

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

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

STAFF: Matt Sapienza, Corporation Counsel

Others: Thomas Kulhawik, Police Chief; Richard Brescia, Chairman of the Parking Authority, Kathryn Hebert, Administrative Services Manager, DPW; Tom Callahan, Director of Health; Diane Laurcella; Howard Vernon; Tom Rich; Nick Rodrigues; Nancy Rosett

1. ROLL CALL

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

2. PUBLIC HEARING

Parking Authority

Mr. Brescia said that the ordinance was established 15 years ago, and requires the Parking Authority to submit a budget far in advance of any other organization in the city, and is an ordinance that has been ignored for 15 years. He said that the Parking Authority has followed a different protocol, and they provided information for the budgeting process the way the rest of the city was providing it. He said the thought that an organization can put together a budget for a new fiscal year, analyze that budget and begin a new budget seems to him to be absurd, and does not know why it was in the ordinance. He said he thinks that what we are all trying to accomplish is to function better, and he thinks the basis of this came from when the Parking Authority introduced new rates particularly in SONO, and he spoke to that issue at a hearing. He said since then a way of communicating has been established so there would be no surprises to the Common Council, and thinks they have done a pretty good job at that since this dialogue has started.

Senior Tax Relief

No one from the public commented.

3. PUBLIC HEARING DISCUSSION

Parking Authority

There was discussion regarding the budget submission process and Mr. Kimmel asked if the budget is not approved in April, if there is sufficient time for the Parking Authority to make adjustments if necessary? Mr. Brescia said "yes". Mr. Kimmel said if they have no problem with that scenario, then he has no problem enforcing the memo of understanding, and leaving the ordinance as it is. He said that now that the communication has been established, he hopes that it will continue, and the memo of understanding will consolidate that procedure so some of the problems that were in the past may be eliminated. Mr. Livingston said if rates are adjusted after the budget is approved then the Common Council will not have any approval. Ms. O'Toole Giandurco said that she is unclear why the memo of understanding was signed when it is still being discussed. Mr. Hempstead said that the memo of understanding is technically not enforceable if it is not in the ordinance, and is only an agreement between two parties and has no weight, so if the goal is to have the rate structure presented to the council for consideration, then they should be submitted with the budget.

**** MR. LIVINGSTON MOVED TO APPROVE THAT THE PARKING FEE INCREASES THAT ARE NOT INCLUDED IN THE APPROVED BUDGET 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.**

**** THE MOTION PASSED UNANIMOUSLY**

**** MR. HEMPSTEAD MOVED TO APPROVE THE ITEM AS AMENDED.**

**** MOTION PASSED UNANIMOUSLY**

Senior Tax Relief

Mr. Kimmel said that he would like to commend the Finance Committee and the Ordinance Committee for doing this. He said that it's a small increase from Tier I, but the qualifying income has been changed in Tier I from \$42,900 to \$46,500, which means that a minimum of 82 families

will be able to increase their tax credit from \$750 to \$1400. He said that this is worth supporting, and going forward it will be revisited this each year.

**** MR. KIMMEL MOVED TO APPROVE THE ITEM**

**** MOTION PASSED UNANIMOUSLY**

4. PUBLIC COMMENT

Ms. Laurcella said that she recommends institutionalizing the Bike Walk Task Force into a commission.

Ms. Laurcella said that she is here tonight to represent South Norwalk Citizens for Justice, and that people have experienced excessive continued noise issues for years. She said that they are very interested in participating in an effort to reform and amend this ordinance, so that it is more user friendly for the police, as well as the citizens who have to interpret it to see whether or not there are violations. She said they have been doing some research on how to make this a more user friendly ordinance, and requested that before any decisions are made to amend the ordinance that the needs and issues related to the South Norwalk Citizens for Justice are included with this effort. She recommended that an independent noise expert be brought on that can help this commission understand the health effects of noise. She also said that the fines in the ordinance are very low and requested working with the State Legislator to change them.

Mr. Tom Rich said that he owns property in South Norwalk and that there is a problem with noise in the neighborhood that is impacting the quiet enjoyment to the people that live there, and it has gone on far too long. He said that the ordinance needs to be tweaked, and the fine is not an incentive for people to follow the law, and if the noise ordinance is violated it is only a \$100 fine. He said that the fine is meaningless to the violators that are in the neighborhood that he is involved with compared to the revenue they bring in, and that the ordinance needs to be changed to provide a foundation for the police to do their job, as well as the zoning enforcement officers.

Mr. Vernon Howard said that he lives at 110 Washington Street said that he has been dealing with the noise for three years and that it needs to be addressed.

Chief Kulhawik said that he agrees with everything that has been said so far, and that they are working with the issues as far as the officers understating on how to enforce the noise ordinance. He said that there are other parts of the ordinance that should be looked at in the long term but that it gets very complicated, so he suggested moving forward with the two minor changes to allow the police to better enforce the noise ordinance, and will allow them to issue violations that zoning can then use as proof to take zoning action.

Mr. Simms asked that the committee be provided with the names of the establishments that are violating the noise ordinance. He said that he agrees that something needs to be done about the noise and said the committee will take the appropriate steps to do that.

Mr. Nick Rodrigues said that he the property manager for a building on Washington Street, and said that the noise is an issue for some of their residents as well as some prospects that are looking to lease in their building. He said that he prefers this to get handled now as opposed to in the future because South Norwalk is up and coming and the noise is a detractor for people to move into the area.

5 ACCEPTANCE OF MINUTES

January 17, 2017

**** MS. O'TOOLE GIANDURCO MOVED TO APPROVE THE MINUTES**
**** MR. KIMMEL SECONDED THE MOTION**
**** MOTION PASSED WITH SIX IN FAVOR AND ONE ABSTENTION- MR. HEMPSTEAD**

6. OLD BUSINESS

Indemnification

Mr. Livingston said the changes are a good but that it should track the language of the State Statue, and if we want it to give complete coverage provided by the Statue we want to be sure it covers the same people and this does not do that. Ms. Melendez asked Sapienza to research the consequences would be without these provisions and report back to the committee next month.

Arts Commission

Ms. Melendez said that she received an email from Ms. Wallerstein stating that they are trying to meet a deadline of March 15, 2017, if possible to apply for a state grant. Mr. Hempstead asked if it would appropriate to include a disclaimer that nothing within the creation of the Arts Commission has the ability to serve by any other powers that were previously given to any other boards or commissions, because their bylaws will be giving them certain powers. Mr. Livingston suggested that under the purposes and duties that it state that in no event that the acts or the proposed acts of the commission conflict with the lawful designated duties of any other city, body or commission. He also suggested under the establishment; membership; appointment; terms in

office that in the second paragraph to delete the last sentence, and change the second to last sentence of the first paragraph to state that any vacancy shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the members whose place shall become vacant, and the next paragraph should read the member of the Common Council shall serve only during their term in office as council member, and upon the expiration of such terms of office the vacancies shall be filled by the Common Council.

****MR. KIMMEL MOVED TO APPROVE THE AMENDED CHANGES.**

**** MR. HEMPSTEAD SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MS. KIMMEL MOVED TO APPROVE THE ITEM WITH THE AMENDED LANGUAGE TO SEND TO THE NEXT COMMON COUNCIL MEETING.**

****MR. LIVINGSTON SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

7. NEW BUSINESS

Noise Ordinance

Mr. Sapienza provided an overview of the changes and said that the first proposed change is to section 68-4 (d) and is to change from the “least restrictive” to “more restrictive” because the current decibel level is loud for a residential dwelling, and by changing this from least restrictive to more restrictive would lower the decibel levels which would be a good start to site someone. He said that the second proposed amendment is to section 68-10 and is to change the language to put a scale of the fines that states \$99 for the first offense and \$250 for each subsequent offense within one year of the last offense. He said that fines for municipal ordinances are limited to \$250 unless it is specifically authorized by State Statute. He said that the state DEEP regulates the noise ordinances, and whatever is decided on this ordinance prior to going to Common Council for approval, is required to be sent to the DEEP for their approval. Mr. Livingston asked how long that will take? Mr. Sapienza said within a couple of weeks. Ms. O’Toole Giandurco asked if there is a specific establishment that is the problem or is it a general issue. Ms. Melendez said that the problem is being brought up by a specific group, but the changes will not only affect that specific group. Ms. O’Toole Giandurco asked Chief Kulhawik if these changes will be enough to give the police more jurisdiction? Chief Kulhawik said “yes” and it has been discussed at length about what can be done in the short term. Mr. Hempstead said there will also need to be additional changes to the ordinance for the long term, and that there is a method to solve the problem. Mr. Simms said that the establishments that are consistently in violation should be given a seize and assist order at some point. Mr. Kimmel asked what the maximum fine is for blight? Mr. Sapienza said \$250. Mr. Livingston requested that the changes be submitted to the DEEP simultaneously with it going to a public hearing to keep things moving.

**** MR. KIMMEL MOVED TO APPROVE THE CHANGES AS
DISCUSSED TO SECTIONS 68-4 (D) AND 68-10 AND SEND THEM
TO A PUBLIC HEARING ON MARCH 21, 2017.**

Bike/Walk Task Force

Mr. Sapienza said that this is a proposed new ordinance to turn the bike force into an advisory committee. Ms. Rosett said that they are seeking to institutionalize what the Mayors Bike Walk Task Force has done over the past four years, and there is no other group in the city that is spearheading walking and bicycle issues. She said in the recommended ordinance that in addition to the seven members appointed by the Mayor and approved by the Common Council, it will also have the heads of four departments that they see as key with bicycling and walking issues as ex-officio members of the committee. She said that the idea is that they would be working with all of these groups, and try to get into projects early in the planning process to make the city much friendlier for bikers and walkers, and it's an issue that they feel benefits all the various publics that live in Norwalk. She said there is also an educational component and that there is no one in the city that is charged with that, and they feel that is very important to enhance the safety of the citizens.

Mr. Callahan said that he had gotten involved in the Bike Walk Task Force two years ago, and he feels that physical activity is key to addressing some very pressing crisis that we are confronted with. He said that they have done assessments of the health status of our city and know that chronic diseases are unfortunately increasing and for many people, and that it is preventable and one way to do that is physical activity. He said the work of the Bike Walk Task Force is long term because changing the approach on how to construct the city to make it conducive to use for either transportation or recreation is going to take time. He said that turning the task force into an advisory committee will set things up for the long term and he strongly supports this.

Mr. Kimmel said this is counter intuitive and it is not a debatable issue at this time whether bike lanes reduce speed, because they do and it is not something that should be debated in Norwalk. He said that he does support this and when there are extra layers of government it will allow qualifying for grant applications. Mr. Corsello asked what the advisory committee will do that the task force is not already doing? Ms. Rosett said that the task force serves as at the pleasure of the Mayor, and that one of their concerns is when the Mayor changes what will happen to the task force, and the other is they would have more weight if they were established by an ordinance and gives a stronger voice. Ms. O'Toole Giandurco asked where the request to turn the task force into a committee is originating from? Ms. Rosett said from the Mayor. Mr. Hempstead asked if an advisory group is officially recognized and a condition is created if it becomes a liability for the city, and why the police department or commissioners are not involved since they are the Traffic Authority? Mr. Livingston said that he supports this but it is putting burdens on the department heads and recommended that at a minimum they should be able to appoint a designee. He also asked what they are trying to accomplish as a commission that they could not as a task force, and if there will be different types of responsibilities. There was further discussion ensued

and it was requested that Mr. Sapienza will research what the liability is for an advisory committee and report back to the committee next month.

8.ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN**
**** MR. KIMMEL SECONDED THE MOTION**
**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 9:25 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services