

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JULY 15, 2019**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello, Thomas Livingston, Colin Hosten, Doug Hempstead, Chris Yerinides, Beth Siegelbaum

STAFF: Attorney Brian Candela, Corporation Counsel, Attorney Kara Murphy, Board of Ethics, Anna Keegan, Acting Director of Human Resources

OTHERS: Diane Lauricella, Beatrix Winter, Samuel Pride, Nathalia Gonzalez

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:02 p.m. A quorum was present.

2. PUBLIC HEARING (possible action on)

Discuss and vote Code of Ethics Section 32-5 – Prohibited representation

Discuss and vote Code of Ethics Section 32-6 – Prohibited use of City Property and facilities

Discuss and vote Code of Ethics Section 32-7 – Prohibited use of influence and information

Discuss and vote Code of Ethics Section 32-10 – Negotiation of future employment

Diane Lauricella was the first speaker and thanked the Committee for working on the code. She spoke about the need for parallel education to better inform the public and urged a public outreach program and added many people do not even know the city has an Ethics Commission. She said it would do a lot for reducing the unethical behavior. Ms. Lauricella said she thinks a section could be inserted in the code.

Ms. Melendez closed the Public Hearing at 7:05 p.m.

3. PUBLIC HEARING DISCUSSION

There was no discussion.

**** MR. LIVINGSTON MOVED THE PROPOSED AMENDMENTS TO THE CODE OF ETHICS.**

**** THE MOTION PASSED UNANIMOUSLY.**

4. PUBLIC COMMENT

Beatrix Winter, 475 Newtown Avenue, Executive Director of the Norwalk Senior Center was the first speaker. Ms. Winter said she supports the ban on plastic straws with one important exception for people with disabilities. She said her Mother-in-Law has Parkinson's Disease and needs a plastic straw to eat and drink. Ms. Winter pointed out you would not take away a cane or someone's wheelchair.

Ms. Lauricella said she agreed with Ms. Winter and with the ban on plastic straws and Polystyrene. She asked again for public outreach so everybody is aware of the ban. She said understanding makes compliance easier.

Ms. Lauricella also talked about solar energy and the tax exemption. She said it was hard to understand if the exemption was on the equipment or the entire building. She was interested in the years and wanted an explanation on why this was going back to 1976. Ms. Lauricella said she does not believe the city should go that far back in light of the fact that taxpayers need relief.

Samuel Pride, 1 Armstrong Court, a selectman and member of the ADA Committee. He said people he encounters in everyday life are rude and insensitive about his visual impairment. Mr. Pride explained that a plastic draw ban would put a burden on the people with disabilities who need the straws.

Nathalia Gonzalez, co-owner of Antojos Restaurant, was the next speaker. She said when people order from her restaurant on Door Dash and Uber Eats there is no way on the App to charge the customer for the use of paper bags that the food is delivered in. Ms. Gonzalez said the drivers are independent contractors and the delivery services cannot force the drivers to provide paper bags for delivery.

Ms. Melendez closed public comment at 7:16 p.m.

5. ACCEPTANCE OF MINUTES

June 18, 2019 – ordinance committee meeting

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

**** THE MOTION PASSED UNANIMOUSLY.**

6. OLD MINUTES

Discuss and vote on Code of Ethics Section 32-1 – Title; administration

Discuss and vote on Code of Ethics Section 32-2 – Declaration of policy

Discuss and vote on Code of Ethics Section 32-3 – Definitions

Discuss and vote on Code of Ethics Section 32-11 – Subsequent employment

Discuss and vote on Use of Single-Use Plastic Straws and Stirrers by Food and Beverage Establishments

Discuss and vote on ordinance concerning Polystyrene (Styrofoam)

The Committee debated Censure to Removal. They agreed this section needed to be cleaned up.

The Committee debated Section 31-11B regarding Subsequent Employment. The section says no agency shall employ any individual who has served as an Officer of the Agency during the preceding 18 months. The Committee said they may be willing to change that to 12 months.

The Committee discussed that there is no definition for Financial Benefit in the Code of Ethics. They looked at what other towns had done regarding this issue. Ms. Murphy said if they can cannibalize Bristol, Bethel and Greenwich they can come up a definition they feel more comfortable with. Mr. Livingston said they should not do it at this time. Mr. Candela said they will go back to the Board of Ethics and discuss the language of 32-3 and 32-11.

**** MR. HEMPSTEAD MOVED TO SEND 31-1 AND 31-2 TO THE COMMON COUNCIL.**

**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Murphy wanted to point out there said will be an educational component. She said it is buried in the code vaguely and is something the Board of Ethics will look at once everything is reworked.

The next issue was the draft regarding Use of Single-Use Plastic Straws and Stirrers by Food or Beverage Establishments. The section in question was Exceptions 4A-3. Mr. Livingston said he is convinced something needs to be done for people with disabilities. He said stick with the ban on plastic stirrers and provide a single use plastic straw as requested. Mr. Corsello asked if that is to get around employers having to educate their employees. Mr. Livingston said his concern was then you are forcing to have a person say they are disabled. Mr. Corsello countered that is against the law.

Ms. Melendez said a customer should be able to request a straw and no questions should be asked.

Mr. Corsello said if you say you are disabled no further inquiry should follow. Mr. Livingston said on a practical level it may not work. Mr. Hosten said if you need to request an accommodation then you do that.

Anna Keegan, Acting Director of Human Relations Department and Fair Rent Department and Director of Americans with Disabilities Act Coordinator, spoke next. She said metal straws are not an option for people with disabilities because they can hurt their mouths or their teeth.

While paper straws can dissolve quickly and don't stand up to being chewed. Keegan said right now plastic straws are the best alternative for people with disabilities.

She said regarding reasonable accommodation the law does not require establishments to keep plastic straws in stock and people with disabilities would be required to call ahead to request plastic straws.

She said once the person has to ask for a reasonable accommodation it's an effort and maybe you do not want someone to know you have a disability. Ms. Keegan said another option to address concerns is to for the customer to say they need a straw with no follow up questions.

Mr. Corsello asked if we can compel businesses to carry plastic straws. Mr. Candela said there is no case law pertaining to plastic straws.

Mr. Hempstead said the Committee should move forward with banning stirrers. He said rather than ban why don't we require all stores offer paper or plastic. He said people who care about the environment will switch over to paper straws.

Mr. Yerinides said he favored plastic straws on request. He wanted to know what is the time period for a reasonable request for someone to request a plastic straw in advance. Ms. Keegan said that is a murky issue.

Mr. Livingston said he and Mr. Candela will work on the language of Purpose Section 1 and a new section would be added.

The next topic was the ban on Styrofoam.

Mr. Hempstead asked about Meals on Wheels. Mr. Livingston said the goal is to get rid of single use Styrofoam.

**** MR. LIVINGSTON MOVED TO SEND THE STYROFOAM ORDINANCE TO PUBLIC HEARING AT THE NEXT SCHEDULED MEETING OF THE COMMITTEE**

**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Melendez said they will reach out to Meals on Wheels to try and get a representative at the public hearing.

7. NEW BUSINESS

Discuss and vote Chapter 37 Environment Hazards – compliance with ordinance and food order apps.

Discuss and vote on Tax Exemption for Solar Energy, Chapter 103, Article II, Section 103-3 and 103-4

Ms. Melendez thanked Ms. Gonzalez for speaking at the meeting and bringing this issue regarding food order apps to the Committee's attention. Ms. Gonzalez said for people using apps (Grub Hub, Doordash or Uber Eats) there is no way to charge the customer for paper bags which makes her in violation of the law.

Mr. Hempstead said the solution is to find a way to add a 10 cent charge to the customer for the paper bag.

The next topic was the tax exemption for solar energy. The language was on the books from 1976 until 1991 that allowed any solar asset addition to the property not to be taxed for 15 years.

Mr. Hempstead said it's a good idea to bring this back to incentivize people to put solar on homes and also on commercial buildings. He stated this would only apply to the asset not to the entire structure.

Mr. Candela said he would work on bringing the language of the code up to date.

8. DISCUSSION ITEM

There was no discussion item.

9. ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN.**

**** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Greg Venuto
Telesco Secretarial Services