

**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 it 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**

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