2018; three members with a term to expire June 30, 2019; and two members with terms to expire June 30, 2020. Thereafter, the terms for all members shall be for three years commencing on July 1st. If a member shall terminate in advance of his or her term, his or her replacement shall be appointed by the Mayor to complete his or her term. The Committee may request the Mayor to remove any member who is absent 25% or more in a year. Members shall serve without compensation. The Directors of the Planning & Zoning, Public Works and Health Departments and the Executive Director of the Redevelopment Agency shall serve ex officio with a vote. Staff support shall be provided by the Public Works and Health Departments.

§ ____ . Duties.

- A. The Bike-Walk Advisory Committee supports bicycling and walking as safe, convenient, and sustainable forms of transportation and recreation that increase Norwalk's livability and economic vitality, and improve public and environmental health.
- B. The Committee will work with the Planning and Zoning, Public Works and Health Departments to:
- (1) Promote Complete Streets programs and facilities for bicycles and pedestrians in Norwalk;
 - (2) Coordinate public awareness campaigns, educational trainings and events;
 - (3) Work with appropriate City agencies and departments to review and advise on projects having an impact on walking and biking in the City from the earliest stage possible.

Sapienza, Matt

Subject:

FW: Two Questions

FAIRFIELD BICYCLE ' PEDESTRIAN PLAN ADVISORY COMMITTEE

From: Nancy Rosett [mailto:n_rosett@yahoo.com]
Sent: Tuesday, September 20, 2016 5:03 PM
To: Sapienza, Matt <msapienza@norwalkct.org>
Subject: Fw: Two Questions

----- Forwarded Message -----

From: "Griffin, Kathleen" <KGriffin@fairfieldct.org>
To: Nancy Rosett <n_rosett@yahoo.com>
Cc: Keith Gallinelli <kgallinelli@gmail.com>
Sent: Tuesday, September 20, 2016 4:50 PM
Subject: RE: Two Questions

Hi Nancy -

I apologize for the delayed response.

The Bicycle and Pedestrian Committee was actually formed by a vote on its charge by the Board of Selectmen. The members serve at the pleasure of the Board of Selectmen. The Board can terminate the committee (i.e. disband it) at any time. Most of our permanent Boards and Commissions are formed through an Ordinance or Charter revision. I'm not exactly sure why it was done that way for such an active and committed group but it was.

Here's a link to the minutes where the Bicycle and Pedestrian Plan Advisory Committee presented the charge to the Board of Selectmen for approval (ltn #13):

http://www.fairfieldct.org/filestorage/79/125/14860/Minutes_05-21-2014_Final_.pdf

attached to this
ORDINANCE COMMITTEE
Packet

Also, here is link to the Charge that the Board of Selectmen approved that day:

http://www.fairfieldct.org/filestorage/10736/12067/18736/24910/28909/Bicycle_and_Pedestrian_Committee_Charge_-_Approved_05-21-14.pdf

attached to this
Ordinance Committee
Packet

Let me know if you have questions.

Sincerely,

Kathleen D. Griffin

Office of the First Selectman
Town of Fairfield
725 Old Post Road
Fairfield, CT 06824
203-256-3031(p)
203-256-3008(f)
kgriffin@fairfieldct.org

From: Nancy Rosett [mailto:n_rosett@yahoo.com]
Sent: Tuesday, September 20, 2016 10:20 AM

FaneF-1

To: Griffin, Kathleen
Cc: Keith Gallinelli
Subject: Re: Two Questions

Hi Kathleen,

Could you clarify how Fairfield's Bicycle and Pedestrian Committee was formed? Was it by an ordinance, charter revision or ???

Thanks for your help,

Nancy Rosett
203-247-0334

From: Keith Gallinelli <kgallinelli@gmail.com>
To: Nancy Rosett <n_rosett@yahoo.com>; Kathleen Griffin <kgriffin@town.fairfield.ct.us>
Sent: Tuesday, September 13, 2016 7:31 PM
Subject: Re: Two Questions

Hello Nancy,

Thanks for reaching out. First off - I have cc'ed Kathleen Griffin on this email. She works with the First Selectman and was instrumental in helping to form our Committee. Basically, as I know, there was a group like yours here in Fairfield and they recommended as part of their master plan to have a permanent group appointed by the Selectman. And with this, our group was born. We all had to apply to the First Selectman's office, interview, be selected and then appointed at a Board of Selectman meeting. Kathleen can you provide additional info.

As for the education events we have worked with a couple of different groups over the year - the health department, the Fairfield History Museum (we did a history bike ride and walk), the police department (for a bike safety rodeo) and we are working with the Audobon and the Boy/Girl Scouts to try and do a couple of other events. We put that in our goals for the year to remind us that we are not just about infrastructure but about education. We can always do more!!

Hope this helps.

Keith

On Tue, Sep 13, 2016 at 10:07 AM, Nancy Rosett <n_rosett@yahoo.com> wrote:
Hi Keith,

I have two questions for you.

We have a couple of citizens who are interested in helping our Bike/Walk Task Force promote bicycle education in Norwalk. One of the Bicycle and Pedestrian Committee's goals for 2015 is "ongoing public communication and at least two special educational events". What did you do to accomplish that goal?

Also, we are currently an advisory group appointed by the Mayor. Before this mayor's term ends, we'd like to make the group a permanent part of government. We don't want to go out of business if

the next mayor decides he doesn't want a Bike/Walk Task Force. I see your committee is appointed by the Board of Selectmen. Was it established by an action like an ordinance of the Board of Selectmen or did it require a charter revision?

Thanks for your help,

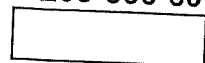
Nancy

Keith F. Gallinelli 盖山顶

Director of International Admissions - Sacred Heart University

BS, MS - Geology (Chemistry), MBA

1-203-666-6071 (cell)



Chair, Town of Fairfield Bicycle and Pedestrian Committee
Science Instructor, Johns Hopkins University, CTY Program

Town of Fairfield Bicycle and Pedestrian Committee

Committee Charge

The Town of Fairfield recognizes the need to encourage walking and biking for transportation, recreation, exercise and quality of life. Walking and biking conserve energy, improve air quality, reduce traffic and the need for parking, improve health and fitness, and invigorate the local economy through increased access to local businesses and greater potential for tourism. These community-wide benefits will be achieved through institutional, planning, enforcement, education and infrastructure actions.

The Board of Selectmen shall appoint a Bicycle and Pedestrian Committee consisting of nine members to serve terms of four years; however, the initial appointees shall have staggered terms of two years (3 members), three years (3 members) and four years (3 members). No more than five members of the Committee shall be members of the same political party. The Committee shall elect a Chairperson, Vice Chairperson and Secretary. A Committee member may be removed by the Board of Selectmen for good cause upon a two-thirds vote of the Committee. Failure to attend four consecutive meetings without good reason shall constitute good cause for removal. All vacancies shall be filled by a vote of the Board of Selectmen. This Committee is established by the Board of Selectmen and can be terminated by a vote of the Board of Selectmen at any time.

The Bicycle and Pedestrian Committee shall:

- Advocate for the recommendations in the Fairfield Bicycle & Pedestrian Master Plan in collaboration with Town staff.
- Monitor transportation and other projects to ensure that they are consistent with the proposed and/or adopted Complete Streets Policy.
- Monitor and evaluate the Town's progress in the implementation of the Fairfield Bicycle & Pedestrian Master Plan.
- Convene regular meetings dedicated to the review of goals, implementation, outcomes and budgets.
- Provide an annual status report to the Board of Selectmen.
- Update the Fairfield Bicycle & Pedestrian Master Plan every five years in conjunction with updates in the Plan of Conservation and Development.

The Bicycle and Pedestrian Committee may:

- Coordinate public awareness campaigns, educational trainings and events.
- Conduct research and evaluation.
- Seek grants and accept donations from private individuals and public entities.
- Enlist staff, consultants and/or volunteers as needed to address specific tasks of the Committee.

Approved by BOS on 5/21/14

FAIRFIELD BOARD OF SELECTMAN Meeting Minutes (5/21/14)

~~and believes this important factor will be mitigated by the Committee. Selectman Kiley asked if there is noticeable deterioration of the building since it hasn't been used in a year and a half. Mr. Bradley said there has been no noticeable deterioration and the damage is not beyond repair. He said this is not an uncommon problem and typical of a repair.~~

13) FAIRFIELD BICYCLE AND PEDESTRIAN PLAN ADVISORY COMMITTEE

To hear, consider and approve a charge for the Bicycle and Pedestrian Committee
Committee member Andy Graceffa said the Committee's Charge had been extended by the Selectmen for another six months so the Committee could determine the next phase. The goal at the time the Committee came before the Selectmen was to implement their plan in the Town's Conservation and Development Plan. Mr. Graceffa named several projects the Committee has implemented including the first bike route along Mill Plain Road which the CDC is using as a case study and the purchase of bike racks downtown. Committee representatives will go before next week's Plan and Zoning Commission on bike and pedestrian zoning changes. The new charge proposes a bicycle and pedestrian standing committee. The new Charge is the work of new chair Alyssa Israel and Vice-Chair Jack Franzen and the plan will not be in the Conservation Plan of Development. There is considerable interest in people serving on the committee. Mr. Graceffa said it's a critical step to make Fairfield a bike and pedestrian friendly Town.

Selectman McCarthy Vahey is pleased to work with this Committee and thanked them for bring forward the Charge and Master Plan. She noted everyone is a pedestrian.

Selectman McCarthy Vahey made a motion to approve the item. Selectman Kiley seconded the motion.

Selectman Kiley sees the forming of a Committee as the Selectmen's continued support of the work the Committee has already done. He asked how this Committee fits into our government. Selectman Kiley asked if this is a committee or commission and if it falls under the Board of Selectmen? First Selectman Tetreau said this should be called a Committee because it's not Charter based or doesn't have a department under it. He suggests setting up a termination in 60 months. Selectman Kiley asked if this item needs RTM approval. First Selectman Tetreau said no.

First Selectman Tetreau made an amendment to remove the last sentence in paragraph two of the Charge and replace it with, "All vacancies shall be filled by a vote of the Board of Selectmen." Selectman Kiley seconded the amendment which carried 3-0.

First Selectman Tetreau asked the Board about a 60-month term. Selectman McCarthy Vahey said since this is a BOS committee the BOS can terminate or amend the charge at any time.

First Selectman Tetreau made an amendment to add a sentence as the last sentence of the Charge. The sentence says, "This Committee is established by the Board of Selectmen and can be terminated by a vote of the Board of Selectmen at any time." Selectman Kiley seconded the amendment which carried 3-0.

Selectman Kiley asked for an annual report. First Selectman Tetreau noted that is stated in the Charge.

First Selectman Tetreau asked for public comment. Judy Ewing said she is not happy with the statement on removing people from the committee because they will have good reasons for not attending meetings. She said there is a problem in getting quorums with some committees so the Chair should keep after member or ask them to resign and get a replacement.

The main motion, as amended, carried 3-0.

14) TAX COLLECTOR

To consider and act upon tax refunds as recommended by the Tax Collector in the amount recommended.

Selectman McCarthy Vahey made a motion to approve the item. Selectman Kiley seconded the motion. Selectman McCarthy Vahey made an amendment to delete the period at the end of the sentence and add a comma followed by \$72,127.88. Selectman Kiley seconded the amendment which carried 3-0. The main motion, as amended, carried 3-0.

15) To hear, consider and act upon any communications.

There was no other communications.

16) To hear, consider and act upon any other business which shall properly come before this meeting.

There was no other business.

17) ADJOURN

Selectman McCarthy Vahey made a motion to adjourn the meeting at 6:22 pm. Selectman Kiley seconded the motion which carried 3-0.

Respectfully submitted,

Jennifer S. Carpenter
Recording Secretary

Sapienza, Matt

Subject:

FW: West Hartford Bicycle Advisory Committee

WEST HARTFORD BICYCLE ADVISORY COMMITTEE

From: Nancy Rosett [mailto:n_rosett@yahoo.com]
Sent: Thursday, September 15, 2016 8:58 PM
To: Sapienza, Matt <msapienza@norwalkct.org>
Subject: Fw: West Hartford Bicycle Advisory Committee

*NOTE: on 01/24/17, the West Hartford Town Council passed a resolution replacing the Bicycle Advisory Committee with a Pedestrian & Bicycle Commission.

----- Forwarded Message -----

From: Scott Franklin <sbf@franklinlaw.net>
To: n_rosett@yahoo.com
Sent: Thursday, September 15, 2016 1:55 PM
Subject: Re: West Hartford Bicycle Advisory Committee

Hi Nancy:

Thank you for your email. The West Hartford Bicycle Advisory Committee was created by the West Hartford Town Council to advise the Town Council on bicycle related issues.

The committee consists of 9 individuals who live in the town of West Hartford. Most of the members are avid cyclists.

We met every month on the second Monday of each month in the West Hartford Town Hall.

Since being established, we have obtained a bronze designation from the League of American Bicyclists as a bicycle friendly community, successfully put on two bike festivals known as "Wheel Fun Day", assisted in the drafting and acceptance of a Complete Streets Policy and a Bicycle Facilities Plan, organized a Center Streets event where the streets of West Hartford Center were closed to vehicles for an entire Sunday morning, implemented a "Wheels on Wednesdays" ride program, convinced the Town to install bicycle racks throughout the town, convinced the Town to start installing bike lanes and sharrows throughout the town and much more. In addition, we have started a program called "Cycling Without Age" and have purchased a rickshaw bicycle which we use to take elderly people who live in nursing homes for rides around the Town of West Hartford. The goal is for them to get "wind in their hair". The program has been incredibly successful.

We are currently attempting to convince the town to do traffic calming measures on North Main Street between West Hartford Center and Bishop's Corner, but we are running into opposition.

In addition to the West Hartford Bicycle Advisory Committee, we have formed a non-profit corporation known as Bike West Hartford, Inc. which supplements the work done by the West Hartford Bicycle Advisory Committee. Since the West Hartford Bicycle Advisory Committee isn't a legal entity, we needed to form Bike West Hartford, Inc. to put on our various events and to raise money for those events.

Please feel free to contact me if you have any further questions about our organization.

Scott

Scott B. Franklin, Esq.
Scott B. Franklin & Associates
68 South Main St.
West Hartford, CT 06107
tel. 860-561-4832
fax 860-521-5560

At Scott B. Franklin & Associates we can help you with:
Wills and Trusts (including Special Needs Trusts)
Living Wills and Powers of Attorney
Probate
Guardian Appointments
General Business Law and
Real Estate Law

Before you send a wire, you must call (860) 561-4832 to confirm our wiring instructions. If you ever receive an email from us telling you to wire to a different bank account than the one we originally disclosed to you, please call us immediately.

This email is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, you are hereby notified that any dissemination, distribution or copying of this e-mail is prohibited, and you must delete this e-mail immediately.

On Tue, Sep 13, 2016 at 12:39 PM, <n_rosett@yahoo.com> wrote:

Hi Franklin,

I chair the Mayor's Bike/Walk Task Force in Norwalk. We were created by the present mayor and are looking to make the group more permanent. How was your committee established? By town ordinance? By charter revision?

Thanks for your help,

Nancy Rosett
[203-247-0334](tel:203-247-0334)

Resolution adopting the WEST HARTFORD BICYCLE
ADVISORY COMMITTEE

Town Council Meeting
May 10, 2011
Agenda No. 30

Mr. Van Winkle: Our waste contract – we pick your garbage up and deliver it to the Connecticut Resource Recovery Authority who dispose of it by turning it back into energy. That waste contract is up next year and they are seeking from us an agreement to renew that with CRRA. We had been talking to others in the area. You know, we generate a lot of trash in West Hartford. There aren't a whole lot of options for us. There are some people who wrap garbage up and ship it out of state to North Carolina or Ohio and drop it in a hole that are close to competitive but energy prices make that kind of a scary proposition for us so during the month of May and June we are going to bring a resolution to the Council as to what our final disposition should be with that contract with CRRA. In all honesty there aren't a whole lot of options for us. That's not to say that there aren't options longer term for it but in the near term, given the numbers and what we're seeing from CRRA is that our cost of tipping our garbage there, the \$69 a ton that we pay, will fall substantially with this new contract and so that will be a budget saver for us but we're going to continue to look at what options we might have into the future.

President Slifka: Okay. Other questions? Okay. Thank you, Mr. Van Winkle. We will go to #7, Mr. Brennan.

ITEM #7: CONSIDERATION OF CONSENT CALENDAR: ITEMS 11 AND 17-24 TO RECEIVE.

Vice President Brennan: I move that we place Items 11 and 17-24 on the Consent Calendar.

Councilor Casperson: Second.

President Slifka: A motion is made and seconded. All those in favor? Those opposed? Motion carries. Okay, we're up to New Business, #9, Mr. Brennan.

NEW BUSINESS:

ITEM #9: RESOLUTION (CANTOR, SLIFKA, BRENNAN, CAPTAIN, CASPERSON, DAVIDOFF) ESTABLISHING THE WEST HARTFORD BICYCLE ADVISORY COMMITTEE.

ADOPTED

WHEREAS, over the past several years the Town of West Hartford has been promoting cycling for recreation and transportation within the community; and

WHEREAS, the Town has undertaken efforts including traffic-calming measures and pavement markings to encourage the safe sharing of roads by motorists and cyclists; and

WHEREAS, the Town Council desires to create the means for regular communication between cyclists and Town staff;

NOW; THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT an ad hoc West Hartford Bicycle Advisory Committee be established to provide regular feedback to Town staff as to how the Town can continue to be increasingly bike friendly;

AND BE IT FURTHER RESOLVED THAT the Committee shall consist of a cross-section of not less than five and not more than nine members of the Town's bicycling community, including casual and more avid cyclists who reside throughout the Town, to be appointed by the Town Council.

Vice President Brennan: I move that we adopt.

Councilor Casperson: Second.

President Slifka: A motion is made and seconded. This is... Again this is an item that was really Mrs. Cantor's doing and I regret she couldn't be here to describe it. It's a brief resolution so let me just read it and as I do that, Mary Ellen Thibodeau is here. Mary Ellen, do you want to come up and address the item while I start to read it? Mary Ellen is one of the avid cyclists in town who stepped up and has been an activist on this and really brought this to our attention and the genesis of this has been a lot of the work that was done by another committee over the last couple of years chaired by Jamie Sullivan and our former Deputy Mayor Chuck Coursey was the Council Liaison to that. Now Mary Ellen is picking up the baton, so to speak, and we had a series of bike rides with her a couple months back before the winter and were educated on... Although West Hartford aspires to be extremely bike-friendly the reality is that we're kind of a congested city in that respect and we're not particularly bike friendly and there are small ways that cost little to nothing where we can improve bike safety and really make this a better link between Hartford, which is actually more bike-friendly, and some of the communities further west and elsewhere and really link them up but before I get to Mary Ellen let me just read this. It's a resolution establishing the West Hartford Bicycle Advisory Committee. Whereas over the past several years the Town of West Hartford has been promoting cycling for recreation and transportation within the community, and whereas the town has undertaken efforts including traffic calming measures and pavement markings to encourage the safe sharing of roads by motorists and cyclists, whereas the Town Council desires to create the means for regular communication between cyclists and town staff, now therefore be it resolved by the Town Council of West Hartford that an ad hoc West Hartford Bicycle Advisory Committee be established to provide regular feedback to town staff as to how the town can continue to be increasingly bike-friendly and be it further resolved that the committee shall consist of a cross-section of not less than five and not more than nine members of the town's bicycling community including casual and more avid cyclists who reside throughout the town to be appointed by the Town Council. That kind of speaks for itself. Mary Ellen, would you like to add anything to that?

Ms. Thibodeau: Thank you.

President Slifka: Oh, hit the button on the mic.

Ms. Thibodeau: Okay. Thank you, Mayor Slifka. I just wanted to say that yes, there was a lot of work done in 2007 by the Bicycle Advisory Task Force. They produced a really impressive report. I was reviewing it today and there are a lot of really good ideas in here. I think the Town Council adopted it and it was made part of the Plan of Conservation and Development but one of the recommendations made by the Task Force was to create a Bicycle Advisory Committee and that's really what we're here to do and we're looking forward. There are eight of us now that have come forward and said we'd really like to help the town and the staff and make this a much better place to bike and we're looking forward to working with people to offer ideas.

President Slifka: And we're looking forward to it as well. I know I want to thank Mrs. Cantor but I know she would want to extend her thanks to you. I saw her earlier this evening. Explain to folks that... You know, when you go on one of these rides they really are educational because you find these little parts of town where it might be a small intersection, it might be a place you drive by every day and you completely overlook it and it looks fine as you go by and it may look fine from a road design standpoint but when you actually try to cross that street, whether you're on foot or you're on a bike it can be particularly treacherous and what we are trying to establish with this committee is a group that will keep their eyes on that for us, advise us on a regular basis and give us ways that we might just be able to incorporate into our ongoing Capital Improvement Plan little tweaks to what we're going to do with our roads to make them that much safer and I, you know, I have been a biker, much less of a cyclist since my daughter was born a couple years ago but I thought I understood it. I did not understand it as fully as I do now having gone on these two rides. We covered almost all of the town and you learn that... I think the one that stuck with me the most was when Tracy Wilson took us over by Conard High and she explained how, you know, there's all these areas around Conard. They're very easy to ride but she rides there every day. She teaches but there is this one key intersection that I drive by all the time right by Rockledge and you'd think it's no problem and she showed us that you could sit there for an incredibly long period of time waiting and waiting and waiting for an opportune time to cross because it's not at a crosswalk, there are no lights, there are no signals and that ends up creating for a biker, and something we're trying to encourage, the need to detour severely around either side of town just to get to this midpoint kind of near West Hartford Center so that's the kind of thing we can learn and we're looking forward to more of that. Thank you, Mary Ellen. Would anybody else like to comment on this? Yeah, go ahead, Denise.

Councilor Hall: Thank you. I think it's a great idea. I was just curious as to whether it couldn't be expanded to something beyond just bicyclists. I know we've been talking in regard to sort of the use of our streets through the different groups that like to do the walk-a-thons and the bike-a-thons and the marathons and it just seemed like this group might have an in-depth knowledge about that and could we maybe expand it to be the group that helps us analyze, you know, how many of those types of events do we permit and, you know, where should they go and where's the safe place to go? I was just thinking that I know there's a lot of demand these days because West Hartford's gotten

so popular and we get so many different groups that want to use the streets for their different fundraising activities and sort of building that body of knowledge of where it's appropriate and where it would be inappropriate or working with the businesses to make sure it's not affecting them unduly. It might be a good fit.

President Slifka: We could certainly take a look at that. I think as Mary Ellen had mentioned we're trying for these purpose to establish the committee that came out of the report so we at least have this on paper. I know that there are other committees that we already have that are working on some aspects of that. In fact, the Advisory Commission on Persons with Disabilities, I know because my brother is on the little subcommittee that's going around town with disabled people and advising Dave Kraus, our Town Engineer, about, you know, lengthening the walk times at certain spots and things like that and I'm certain that... This was a very good idea and I'm certain it is something we can work into the work of one or more of these groups. Mr. Doar, go ahead.

Councilor Doar: I just want to say I think it's a good idea as well but I wasn't aware of the 2007 report. The Town Manager will get us a copy of that report. Clearly in that report it indicates that this is one of the action items from that report but certainly your idea I think makes a lot of sense.

President Slifka: Mr. Adler?

Councilor Adler: Thank you, Mr. Mayor. Mary Ellen? Where'd she go? Oh, hi. No, that's all right. You don't have to... I think one of the things that, you know, particularly with energy being a challenge these days, you know, we're seeing more and more people commute to work and I'm at the bus stop with my wife on Fern every morning and I'm probably seeing more and more people bike to work which is... that's just a reality of the world we're living in plus, you know, living on the outer hub of Hartford it's just a, you know, it's just a mode of transportation. One of the things I'd like to see, you know, from the task force or the bike group is taking a look at, you know, areas like Bishops Corner because I think Bishops Corner, although I think when we had the most recent SDD on the redevelopment there one of the exciting things is right turns out of certain parking lots so I think that's a plus but the point I wanted to make was Bishops Corner is a problem waiting to happen and I'd really like to hear your thoughts about it and your ideas and I think there's some service roads there that really need to be leveraged a little bit better in terms of signage and kind of changing some of the behaviors as how people get through Bishops Corner so I see some of the heads nodding over there so if you can do that that would be great. I appreciate that.

President Slifka: Thank you, Mr. Adler. Mr. Davidoff?

Councilor Davidoff: Thank you, Mr. Mayor. I'd like to extend a congratulation to Mrs. Cantor for putting this on our radar screen. So often we go through a lot of the studies and they just basically sit our a dusty shelf somewhere waiting for some action steps to take place and so this is something that has gotten dusted off and is becoming quite active and I'd like to thank Mary Ellen and the other people who have already volunteered and

stepped up to the plate so show us why West Hartford is the great community to live in and bicycling and being a bicyclist is a good thing and something that we should be promoting as a community and it's another aspect of our community life that we should all be proud in so I want to thank her for her efforts this evening in terms of volunteerism and I'd also like to thank our colleague Mrs. Cantor for putting it back on our radar screen. Thank you.

President Slifka: Thank you, Mr. Davidoff. Before we vote I do want to... On behalf of Mary Ellen and the Advisory Committee and Bike Walk Connecticut, the umbrella organization that they work with, invite everybody both in the public and at this table to the Bike Rally at Blue Back. This is on National Bike Day, May 20, 2011 so not this Friday but the following Friday. It's a little early. It starts at 6:30 A.M. to 7:30 A.M. but cyclists from West Hartford and surrounding towns are invited to join in the festivities by biking to Blue Back Square on their way to work, school or wherever they need to go. There will be celebrity speakers, breakfast snacks and prizes and at the conclusion of the Blue Back Square Celebration cyclists will be invited to join Bike Walk Connecticut's ride to the Capitol to deliver greetings to Governor Malloy so anybody that can make that and you're an early riser please try to get there. Anything further? With that... No? All those in favor? Those opposed? Motion carries. Okay. We're up to #10, Mr. Brennan.

ITEM #10: RESOLUTION (VAN WINKLE) AMENDING THE FEES FOR WEST HARTFORD RECREATIONAL FACILITIES.

ADOPTED

See Attachment A

Vice President Brennan: I move that we adopt.

Councilor Casperson: Second.

President Slifka: A motion has been made and seconded. I know this has gone through the Human Services Committee. Mr. Van Winkle or Mrs. Casperson, if you could perhaps enlighten us?

Mr. Van Winkle: This is a resolution to amend some fees. We take a look at our fees for our Leisure Services facilities around town at this time during the budget process and these are fairly modest increases at the winter rental rates and a couple of other relatively minor evening swims per session going up 25 cents. It's not intended to raise a huge amount of money. It is intended to keep our fees in line with what we see fees being charged in other areas and making sure that we don't have to come in rather than raising them by 25 cents raising them by 2 dollars one year because we didn't raise them over a period of time so this is a modest change to our rates. It's something that we need to continue to look at. This has been a very tight budget. We've talked a lot about our facilities and how they operate and it's something that this year as we held for our next budget administrative staff working with the Human Services Committee will be taking a

> > > Committee

Bicycle & Pedestrian Committee



Contact Information

Bicycle & Pedestrian Committee
c/o First Selectman's Office
725 Old Post Road
Fairfield, CT 06824

203-256-3030

bikepedcommittee@fairfieldct.org

Board Links

- [About the Committee](#)
- [Agendas](#)
- [Files & Documents](#)
- [Members](#)
- [Minutes](#)

Additional Links

- [Conservation Department](#)
- [Town Plan & Zoning Commission](#)

Function

The Fairfield Bicycle & Pedestrian Committee is charged with implementing the Town of Fairfield's [Bicycle and Pedestrian Master Plan](#). View the committee's [Vision and Goals for 2015](#).

Meetings

The Bicycle & Pedestrian Committee generally meets the third Thursday of the month at 6:00 pm in the first floor conference room of Sullivan Independence Hall, 725 Old Post Road. All schedules and locations are subject to change. Please check the [Town Meetings Calendar](#) for cancellations or location changes.



Visit us on
Facebook

BIKE AND PEDESTRIAN COMMITTEE VISION AND OBJECTIVES

FOR YEAR ENDING DEC. 31, 2015

Revised Jan. 17, 2015

Our Vision (from Fairfield Bicycle & Pedestrian Master Plan 6.19.2013)

The Town of Fairfield recognizes the need to encourage walking and biking for transportation, recreation, exercise and quality of life. Walking and biking conserve energy, improve air quality, reduce traffic and the need for parking, improve health and fitness, and invigorate the local economy through increased access to local businesses and greater potential for tourism. These community-wide benefits will be achieved through institutional, planning, enforcement, education and infrastructure actions.

2015 Objectives

1. Add at least two new, well-marked **bicycling routes** to safely link Fairfield residential neighborhoods to town business centers and other destinations.
2. Through ongoing public communication and at least **two special educational events**, become one of Fairfield's respected advocates and resources for cycling and pedestrian safety information.
3. Originate, coordinate and share information and resources effectively with all **town, state, federal and organizational agencies** in order to help Fairfield implement the "immediate actions" priority section in the town's Bicycle and Pedestrian Master Plan as endorsed by the Board of Selectmen.
4. In support of the Bicycle and Pedestrian Master plan, take a leadership role helping Fairfield town government to **work toward a Complete Streets Policy**, identifying and creating at least one major thoroughfare each year that meet the needs of *all users* including bicyclists, pedestrians and transit users as well as automobile drivers.

RESOLUTION establishing the West Hartford Pedestrian
Bicycle Commission

(Prior to this, it was an advisory
Committee)

Town Council Meeting
January 24, 2017
Agenda No. 24

Vice President Davidoff: Thank you, Madam Mayor. I move adoption... Madam Mayor, I move adoption of Resolution to Accept and Appropriate a Donation of \$2,750 from West Hartford Little League.

Councilor Kerrigan: Second.

President Cantor: Motion's made and seconded. All those in favor?

Councilors: Aye.

President Cantor: Oh, I, you didn't talk about it, but I think we know. Okay. It's self-explanatory. All those opposed? Motion carries. Number 11, Mr. Davidoff.

**ITEM #11 - RESOLUTION ESTABLISHING THE WEST HARTFORD PEDESTRIAN
AND BICYCLE COMMISSION**

ADOPTED, 8-0

WHEREAS, on May 10, 2011, the West Hartford Town Council established the ad hoc West Hartford Bicycle Advisory Committee;

WHEREAS, the ad hoc West Hartford Bicycle Advisory Committee has not only assisted the Town of West Hartford in becoming bicycle friendly, but also in building the framework for a bicycle transportation system with appropriate bicycle amenities throughout the Town of West Hartford;

WHEREAS, the ad hoc West Hartford Bicycle Advisory Committee through its countless volunteer hours and efforts has aided West Hartford in having numerous bicycle related events and activities and in causing the League of American Bicyclists to award West Hartford the Bronze medal award;

WHEREAS, ad hoc committees must come to an end when their tasks or duties have been completed, but West Hartford continues to believe that more can be done to help West Hartford improve its public facilities for bicyclists and pedestrians.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD that the Town Council shall establish the West Hartford Pedestrian and Bicycle Commission to promote bicycle and pedestrian safety through education and advocacy and to recommend facility and rights-of-way improvements;

BE IT FURTHER RESOLVED by the Town Council that the West Hartford Pedestrian and Bicycle Commission shall consist of nine (9) members who are West Hartford residents, who shall serve without compensation, and who shall be appointed by the Town Council;

AND BE IT FURTHER RESOLVED by the Town Council that each member of the West Hartford Pedestrian and Bicycle Commission shall serve no more than two terms, the terms shall not be longer than five years; of the members first appointed, three members shall serve two years, three members shall serve three years, and three members shall serve a full five-year term with all successive terms for all members being five years;

FINALLY, BE IT FURTHER RESOLVED that this commission and its members shall be required to comply with C.G.S. § 1-200, et seq., as well as the West Hartford Code, including but not limited to Chapter 5.

Vice President Davidoff: Thank you, Madam Mayor. I move a Resolution to adopt Establishing the West Hartford Pedestrian and Bicycle Commission.
Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Mr. Alair, do you want to just address this? No, you don't. Okay. I, I can just summarize it. It was just actually because it came from Garmon, but that's okay.

Mr. Alair: Oh, okay.

President Cantor: It is just a, the Bicycle Task, well, the Bicycle Advisory Committee was set up as an ad hoc Commission and we had switched an ad hoc Commission, our Energy Commission to be a, an ongoing Commission with term limits and following all the rules of an ongoing Commission and so, again, self-explanatory. We, we switched them from an ad hoc to an ongoing Commission with staggered terms appointed by, with minority representation and appointments. Okay. Any questions. Okay. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. And number 12, Mr. Davidoff.

ITEM #12 - RESOLUTION AMENDING THE FEES FOR VARIOUS RECREATION FACILITIES

ADOPTED, 8-0

BE IT RESOLVED by the Town Council of West Hartford that the following schedule of Fees and Charges at the Elmwood Community Center are hereby amended, such schedule to supersede all existing and prior resolutions relating to such fees and charges; and

BE IT FURTHER RESOLVED that all fee changes are effective March 1, 2017.

ELMWOOD COMMUNITY CENTER

CURRENT FEES - EFFECTIVE MARCH 1, 2014

GYMNASIUM RENTAL (custodial included)

	<u>CURRENT</u>	<u>PROPOSED</u>
Non-profit community organizations per hour & 75% of Resident Groups.....	55.00	N/A
Resident group per hour Monday through Friday.....	N/A	55.00
Resident group per hour Weekends.....	N/A	75.00
Other organizations per hour & less than 75% Resident Groups.....	75.00	N/A
Non-Resident group per hour Monday through Friday.....	N/A	80.00
Non-Resident group per hour Weekends.....	N/A	100.00
Custodial expenses.....	Out-of-pocket	N/A

AUDITORIUM RENTAL with Kitchen (custodial included)

Non-profit community organizations per hour	61.00	N/A
---	-------	-----