

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
MAY 16, 2017**

ATTENDANCE: Eloisa Melendez, Chair; Thomas Livingston, Shannon O'Toole-Giandurco, Travis Simms, Douglas Hempstead, (7:08 p.m.); Michael Corsello (7:15 p.m.)

STAFF: Atty. Brian Candela, Corporation Counsel's Office.

OTHERS: Diane Lauricella; Timothy Callahan, Norwalk Health Department Director; Nancy Rosett, Bike/Walk Task Force Chair

CALL TO ORDER

Ms. Melendez called the meeting to order at 7:04 p.m. She called the roll. A quorum was present.

PUBLIC HEARING
(Possible action on:)

Ms. Melendez opened the Public Hearing on the Indemnification at 7:07 p.m. She asked if there was anyone present who wished to address the Committee at this time on the issue of Indemnification. No one came forward. She repeated her question two more times. No one came forward. Ms. Melendez closed the public hearing on indemnification at 7:08 p.m.

PUBLIC HEARING DISCUSSION

Indemnification

**** MS. O'TOOLE-GIANDURCO MOVED TO FORWARD THE AGENDA ITEM REGARDING INDEMNIFICATION TO THE FULL COUNCIL FOR APPROVAL.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC COMMENT

Mr. Hempstead joined the meeting at 7:08 p.m.

Ms. Diane Lauricella came forward and said that she was present to discuss the noise ordinance. She said that she appreciated the back up material that Atty. Candela had provided.

Ms. Lauricella said that it would be good to hire an expert on noise pollution. The emitters are the ones that are creating the noise and the receptors are the ones that are hearing the noise. The 45 decibels that people are referring to is the level of noise that the receptors hear. In terms of Washington Street, the bars can be retrofitted to reduce the level of noise off site.

Ms. Lauricella said that the next step would be enforcement and she offered to create a blue ribbon panel to discuss this ordinance. There is not the capacity to address this even including the past few days when there was still a problem. She asked that the Committee study the ordinance carefully.

Mr. Corsello joined the meeting at 7:15 p.m.

Ms. Lauricella said that the receptors are not supposed to emit more than 50 decibels. Because the police department has a lot to do, she felt that it would be good to have the Health Department partner with the Police Department and Planning and Zoning to consider issues where you have residential properties and retail properties right next to one another.

There was no one else present who wished to address the Committee at this time.

ACCEPTANCE OF MINUTES:

April 18, 2017

**** MR. LIVINGSTON MOVED THE MINUTES OF APRIL 18, 2017.**

**** THE MOTION TO APPROVE THE MINUTES OF APRIL 18, 2017 AS SUBMITTED PASSED WITH THREE IN FAVOR (MELENDEZ, LIVINGSTON, AND HEMPSTEAD) AND THREE ABSTENTIONS (SIMMS, O'TOOLE-GIANDURCO, AND CORSELLO).**

OLD BUSINESS

Bike/Walk Advisory Committee.

Ms. Rosett, the Task Force Chair, said that she appreciated Mr. Kimmel's work on the proposal. She suggested that the words "Advisory Committee" be change to "Commission".

Mr. Livingston spoke about the change of titles. The discussion then moved to the process of handling donations. Mr. Callahan outlined how the Health Department handled regular donations from the Greens Farms Congregational Church for the Home

Care program. The money was put into the general fund in a designated account. Mr. Corsello said that he had a different experience with donations to the golf course.

Ms. Rosett said that they have not received any donations but are applying for a grant through the Health Department.

Mr. Hempstead said that he had a question about setting it up as a Commission. He said that he was trying to understand the relationship where they could take action with the Director of Public Works. He pointed out that it is the Police Commission that sets up the street pavement markings.

Mr. Hempstead said that he was also trying to clarify the difference between an Advisory Committee and a Commission because a Commission would have authority to move forward on their own as opposed to the Advisory Committee that brings the information to a Council Committee and the Council Committee moves the item forward.

Atty. Candela said that he saw an committee as having a shorter term focus and a commission established for a much longer term. However the major difference would be the authority assigned to the group. He pointed out that one of the benefits of having the group as a Commission was that if the administration changes, the group would continue to function.

Mr. Corsello said that he had concerns about creating a large number of committees and trying to fill all the positions. Mr. Livingston pointed out that right now, the group was up and running. Mr. Corsello replied that once it becomes part of the Charter, every year there will need to be new appointees.

Ms. Melendez said that as the City continues to grow, she sees more people biking and walking. She said that she feels it is important to have the bike lanes.

The discussion then moved to the number of members of the Committee. Ms. Rosett explained that the group has been working together for the last four years and has just involved the advisory group, the Health Department, and DPW.

Mr. Hempstead asked about the Complete Streets program. He was told that the State has made a commitment to the fact that if the State works on a road, they are committed to dedicating 3% of the budget to the Complete Street Program. Mr. Callahan said that many of the Complete Street concepts have already been adopted by DPW. Mr. Corsello said that he believed that this would satisfy the mandate.

Ms. Melendez pointed out that they don't know who is on the Task Force. Ms. Rosett agreed. She said that there were a number of people who showed up consistently for the meetings, but there was not a formalized membership.

Mr. Simms cautioned everyone about creating too many commissions. He said that he was more in favor of keeping it as an advisory committee.

The discussion moved back the process that would be used if the group was awarded a grant. Ms. Rosett pointed out that they would have to have the mayor sign the financial documents if a grant was awarded.

Ms. Melendez said that she felt that the part about accepting the donations should be removed from the proposed document for now. She asked if the Committee had more questions.

Mr. Hempstead directed everyone's attention to the documentation from the City of Oakland. He said that the Oakland plan has the group reporting to the Director of Public Works. Ms. Melendez pointed out that Public Works has the authority to add bike lanes and did so before the Bike Task Force was created. Discussion followed about possibly adapting portions of the Oakland model for Norwalk.

Mr. Corsello said that the format that the Norwalk document currently has was something that everyone was familiar with, but pointed out that there were several portions of the Oakland resolution that the Committee liked. Atty. Candela said that he would review the ordinances and compile the various points for the Committee.

Ms. Melendez reminded everyone that the City already has a Master Sidewalk Plan.

**** MR. HEMPSTEAD MOVED TO HAVE ANOTHER REDRAFT DONE OF THE PROPOSAL.**

**** THE MOTION PASSED UNANIMOUSLY.**

NOISE ORDINANCE.

Ms. Melendez said that Atty. Candela had taken time to answer some of the questions that the Committee had previously regarding this ordinance.

Mr. Corsello said that he liked the Bennett Brooks Company because they had worked on this type of situation before and knew Connecticut State law. One of the residents present pointed out that the company did not have any experience with enforcement.

Mr. Hempstead said that he was trying to move this forward. The Committee would need funding in the budget.

**** MR. HEMPSTEAD MOVED TO SUSPEND THE RULES TO DISCUSS HIRING THE BROOKS COMPANY.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Corsello said that he wanted to find out what the results were from the previous clients in Manchester, Enfield and Vernon before making a final decision.

Mr. Livingston pointed out that one of the issues was that the City has industrial zones located right next to residential zones.

It was pointed out once the information regarding the Brooks Company's experience with enforcement and how the other towns felt about their experiences with the company had been obtained, Ms. Melendez could call a special meeting to consider this issue.

Atty. Candela pointed out that Rutgers had done work all over the U.S. and parts of Canada while Bennett Brooks has done work in Connecticut.

Mr. Hempstead asked about the land use aspect because there are many commercial properties are bordered by residential areas. It will be important to find the right balance. Mr. Corsello said that it is hard starting up a business and having the rules changing after one starts a business.

Mr. Hempstead pointed out that permanent rock crushing has been outlawed in Norwalk, but there are temporary permits that allow rock crushing on a job site.

ADJOURNMENT

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:36 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services