

**CITY OF NORWALK
HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE
SPECIAL MEETING
MAY 19, 2016**

ATTENDANCE: Faye Bowman, Chair; Nicholas Sacchinelli; Eloisa Melendez;
Steven Serasis

OTHER: John Kydes, City Council Member

CALL TO ORDER

Ms. Bowman called the meeting to order at 7:30 PM. A quorum was present.

APPROVAL OF MINUTES

March 24, 2016

**** MS. MELENDEZ MOVED TO APPROVE THE COMMITTEE MINUTES OF MARCH 24, 2016 WITH THE FOLLOWING CORRECTIONS:**

- 1. MS. LAURICELLA'S REMARKS REGARDING THE RESPONSIVENESS SHOULD REFLECT THAT MR. BONENFANT AND MR. DEPALM ARE RESPONSIVE. IN THE SENTENCE ADDRESSING THIS, THE WORD 'SPECIFICALLY' SHOULD BE CHANGED TO 'EXCEPT'.**
- 2. MR. SERASIS' GIVEN NAME SHOULD BE SPELLED 'STEVEN' INSTEAD OF 'STEPHEN'.**

**** MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION

Cece Olmstead

Mr. Olmstead stated that he attended the meeting due to the item related to the cease and desist order. He stated that some items under the City's cease and desist order are contained to private property while others have an impact on abutting and adjacent neighbors or the whole neighborhood. He stated that the item is worth discussion and collaboration, and that his main concern is in regards to AMIC carding, as the procedure may be flawed. Mr. Olmstead stated that cease and desist is sometimes referred to as 'cease and resist', and that issues can persist for years without satisfaction of residents. He further thanked the committee for taking a look at the item.

Esther Casilreghi

Ms. Casilregghi stated that she lives on Silwin Lane, and that the complex has not had lights since it was built in 1953. She stated that, in prior years, tires have been slashed, houses have been shot at, properties have been graffitied, mailboxes have been ripped out of the ground and other criminal mischief has taken place due in part to lack of proper lighting. She stated that they have also had issues with deer and potential home invasion. Ms. Casilregghi stated that lights are long overdue for safety reasons, and that she thanks the committee for taking a look at the issue.

Ernest Dumas

Mr. Dumas stated that he was present to speak regarding AMIC carding and that they have put containers on Hemlock and Olean Street. He stated that the community doesn't want to containers there, and that the contaminants cannot be eliminated by simple cleaning. He stated that they are waiting on a study to determine how the contaminants will affect children, the elderly, asthmatics and those who suffer from allergies. Mr. Dumas stated that AMIC is being allowed to act as they have been, and that this is not solely a SoNo matter, but a Norwalk issue. He stated that the actions need to be stopped and looked at closely.

John Mosby

Mr. Mosby stated that he has been a resident of Norwalk for 60 years, and that the Zoning Department does not assist people in the community with issues regarding blighting, citations or health and safety concerns. He stated that Health Department has listened, but that a number of lower income families have been run out of town due to issues of this nature. He stated that money to assist properties is given to contractors and real estate developers instead of single, deserving homeowners, and that they wrote a letter to HUD in Boston addressing these concerns. Mr. Mosby stated that a resident of Stratford successfully went to Court regarding these matters, and that the citizens need the help of their elected representatives.

Diane Lauricella

Ms. Lauricella asked that the committee consider creating a resolution as an action item or holding a special meeting so that the public does not have to wait a full month for the June 15th public hearing. She stated, in terms of the cease and desist order, that there are roughly 11 of the 12 standards that include issues of health, safety, noise, and whether or not homeowners are being affected in surrounding neighborhoods. She stated that it is quite unusual to have this application allowed on the table for staff consideration when the application was incomplete, and that this is not usually the case. She stated that in the ordinance that addresses special permit applications, it states that the applicant cannot apply for said permit unless there are no violations of the zoning ordinances, which the applicant has done. Ms. Lauricella stated that up until 3-5 years ago, there was a state statute called treble damages, which referred to instances in which, when an enforcement issue in a town brings a complaint against an entity that results in a member of staff having their personal home and assets seized and sued, should the staff member bring about charges as a result of their own vendetta. She stated that this concept was used as a reason for Planning and Zoning not to do major enforcement, but that the concept was overturned so staff are no longer held personally accountable. She stated that the citation process, up until the time she spoke with the Mayor, was not being followed. Ms. Lauricella stated that she is an environmental consultant who has taught lead and asbestos abatement classes, and that she was disappointed not to see anyone from the Health Division present. She stated that she

feels there is a need for a special meeting soon, and specifically cited sections in the code of ordinances that address conditions specifically declared to constitute a nuisance. She stated that she believes that the site in question could be shut down on nuisance alone, and that at present it poses a health issue. She stated that any building built prior to 1973 would have asbestos or lead paint, and any building built after would likely have fiberglass, which is a potential human carcinogen. She stated that the dumpsters, even if cleaned quickly, have residue and that she would like to see them wipe tested by an independent company on special appropriation from the City Council to show that if the wind goes high enough, dust is released. Ms. Lauricella stated that the dumpsters also have drainage holes which would create issues regarding lead and other residue. She stated that there is no such thing as a clean dumpster, even if they meet DEP solid waste laws. She stated that, in the near future, she would like the committee to consider a special meeting to provide themselves with more information, provide a written opinion, and then craft a resolution for the June 15th public hearing.

Edgar Henrickson

Mr. Henrickson stated that he purchased his house in 1995 and that his family has endured a great deal of pain and suffering as a result of AMIC's presence. He stated that he was surprised to learn several weeks ago that they had been operating without a permit, and yet they still came out of New Canaan, a demographically white area, into a demographically black area in Norwalk, and that the Zoning Department did nothing to stop them. He stated that if this situation were happening in any other area it would have been stopped, and that his seriously ill wife and daughter were kept up day and night by the noise. Mr. Henrickson stated that they are getting away with this because they are operating in a predominantly black neighborhood, and that the people in the neighborhood have been tormented by this nuisance. He stated that there was no notification of what they intended to do, that AMIC is driving people out of the neighborhood, and that they aren't held to the same standard as the rest of the population in terms of permits and practices. He stated that the Zoning Department and the Health Department have failed the community, and that it is ridiculous that this is allowed in a residential neighborhood abutting a school.

Public participation ended at 8:12 PM.

NEW BUSINESS

Action Items

1. Authorize the Norwalk Police Department to replace its current issued service handgun, the Sig Sauer P-229R .40 caliber semi-automatic pistol, with the Glock 17 Generation 4 9mm semi-automatic pistol. The Department's current pistol has been in service for over five years and due for replacement within the next 4 years. Making the transition at this time allows the Department to get maximum trade-in value for older weapons. The purchase would entail 185 Glock 17 Generation 4 9mm semi-automatic handguns, 25 Glock 34 Generation 4 9mm semi-automatic handguns for Emergency Services Tactical Team, 10

Glock 17 Simunitions training pistols, and holster and magazine holder replacements for each officer.

Deputy Chief Gonzalez came forward to speak on the item. He stated that his firearms instructor, Corey Bento, and Mickey Dozermal were also present.

Mr. Sacchinelli asked for elaboration regarding the transitional procedure. Deputy Chief Gonzalez stated that the transition will be done as time allows and Mr. Bento stated that it will take roughly 90 days for delivery and 90 days for transitioning. Mr. Sachinelli asked if the delivery is done through the federal government, and Deputy Chief Gonzalez stated that the manufacturer ships the product directly to the police agency.

Mr. Serasis stated, as he is familiar with the firearm transition process, that they are getting a good price per pistol trade in, and asked for assurance that the price point will not change if the firearms are being returned on a transitional basis. Deputy Chief Gonzalez stated that they will not change the price point, and that the net is \$20,000.

Mr. Sacchinelli asked, should an officer is more comfortable with their existing firearm, if they would have the option of keeping that firearm. Deputy Chief Gonzalez answered in the negative, stating that they intend to transition everyone and that the department determined, through trial and research training, that officers tend to be more accurate with the newly chosen gun, as it is lighter with less recoil.

Ms. Bowman stated that the police department may have to go through the Finance Department because of the \$20,000 and asked if they know the money to be available. Mr. Dozermal stated that they have roughly \$18,000 in their firearm budget, and that the remaining \$2,000 will come from asset forfeiture. He further stated that the capital account funding remains open for this request, and that their funds are already approved for this particular purpose.

**** MR. SERASIS MOVED TO AMEND ITEM ##1 RE: AUTHORIZE THE NORWALK POLICE DEPARTMENT TO REPLACE ITS CURRENT ISSUED SERVICE HANDGUN, THE SIG SAUER P-229R .40 CALIBER SEMI-AUTOMATIC PISTOL, WITH THE GLOCK 17 GENERATION 4 9MM SEMI-AUTOMATIC PISTOL. THE DEPARTMENT'S CURRENT PISTOL HAS BEEN IN SERVICE FOR OVER FIVE YEARS AND DUE FOR REPLACEMENT WITHIN THE NEXT 4 YEARS. MAKING THE TRANSITION AT THIS TIME ALLOWS THE DEPARTMENT TO GET MAXIMUM TRADE-IN VALUE FOR OLDER WEAPONS. THE PURCHASE WOULD ENTAIL 185 GLOCK 17 GENERATION 4 9MM SEMI-AUTOMATIC HANDGUNS, 25 GLOCK 34 GENERATION 4 9MM SEMI-AUTOMATIC HANDGUNS FOR EMERGENCY SERVICES TACTICAL TEAM, 10 GLOCK 17 SIMUNITIONS TRAINING PISTOLS, AND HOLSTER AND MAGAZINE HOLDER REPLACEMENTS FOR EACH OFFICER AS FOLLOWS:**

- 1. THE PRICE OF THE NEW FIREARMS WILL BE ADDED AFTER THE NET AMOUNT.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. SERASIS MOVED TO APPROVE ITEM #1 RE: AUTHORIZE THE NORWALK POLICE DEPARTMENT TO REPLACE ITS CURRENT ISSUED SERVICE HANDGUN, THE SIG SAUER P-229R .40 CALIBER SEMI-AUTOMATIC PISTOL, WITH THE GLOCK 17 GENERATION 4 9MM SEMI-AUTOMATIC PISTOL. THE DEPARTMENT'S CURRENT PISTOL HAS BEEN IN SERVICE FOR OVER FIVE YEARS AND DUE FOR REPLACEMENT WITHIN THE NEXT 4 YEARS. MAKING THE TRANSITION AT THIS TIME ALLOWS THE DEPARTMENT TO GET MAXIMUM TRADE-IN VALUE FOR OLDER WEAPONS. THE PURCHASE WOULD ENTAIL 185 GLOCK 17 GENERATION 4 9MM SEMI-AUTOMATIC HANDGUNS, 25 GLOCK 34 GENERATION 4 9MM SEMI-AUTOMATIC HANDGUNS FOR EMERGENCY SERVICES TACTICAL TEAM, 10 GLOCK 17 SIMUNITIONS TRAINING PISTOLS, AND HOLSTER AND MAGAZINE HOLDER REPLACEMENTS FOR EACH OFFICER AS AMENDED.**

**** MOTION PASSED UNANIMOUSLY.**

2A. Review and accept the petition for street lights on Silwin Lane & 2B. Authorize the Department of Public Works to commence a survey of Silwin Lane in coordination with Eversource and to return the findings to the Health, Welfare, and Public Safety Committee.

**** MS. MELENDEZ MOVED TO COMBINE AND APPROVE THE FOLLOWING ITEMS:**

- 1. 2A. REVIEW AND ACCEPT THE PETITION FOR STREET LIGHTS ON SILWIN LANE**
- 2. 2B. AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO COMMENCE A SURVEY OF SILWIN LANE IN COORDINATION WITH EVERSOURCE AND TO RETURN THE FINDINGS TO THE HEALTH, WELFARE, AND PUBLIC SAFETY COMMITTEE.**

Ms. Bowman stated that everyone on the street except the cul de sac seems to be in favor lights, and that it would be possible to place lights everywhere but the cul de sac.

Ms. Casilregghi asked to see where the lights would and would not be place. Ms. Melendez showed the map and location to Ms. Casilregghi.

Ms. Bowman clarified for those present that the committee is approving the petition and allowing Public Works to do a survey with the light company before ensuring there is funding to place the lights.

Mr. Sacchinelli stated that he grew up on Saddle and in familiar with how dark it is. He further stated that where Silwin meets Mark, ice is frequently a problem, which would make more lights advantageous.

Mr. Kydes concurred with Mr. Sacchinelli, and thanked the committee for addressing the issue.

**** MOTION PASSED UNANIMOUSLY.**

Discussion Items

1. Norwalk's Cease and Desist Order

Ms. Bowman stated that this item was brought to her attention following complaints from neighbors, and that despite orders being issued, in many cases businesses are still operating.

Mr. Rin stated that, as it stands, their department cannot lock a property, put a gate against it or secure a door. However, they have two different processes that the department is attempting to combine into one. He stated that the Council created a fining ordinance that they are working under at present, and that this process is conducted through a hearing officer who is appointed. He stated that they have a new hearing officer and that the first meeting is scheduled for June 14th. He stated that they are sending current violations through the ordinance process to adjudication, and that those fines tend to build up quickly at a rate of \$150 a day. Mr. Rin stated that they have found it difficult to take any number of these cases due to lack of court time and busy attorneys, but that they are very hopeful that they can find success with the new fining process. He stated that the biggest companies are the most problematic, as they have the funds to resist what is going on, and that once they start in June, they hope to make this a much more efficient process.

Ms. Bowman asked if the hearing officer is a City worker, and Mr. Rin stated that this individual is a volunteer with the ability to follow through on ordinances and press fines.

Mr. Serasis stated that he is concerned with safety, as he lives on an urban street in Norwalk and can relate to all those who spoke during public participation in regards to the nuisance and health issues these companies cause.

He stated that, living on a diverse street, there is a certain amount of activity allowed that would not be permitted in a predominantly caucasian neighborhood, and cited a particular safety hazard with VOMA, whose stone yards abut a residential area, posing a risk for the citizens, particularly the children. He stated that there is a socioeconomic basis for the lack of attention paid in this situation, and while this is all a process, the City is going to face serious liability should someone get injured, sick or die. Mr. Serasis stated that he can appreciate the frustration of the constituents, as he is a councilman and hasn't managed to receive a response, and that they have to find an effective solution in the meantime.

Mr. Rin stated that he understands, and that companies tend to play a cat and mouse game, which they happen to be particularly good at. Mr. Serasis stated that they are getting bolder and bolder, and that it is ludicrous.

Mr. Rin stated that the biggest problem they tend to have involves contractors, and that a number of them will go any place rather than the specified Industrial 1 zone. Mr. Rin stated that he

suspects once they start doling out fines, the contractors will start trying to move someplace legally.

Mr. Sacchinelli asked how the situations are handled should refuse or site specific issues encroach on residential property. Mr. Rin stated that this information would then go to the Police Department, and are then given a cease and desist order to begin the process. Mr. Rin stated that in addition they try to involved the Health Department.

Mr. Rin stated that the addition of the hearing officer will help the City tremendously, and that they used to have the Housing Court to go through.

Ms. Bowman asked for clarification that companies begin to owe fines beginning the day they are issued a cease and desist. Mr. Rin answered in the affirmative, stating that retroactive fees apply, and if the entity does not request a hearing with the hearing officer, it is up to the citation officer to find them.

Mr. Sacchinelli asked if they could have more than one hearing officer and Mr. Rin answered in the affirmative.

Lori Kydes suggested, should they want to light a fire under those pertinent businesses, that the City contact OSHA, who will make the issues a federal situation. She stated that this tactic was employed regarding Merritt 7, and that the City could look into surveying the lot.

Mr. Dumas stated that he is an OSHA contractor, and that at one of the meetings the other night, the company in question claimed they conducted a traffic study. The traffic study, in an area with two schools, was conducted on a Saturday. He stated that the quality of life for the neighborhood is being compromised, and that the noise pollution starts as early as 4:30 AM. Mr. Dumas stated that the company is tearing up their properties, and that this is ridiculous.

Ms. Lauricella suggested the committee request a copy of Industrial Zone #1 118-700-B5A-D, which addresses emission of smoke or particulate matter, which could constitute the involvement of the Health Department.

Mr. Mosby stated that their neighborhood is close and connected, regardless of creed or color, and that they aren't unreasonable. One truck would be fine, but companies bringing in large trucks and several dumpsters is untenable.

Ms. Bowman stated that they will revisit this item, and that an eventual resolution would not be out of the question.

2. Panhandling in South Norwalk

Ms. Melendez stated that Michelle Maggio could not be present to discuss the item, and thus asked to table the item.

**** MS. MELENDEZ MOVED TO TABLE THE DISCUSSION REGARDING ITEM #2 RE: PANHANDLING IN SOUTH NORWALK.**

**** MOTION PASSED UNANIMOUSLY.**

3. Fencing at Freeze Park

**** MR. SERASIS MOVED TO DISCUSS ITEM #3 RE: FENCING AT FREEZE PARK.**

Mr. Serasis stated that, after the bridge was recently completed, virtually no distance was left between the concrete and grass on the uphill side. He stated that people could easily walk off and drop 33 feet, a true risk as the site is popular due to the summer concert series, homeless population, and after work crowd enjoying drinks. He stated that he has been after this issue since the construction, and that there has been some debate among City DTW and the Parks Department as to who is responsible. Mr. Serasis stated that he conferred with Bob Duff, and Mr. Duff then conferred with the State Department of Transportation, who stated that it is a City issue.

Ms. Melendez stated that, since it is a City park, it would likely be Parks and Recreation's purview.

Deputy Chief Gonzalez asked if the First Taxing District maintains Freeze Park, and Mr. Serasis answered in the negative.

Ms. Melendez asked if Mr. Serasis was also pursuing fixing the bridge railing. Mr. Serasis answered in the affirmative.

Ms. Melendez asked that the committee bring the item back to Parks and Recreation. Ms. Bowman stated that the item will be referred to Parks and Recreation.

4. Safety at the Intersection of Belle and South Main Street

**** MR. SACCHINELLI MOVED TO DISCUSSION ITEM #4 RE: SAFETY AT THE INTERSECTION OF BELLE AND SOUTH MAIN STREET.**

Ms. Bowman invited Mr. Dumas to speak on the matter, as he brought it to her attention.

Mr. Dumas stated that AMIC is out during the same hours as children going to and from school, and that the congestion poses a serious safety hazard. He stated that large trucks enter and exit the area, and that there are 15 items incomplete on the application.

Ms. Bowman stated that AMIC had another entrance on the other side of the property that wasn't supposed to be there, and since Lexington is becoming historic, they had to close the illegal entrance. She stated that they now come in and out of the Hemlock-Bell area, and that Mr.

Dumas is saying, instead of using a direct route, they new come through South Main. She stated that AMIC now has an application to make that their main entrance, widen the street and take additional properties, leaving no buffer between the residential and industrial zones.

Ms. Gonzalez stated that they can speak to school resource officers, and that things should be monitored to make certain there are no violations.

Ms. Bowman asked if Mr. Mosby wished to speak on the intersection.

Mr. Mosby stated that all of the streets are residential and aren't suitable for trucks. He stated that AMIC has no right to turn the neighborhood into a dumping ground, and that it is time to play hardball.

Mr. Serasis offered his admiration and respect for Mr. Mosby and stated that he has had similar experiences in his neighborhood, including videos. He stated that they will do everything in their power to stop these abuses.

Ms. Bowman asked that Deputy Chief Gonzalez monitor traffic at that intersection and at the intersection Mr. Serasis discussed. Mr. Serasis stated that the primary hours are 7:00 AM to 9:30 AM and 5:00 PM to 6:30 PM.

Ms. Bowman stated that they will follow up with all other committee heads involved, and that all discussion items will be back on the agenda at appropriate times.

5. Street Vendor Fees

Ms. Melendez stated that Travis Simms brought the item up and that the general consensus was that the number be higher.

Mr. Serasis stated that the current fares are very affordable, and stated that they could table the itm and bring it back once Mr. Simms is present.

ADJOURNMENT

**** MR. SACCHINELLI MOVED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:10 PM.

Respectfully submitted,

Catherine Ramos
Telesco Secretarial Services

