

**CITY OF NORWALK
COMMON COUNCIL
PUBLIC HEARING
MAY 9, 2016**

ATTENDANCE: Bruce Kimmel, Council President; Michelle Maggio; Tom Livingston, John Kydes, Nick Sacchinelli, John Ignieri, Michael Corsello, Douglas Hempstead (7:06 p.m.)

OTHERS: Atty. William Fitzgerald, Charter Commission Chairman; Jerry Petrini, Atty. Steve Keogh, Yvonne Rodriguez, Mary Roman, Stuart Wells,

CALL TO ORDER.

Mr. Kimmel called the meeting to order at 7:05 p.m. He introduced the Council members who were present along with the members of the Charter Revision Commission that were also present. He said that many people were away with the nominating conventions.

Mr. Hempstead joined the meeting at 7:06 p.m.

Mr. Kimmel said that he would like to review some of the issues that had come up in various public hearing and additional discussions. The Charter already has given the Council the authority to combine or separate the Planning Commission and Zoning Commission. The Council also has the power to confirm or reject appointments to the Planning Commission and Zoning Commission.

However, the Charter prevents the Council from having oversight on Planning Commission and Zoning Commission. A number of people have requested that the particular section of the Charter be removed to allow the Council to overrule or reject certain decision by the Planning Commission or Zoning Commission. This is not allowed by State law. He went on read an opinion from Atty. Diane Beltz-Jacobs regarding this.

“I’m responding to your inquiry as to whether the provisions of Chapter 124 of the General Statutes allow for a procedure where by the actions of the Zoning Commission of a municipality can be overturned or amended by the legislative body of the City or the Common Council. Upon review of the applicable statute and the relevant case law interpreting the same, I conclude that the actions of the Zoning Commission can not be made subject to review and/or overturned by the Common Council.”

Ms. Beltz-Jacobs' opinion memo went on to state that there was no case law that could be read or interpreted that would allow the Norwalk Common Council to overturn, amend or even review an enactment of the Zoning Commission. Likewise, there was no case law to support any such provision that would be enacted as part of the Norwalk Code.

Mr. Kimmel said that many people are under the impression that the Council can change the Charter to allow the Council to amend or overturn Zoning decisions. He then read the State Law as follows:

“Once a municipality adopts provisions of Charter and establishes a Zoning Commission which then commences its function in accordance with Chapter, the commission is not subject to interference by the municipality's legislative body. The municipality's legislative body may not substitute judgment for the Commission in matters involving the use of municipality's land.”

Mr. Kimmel said that this was a very complicated issue and the general opinion was that it simply can not be done. He said that there was a difference between general complaints and what is relevant the Charter. Issues such as enforcement or implementation have nothing to do with the Charter. He requested that people be sure their issue had to do with the actual Charter revision.

Atty. Fitzgerald, the Charter Revision Commission Chairman, came forward and introduced the members of the Charter Revision Commission. The recommendations made by the Commission were submitted in a report authored by Atty. Keogh and Mr. Petrini on April 5th. He listed the various public meetings that already occurred. He said that at every meeting, the Commissioners allowed input from the Norwalk residents.

Atty. Keogh came forward to give an overview of the various changes that the Commission received regarding the Norwalk City Charter.

The first recommendations was that the terms of both the Mayor and Town Clerk be changed from two years to four years.

The second task was to eliminate the offices of City Treasurer, Selectmen, and City Sheriff. The City still has seven constables.

The third recommendation was that the Council Members receive a salary of approximately 2% of the Mayor's salary. By adopting a formula, the Council salaries will adjust automatically over time.

The last recommendation is to references to the members of the Common Council as Common Councilmen to Common Council Members.

Public Hearing on Norwalk City Charter.

Ms. Ester Consolati came forward and said that she had been in Norwalk for 43 years and that she had seen many Mayors come and go. She said that she believed it should be a four year term because anything else is a distraction.

Ms. Gloria Neaderland came forward and said that she thought the Mayor's term should be kept as it is. She said that she's lived in Norwalk since 1957 and that it has worked out well. when Mayors were liked by the residents, they were re-elected. When the situation wasn't working out, they were not re-elected. Four years would be too long.

Ms. Neaderland said that if the City had a City Planner all along, the City would have avoided the problems associated with the mosque and the parking issues with the Library. A City Planner would have known right away that the mosque location was wrong and that the Library requires parking.

Ms. Neaderland said that the Mayor, who has been elected twice, and had promised a City Planner, but she had not heard about one being identified. The Mayor has not even given an opinion about City Planner. She said that there was a statement published in the newspaper that the reason why there isn't a City Planner was because no one had decided who that Planner should report to. The City Planner should report to the citizens. A City Planner who understands the needs of the residents and understands the importance of education would not have let the issue with Mott Avenue go on so long. It should have been addressed right away.

If the Mayor is doing a good job, he or she will be re-elected. In the past, there have been people who have said that campaigning takes too long, but that is an opportunity for the Mayor to get out and meet the people. It the chance to find out what different people's opinions are.

She said that while her next item had nothing to do with this particular meeting, the issue regarding the parking at the library should have been on the ballot. It is something the residents should have a vote on.

Mr. Adolph Neaderland came forward and said that he had come to argue in favor of a major look at Planning and Zoning. While he heard Mr. Kimmel's remarks that it was against the law for the Council to interfere with Planning and Zoning, Mr. Neaderland felt that there was an ineffective Planning and Zoning system. There have been problems with the mosque and problems with the library. Now there are 3,000 more residential units that will impact the schools. He asked if there was anything that the Charter would allow the Council to prevent these situations from happening. There is Zoning but there is no Planning. He asked whether the Council could change the requirements for

Planning and Zoning. Planning and Zoning should be oriented towards the citizens rather than the developers.

Mr. Neaderland said that his memo to the Council mentioned that the waste disposal units now pump one ton of methane gas into the atmosphere. There are many cities in the U.S. That are tapping the waste disposal plants for methane and using it. There is a city in Colorado that is now producing 300 gallons of gasoline a day from their aerobic waste disposal plant. He said by extrapolation, the City of Norwalk could generate 600 gallons of gasoline a day and pay for all the fire engines and police cars. That could be \$365,000 of potential benefits that is being wasted. There is a lack of initiative on the part of the City administration and the opportunity is being missed.

Mr. Neaderland said that the Council could re-direct or re-define their job description and make them more responsive to the public and the City. Now we have a library with no parking. There are 720 new units being approved for Glover Avenue and there is no school in the immediate area. According to the 2010 census, those units should generate about 100 new students. 100 new students will need buses and a new school. He wondered if that every came up during the Planning and Zoning discussions.

Mr. Neaderland then spoke about the fact that his office is just off of Cross Street. On Friday afternoons, it is bumper to bumper traffic from Route 123 all the way to Stew Leonard's on Westport Avenue. If I-95 is blocked, then the same area also becomes congested. But there are over 120 new apartment units approved for that area. Mr. Neaderland wondered how it was that the City of Norwalk's infrastructure couldn't support these developments but that they were still approved. Then the City has to widened streets and the taxpayers end up paying for it rather than the developers. There are cities all over the United States that require the developers to contribute to a fund for major infrastructure changes. Norwalk doesn't do that and it should.

Mr. Neaderland thanked the Council Members for their time.

Mr. Kimmel asked if there was anyone else who wished to address the Council at this time.

Mr. Paul Winter of Fairfield Terrace came forward and said he has lived here for 38 years. He said that he was against having a four year term for Mayor. Having the shorter term keeps the Mayor close to the people. The longer the term, the less responsive the Mayor will be. When elected officials have a longer term, they do what they want to and hope that the voters have a short memory. He said that he would like them to stick with a two year term. Mr. Winter thanked the Council for their time.

Mr. Kimmel asked if there was anyone else who wished to address the Council at this time. No one else came forward.

Mr. Kimmel said that for the record, the City is planning to dedicate about \$125 million dollars over the next few years. He said that the Board of Education is very aware of the increasing student population and is taking steps to absorb the incoming students while also improving the schools.

Mr. Kimmel asked if there was anyone else who wished to address the Council at this time. Hearing none, Mr. Kimmel closed the public hearing at 7:38 p.m.

ADJOURNMENT.

Mr. Kimmel adjourned the meeting at 7:38 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services