

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
FEBRUARY 20, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Douglas Hempstead; Thomas Livingston;
Beth Siegelbaum; Douglas Stern; Chris Yerinides

STAFF: Brian Candela, Assistant Corporation Counsel; Chris Torre,
Superintendent, DPW

ROLL CALL

Ms. Melendez called the meeting to order at 7:03 p.m. and called the Roll.

PUBLIC HEARING: Snow and Ice Removal (Chapter 95)

No member of the public wished to speak.

The public hearing was closed at 7:04 p.m.

PUBLIC HEARING DISCUSSION

Mr. Candela described the changes made to the Ordinance as recommended by the Law Department for snow and ice removal. Mr. Stern asked if there could be an enforcement problem. Mr. Livingston asked for clarification of “after the cessation of the storm”. Mr. Torre explained that they consider any weather event they have to respond to as a storm.

Mr. Hempstead asked for clarification on how all occupants of a multi-tenant building are fined. Mr. Candela said they usually have a maintenance company come out to clear the snow.

Mr. Livingston said he would like a definition of “storm”. He asked how people will know about the ordinance. Mr. Torre said the first step is to approve the ordinance.

**** MR. LIVINGSTON MOVED TO REMOVE AFTER CESSATION OF THE
STORM AND REPLACE IT WITH AFTER SUCH ACCUMULATION**

**** MOTION PASSED UNANIMOUSLY**

Mr. Hempstead said he struggles with making residents maintain public property. He added that not everyone is able to do this. Ms. Melendez said she believes there are groups that find a solution to that problem. It is a conversation that is going

on City wide. Mr. Livingston said they all share Mr. Hempstead's concerns, but it is a struggle for a child walking to school.

**** MR. LIVINGSTON MOVED THE ITEM AS AMENDED TO THE FULL
COMMON COUNCIL**

**** MOTION PASSED WITH ONE (1) ABSTENTION (MR. HEMPSTEAD)**

PUBLIC COMMENT

Public comments are not verbatim and represent a summarization of statements unless otherwise noted.

Mr. Robert Emiger expressed concern about toxic chemicals that would be brought into Norwalk. He said he and his students are concerned about the health risks and support the local ordinance that protects Norwalk from fracking waste.

Ms. Elena Montero said she was concerned about the future generations being exposed to chemicals from fracking waste in the water. She supported the ban on fracking waste.

Mr. Dick Harris said the surrounding waters are on the uptake. He said he worked with several departments to get the Harbor in good shape. He said his goal is to look out for the oyster industry. He expressed concern about taking in fracking waste.

Ms. Marnie Smith said she has been involved in conservation in Norwalk and is upset at the idea of fracking waste coming into Connecticut. She said there is talk about taking it in as construction fill. She said no one wants fracking waste.

Ms. Lauricella thanked Mr. Candela for the backup information. She spoke about the noise ordinance and the hiring of Mr. Zwerling. She said the ordinance is in need of reform; it is a health issue. She asked that he be hired quickly and to train additional people who will do the enforcement.

Ms. Lauricella talked about fracking waste and asked that this body act before July 1st to be sure Norwalk is protected. She noted that there were many in attendance who supported this ban but did not want to speak.

Ms. Louise Washer expressed concern that the superfund site would leak and contaminate the water.

Ms. Lee Grant read the following statement: Pennsylvania which has the largest source of shale gas in the United States, the Marcellus Shale Formation, no longer allows shale gas waste to be taken to wastewater treatment plants. When the water that is pumped into the ground to release the shale gas flows back to the surface, it carries heavy metals, salts and the chemicals used in the process. The chloride is particularly difficult to remove with

standard treatment. Facilities that treat wastewater from gas development are considered sources of pollution.

In Connecticut, we all know our rivers run from north to south. We, along with Rhode Island and New York, are the Soundkeepers. Rhode Island has recently heavily invested in green energy and New York has banned fracking. Norwalk has local oyster beds, lobster traps, and fishing boats. It is hard for me to believe that Connecticut, which does not even have shale from which gas is drawn, would allow fracking waste to be processed and dumped into our rivers or our Sound. However, in these days of diminished EPA protections, we must take it upon our shoulders as responsible citizens for responsible government to ensure that fracking waste is not allowed in Connecticut. Norwalk, please ban fracking waste from our City.

Ms. Kathleen March said she grew up in western PA and the mines ruined the water. The creek ran red and there were no fish in the water.

Ms. Allison Vallerie said it is important for Norwalk to get on board to have a statewide ban, especially since there is so much ground water here.

ACCEPTANCE OF MINUTES

December 19, 2017

The following corrections were made to the minutes:

Page 2: correct spelling of statute

Page 2: second sentence should read; He said that the proposed language will better outline that the full width of the paved surface or concrete surface of the sidewalk must be cleared.

**** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES AS
CORRECTED**

**** MOTION PASSED WITH ONE (1) ABSTENTION (MR. HEMPSTEAD)**

OLD BUSINESS

Fracking

Ms. Lisa Stewart, Norwalk River Watershed said they partnered with the City and Harbor Watch. She said there have been spills in other states and as a result the aquatic life died out. Some of the chemicals identified are known carcinogens. Norwalk has the opportunity to be a leader and pass the ban which would be a huge sign to Hartford. This is a Senate bill that will be in discussion this week.

Ms. Jennifer Siskind said she has been trying to ban fracking from Connecticut for five years. Bridgeport could be a target to accept the bulk of the waste. She described how towns could be impacted. She said the waste is not adequately treated and discharges into the water ways. In addition, permits are being given to other states to re-use the waste.

Ms. Siskin said it is unfortunate that the State does not ban specific waste that comes from the materials. There is the potential for other waste to enter Connecticut and the towns will be impacted.

The ordinance written by the Riverkeeper in NY covers all of the loopholes and only bans waste coming out of the wells or that come out of storage of natural gas. Up to 37 towns have passed the ban.

Ms. Siskin said she has been trying to get the language fortified, but the State legislators are not willing to deal with the waste coming out of PA. She said towns are responsible for protecting themselves.

A public hearing is taking place this Friday to amend the language in the current moratorium to create a permanent ban. Mr. Siskin said she did not believe the waste from the drilling process is covered in the moratorium.

Mr. Hempstead asked why the State was reluctant to pass the ban. Ms. Siskin said each legislator has their own mindset. She said the bill died when it was first put forward in 2013. She added that Governor Malloy would not support a ban and the speakers will bring it to the floor.

Ms. Siskin said that in PA, 30 – 40% of the solution used in drilling comes back up to the surface. She said they are seeing fish kills and the radioactive material can bioaccumulate in plants and fish. It is not being adequately treated and it can be spilled at transfer sites.

Ms. Siskin said she will forward an analysis prepared by Halloran and Sage to Ms. Melendez.

Mr. Hempstead asked for information on how to institute fines and how to identify the product. He asked if there are any regulations regarding notification to towns. He also asked for a copy of the SB103 bill. He said he wants this done right. Ms. Siskin said there are no regulation for towns to be notified if trucks are driving through their town.

Ms. Melendez said this item will be on the agenda next month.

Noise Ordinance (Chapter 68)

Ms. Melendez said there was a hiring freeze in place when this was approved. She said she would like to move forward with hiring Mr. Eric Zwerling. She said that she understands from Mr. Barron, that this would be paid for by an appropriation from the Zoning department.

Indemnification (Chapter 67A)

Mr. Candela recommended one change – insert the words public member. He explained that the Pension Board is the fiduciary for the 401A and 457 plans. There is concern that there is no ordinance for those plans. Mr. Livingston said fiduciaries are held to a higher standard. The City indemnifies people for negligence, but he does not believe they can indemnify fiduciaries for negligence. Mr. Candela said he will check. He said he believes they have to understand their fiduciary duties. He said he will work on the language and this will be discussed further.

Ms. Melendez will ask Mr. Burney and Mr. Barron to attend the next meeting. Mr. Livingston said it is important for each member to know their responsibility.

NEW BUSINESS

Possible Action on: 401A Defined Contribution Plan
457 Deferred Compensation Plan

- ** MR. LIVINGSTON MOVED TO HOLD A PUBLIC HEARING ON THE
401A DEFINED CONTRIBUTION PLAN AND THE 457 DEFERRED
COMPENSATION PLAN AT THE MARCH 20, 2018 MEETING
** MOTION PASSED UNANIMOUSLY**

DISCUSSION ITEM:

There was no further discussion.

ADJOURNMENT

- ** MR. YERINIDES MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:33 p.m.

Respectfully submitted,

Ordinance Committee
February 20, 2018
Regular Meeting
Page 5

Rosemarie Lombardi
Telesco Secretarial Services