

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 17, 2025
VIA ZOOM TELECONFERENCE**

ATTENDANCE: Margaret (Lisa) Shanahan; Chair, Josh Goldstein, Anne Wennerstrand, Johan Lopez, Heather Dunn, Nora Niedzielski-Eichner, Jalin Sead

STAFF: Brian Candela

OTHER: Thomas Livingston, Nicole Eaddy

I. CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:02 p.m.

II. ROLL CALL

Ms. Shanahan called the roll as reflected above. A quorum was present.

III. PUBLIC HEARING

A. Discuss and vote on Code of Ethics, Section 32-11, Subsequent Employment

The committee opened with a discussion and a vote on the proposed amendment to the Code of Ethics, Section 32-11. Mr. Candela provided a summary: the proposed amendment to 32-11B would allow individuals who served as officers of an agency during the preceding 12 months to request a no-conflict opinion from the Board of Ethics. This opinion would be a matter of public record. The Board of Ethics, elected by a supermajority of the Common Council, would issue an advisory opinion on whether a conflict exists. The measure is designed to increase flexibility while maintaining transparency.

Mr. Candela promoted Nicole Eaddy to the panel.

Diane Cece

Ms. Cece expressed appreciation for the summary provided before the hearing and raised two key points. First, she noted that the unchanged Section A includes the language “personally and substantially” and questioned how “substantially” is defined, as it appears subjective. She asked who determines whether someone’s involvement was substantial and cited concerns about recent positions like Jessica Vonashek’s transition from a city role to employment with the Manresa Association.

Second, Ms. Cece addressed the proposed amendment. While she understood the specific needs of the Health Department, she asked whether the change applies broadly to all city agencies and boards. She cited the potential for a chairman of the Planning and Zoning Commission to seek employment within the P&Z Department, questioning the amendment's scope. She also asked for clarification on whether the Board of Ethics review process would be conducted publicly or in executive session.

In response, Ms. Shanahan clarified that “agency” is defined in Code Section 32-3 and includes boards, commissions, departments, and entities such as the Common Council and Board of Education, which makes the definition broad. “Officer” is also defined and includes individuals elected or appointed to these agencies, including advisory or ad hoc committees.

Regarding transparency, Ms. Shanahan explained that any exemption request would appear on a publicly posted Board of Ethics agenda, open to public comment and discussion. She stated the Board would deliberate and issue a written advisory opinion that would be publicly posted.

Brian Candela clarified that Section A, including the phrase “personally and substantially,” is not currently on the agenda. He confirmed that those terms are not defined within the ordinance, and this lack of definition reflects the nature of the Code of Ethics as a general guiding document rather than an exhaustive rulebook. He noted interpretation is necessary and expected.

Mr. Candela emphasized that previous iterations of the committee were advised that not every potential situation can be preemptively legislated in the ordinance. He noted the aim is to provide reasonable guidance while relying on interpretation by appropriate bodies.

Ms. Shanahan confirmed there were no other members of the public present to speak on the proposed amendment to Section 32-11 of the Code of Ethics. The public hearing was closed, and the committee discussion opened.

**** MR. SEAD MOVED TO SEND THE PROPOSED CHANGE TO THE COMMON COUNCIL.**

**** THE MOTION PASSED UNANIMOUSLY.**

Effective Date.

The public hearing on the vape shop ordinance, specifically sections 4, 6, 7, and 13, was then opened. Ms. Shanahan explained that the changes primarily addressed licensing procedures during the short application period before January 1. She noted applicants can apply during this period without fees, which will begin on January 1, 2026. Additionally, responsibility for penalties will shift from the Director of Health to the City Clerk, who will manage licensing.

Mr. Candela confirmed the effective date of the ordinance will be July 1. The stub year changes address the period from September 1 to December 31, during which fees will not be collected. He stated the City Clerk’s office requested a uniform application cycle from January through December.

Diane Cece
37 Olmstead Place

Ms. Cece was recognized again for public comment. She asked whether the ordinance includes any provisions more restrictive than existing state statutes. She also questioned how the city's inspection and fine processes would interact with those already under the Department of Consumer Protection, and whether they were redundant.

**** MS. WENNERSTRAND MOVED TO HAVE THE ORDINANCE PUT BEFORE THE COMMON COUNCIL**

Discussion opened among committee members. Ms. Shanahan clarified that the state does not currently regulate in this area, leaving a gap that the city seeks to address. She stated this ordinance provides police with tools to inspect and identify unlicensed sellers. Mr. Candela added that the ordinance does not restrict businesses from opening—that authority lies with Planning and Zoning. However, this ordinance was designed in tandem with P&Z changes to limit the rapid proliferation of vape shops. He stated the goal is to require sellers to obtain licenses so police can focus enforcement on unlicensed activity. Chief Walsh had requested this support, citing the growing problem of unregulated vape sales. The model is similar to one used successfully with the Fire Marshal’s office.

**** THE MOTION PASSED UNANIMOUSLY.**

IV. PUBLIC PARTICIPATION

The only member of the public present had no comment

V. ACCEPTANCE OF MINUTES

A. May 20, 2025 – regular meeting of the ordinance committee

- ** MR. GOLDSTEIN MOVED TO APPROVE THE MINUTES**
- ** THE MOTION PASSED UNANIMOUSLY.**

VI. OLD BUSINESS

There was no old business discussed.

VII. NEW BUSINESS

A. Discuss and vote on Chapter 9 Administration, Article IV, Registrars of Voters, Section 9-10.

Next on the agenda was a discussion and a vote regarding Chapter 9, Administration, Article IV, Registers of Voters, Section 9-10. Mr. Candela explained that the changes are minor, updating language about office hours for the Registrar of Voters. He stated the proposal ensures the ordinance reflects actual office operations and will also allow posting of current hours on the city website. Discussions were held with the Registrars who support the changes.

Mr. Candela noted that many municipalities do not have such an ordinance and that this revision improves clarity and public access. He explained the change requires that either the Registrar or their designee be physically present during official office hours.

Mr. Livingston added that the current ordinance restricted the Registrars from opening earlier hours to better serve the public. He noted this revision increases flexibility, allowing more responsiveness, especially during election seasons. The language removes rigid time constraints, permitting updates in coordination with the Mayor’s office and timely posting to the city website.

- ** MS. DUNN MOVED TO SEND THE ITEM OFF FOR A PUBLIC HEARINMG IN JULY.**
- ** THE MOTION PASSED UNANIMOUSLY.**

B. Discuss and vote on Chapter 63 – Law Department, Sections 63-1 through 63-6

The Committee moved on to the final item of business: discussion and vote on Chapter 63, Law Department, Sections 63-1 through 63-6. Ms. Shanahan turned the discussion over to Mr.

Livingston, who collaborated with Assistant Corporation Counsel Brian Candela on the proposed revisions.

Mr. Livingston outlined the origin of the proposed changes, which began in response to challenges in recruiting Assistant Corporation Counsel. He explained two main issues were identified. First, the ordinance previously imposed a four-year term limit on Assistant Corporation Counsels, which is not consistent with the rest of the city's employees and created a deterrent to hiring. Second, a four-year term raised concerns about the potential chilling effect on attorneys' ability to provide candid legal advice as their term approached renewal.

The committee reviewed the ordinance, and additional opportunities to streamline and align the language with current practice were identified. Mr. Livingston reviewed each section in order. Section 63-2 was clarified to indicate that the Law Department not only supervises but also prepares ordinances and documents.

In Section 63-3 A and B, Mr. Livingston indicated a sentence from subsection C was moved for clarity regarding compensation being set by the Common Council. In subsection C, language was proposed to allow for full- or part-time Assistant Corporation Counsels to be appointed by the Common Council and removed only for cause. He noted this provision mirrors the protections already granted under union contracts, and its inclusion was optional.

Mr. Livingston stated additional language was added to clarify that attorneys outside of the Law Department may be employed for special cases or other matters. He noted a proviso was included to ensure this would not become grounds for reducing the number of internal Assistant Corporation Counsel positions. Mr. Livingston suggested revising this language to avoid mirroring union contract terminology and offered to assist with alternate phrasing.

Mr. Livingston pointed out that Section 63-4 had references to specific charter subsections removed for clarity and longevity. It also introduced minimum experience requirements for the Corporation Counsel (seven years, admitted to the Connecticut Bar) and the Deputy Corporation Counsel (five years of experience). Section 63-5 was revised to reflect actual practice by clarifying that while the mayor appoints outside counsel for special cases, in general, outside counsel is selected by the Corporation Counsel. He said the same proviso language about maintaining internal staffing levels appeared again and was noted for revision.

Mr. Livingston stated that Section 63-6 codified the five-year experience requirement for the Deputy Corporation Counsel. The discussion turned to whether years of experience requirements unnecessarily restricted the city's flexibility in hiring. Mr. Livingston noted the standards only applied to Corporation and Deputy Corporation Counsel positions, not assistants. Committee members agreed the proposed requirements were fair and appropriate for leadership roles.

Mr. Goldstein recommended adding the phrase "in good standing" to the requirement of being admitted to the Connecticut Bar. Mr. Livingston agreed with the suggestion. Mr. Goldstein also questioned the clarity of the distinction between "special cases" and routine workload-based

outside counsel hiring. Mr. Livingston acknowledged the concern, noting the language aimed to codify existing practice while maintaining flexibility. He clarified that the city continues to seek Council approval for major matters, such as class action litigation.

Mr. Goldstein reiterated the value of maintaining flexibility in retaining outside counsel when needed due to workload or specialized expertise. Mr. Livingston responded that the proposed changes should help clarify the process without creating new burdens.

Committee members discussed language for the proviso on outside counsel. Mr. Livingston suggested the revised phrasing: “provided that such employment shall not be the basis for reducing the number of Assistant Corporation Counsel positions.” He noted the term “unit” should be removed for clarity. Mr. Candela adjusted the displayed language accordingly. Mr. Goldstein also confirmed that parallel edits would be made in Section 63-5. Ms. Shanahan asked whether any other members had questions or concerns. No further comments were raised.

**** MS. DUNN MOVED TO TAKE THE MOTION TO A PUBLIC HEARING.
** THE MOTION PASSED WITH SIX VOTES IN FAVOR. MS. NIEDZIELSKI-
EICHNER WAS UNABLE TO VOTE.**

VIII. DISCUSSION

There was no further discussion.

IX. ADJOURNMENT

**** MR. SEAD MOVED TO ADJOURN THE MEETING.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting ended at 7:38 p.m.

Respectfully submitted.
China Mayhew
Telesco Secretarial Services

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