

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS

Mayor Rilling called the meeting to order at 7:40 p.m. and led those present in reciting the Pledge of Allegiance.

Ms. King, the City Clerk, read the notice stating that the meeting was being videotaped and audio recorded for public broadcast. She also stated that assisted listening devices were available.

I. ROLL CALL

Ms. King called the roll.

Council at Large:	Mr. Richard Bonenfant Mr. Douglas Hempstead Mr. Bruce Kimmel, Council President	Mr. Michael Corsello Mr. Nick Sacchinelli
District A:	Ms. Eloisa Melendez	Mr. Steven Serasis
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Michael DePalma
District E:	Mr. Thomas Livingston	Mr. John Igneri

There were fourteen (14) present and one (1) absent (Maggio).

II. ACCEPTANCE OF MINUTES

Regular Meeting: June 14, 2016

**** MR. IGNERI MOVED TO APPROVE THE MINUTES OF THE JUNE 14, 2016 REGULAR MEETING.**

**** THE MOTION PASSED WITH THIRTEEN (13) IN FAVOR (BONENFANT, CORSELLO, HEMPSTEAD, SACCHINELLI, KIMMEL, MELENDEZ, SERASIS, BOWNMAN, SIMMS, KYDES, O'TOOLE-GIANDURCO, LIVINGSTON AND IGNERI) AND ONE (1) ABSTENTION (DEPALMA).**

III. PUBLIC PARTICIPATION

Mr. Stuart Wells came forward and said that he was present as a Registrar of Voters. He announced that there would be four Charter Questions on the 2016 ballot. He said that

while people are aware of the Presidential candidates, they are often not aware of the questions that may be included on the ballot. In order to let people know about those questions in advance, a large poster tri-fold has been put up in City Hall.

Ms. Martha Dumas of South Main Street, came forward to speak about the AMEC resolution . She said that she would like to be part of the decision making group. South Norwalk can not take any more of those types of businesses. The issue has been passed to P&Z now but the residents of South Norwalk would like to have a better quality of life.

Ms. Diane Lauricella of Blue Mountain Road came forward and said that there were two items on the agenda she would like to address tonight. She said that she thought there were two missed opportunities. She said that she hoped that there would be another Charter Commission to consider the more difficult questions. Ms. Lauricella said that it was not style or grammar but changing the wording from “from two year term” to “from two year term to a four year term” to make it clearer for the voter.

She also said that she was present to thank the Council for resurrecting the resolution for many reasons. As everyone celebrates their freedoms, they are also celebrating their rights as citizens to breathe clean air and the government to help them and to protect laws such as zoning and health laws.

Ms. Lauricella said that she was one of the many advisors that helped the South Norwalk Citizens for Justice. Even though she is not a South Norwalk resident, Ms. Lauricella said that she was proud to assist, but this is also an important issue to her as a Norwalk resident as well. The non-binding resolution presents the Council with a wonderful opportunity to have great influence to change many attitudes. Ms. Lauricella suggested that the Health, Safety and Welfare Committee should look at the AMEC site, a site on High Street, the Grasso site, and the City Carting site. She said that she was sure that they could work together to address the enforcement. The Personnel Committee should hold the staff accountable that were ignoring the issues for a long time. The Public Works Committee and the Planning Committee would have a chance to review the plans and see if they follow the Plan of Conservation and Development. The Finance and Budget Committees can control the budget and increase staff if more enforcement is needed.

Ms. Lauricella said for the record, that there was a misunderstanding about one of her previous statements. She said that she never felt that the Ordinance Committee hesitated to address issues and try to make changes with the triple damages. She stated for the record that it was the staff that postponed handling the triple damages. She said that there needs to be a review of staff expectations and there needs to be an enforcement plan. Ms. Lauricella said she would be holding the Council Members to this. She concluded her remarks by saying this was an opportunity for the Council Members to right some of the issues here.

Mr. Floriberto Jimenez came forward to speak about the truck traffic on Lubrano Place. There are many heavy trucks that may damage the street.

Mr. Ernie Dumas of South Main Street came forward to thank the Council for the resolution. He said that there was still work to do. The residents in South Norwalk want the same benefits that anyone else has. The South Norwalk Citizens for Justice don't want this to be a case of bickering or arguing. They are trying to do this in a civil manner. South Norwalk has been waiting for a long time for answers from the Council. The South Norwalk Citizens for Justice would also like to be at the table for the injunction. He thanked the Council Members for their efforts.

Mr. Lou DiMeglio of Lubrano Place came forward and thanked the Council for their resolution. He said that he was with the South Norwalk Citizens for Justice. Mr. DiMeglio said that he has lived in South Norwalk for a long time and he has seen the city grow. Unfortunately, his area is growing the wrong way. There are people who refer to South Norwalk as "the ghetto" or "the slums". He said that when people drive down Ely Avenue or Lexington Avenue, they see garbage and broken bottles and people who are drunk hanging around. People don't see that on Washington Street or other areas in Norwalk because it is not allowed to happen there. He said that the train station is one of the crown jewels of South Norwalk. His son commutes to Manhattan and sees all the garbage and trash. This issue needs to be addressed. He then spoke about the cease and desist orders. Mr. DiMeglio said that the Council Needs to think about Zoning regulations to give everyone in South Norwalk a quality of life.

Ms. Sylvia Hall came forward and said that she lives on Lubrano Place right next to AMEC property and there is a wood burning plant behind her property. When they bought the property twelve years ago, they did not know the diesel station was 2 feet from their garage and 17 feet from their door. There are diesel fumes in the air while the trucks are waiting to fill up and they can't open their doors or windows because of it. The noise is constant, so she can't talk on the phone unless she is on the other side of the house. The trucks start coming in at 5 a.m. and they are working until 7:30 or 8 at night making repairs on the equipment. She said that the cease and desist orders don't seem to make much difference.

Mr. M. Jeter came forward and said that he lives at 22 Lubrano Place. He asked the Council Members what they would do if they lived at his house. The brand new asphalt street is cracking because of the heavy trucks. There is loud noise. He said that he understood that people have to make money and have businesses. He suggested that the plants be moved to one side away from everyone.

State Representative Bruce Morris said that South Norwalk has historically endured more than its share of undesirable businesses. Often if no one else wants a business, they try to put it in South Norwalk. Enough is more than enough. He said that the resolution was well crafted and thought out. It will be important to insure that the City Department heads enforce the Zoning regulations that are on the books so there isn't another situation

in the future where a business has cease and desist orders for years. He said that he wanted to be on the record for his comments and was the State Representative. State Representative Morris asked the Council Members to drive around and ask themselves if that was the type of business that they would want next to their house or on their street. These businesses are out of character for the neighborhood and out of touch. He said that according to an article in the Norwalk Hour, Fairfield County had some of the worse air quality in the country.

Mr. John Mosby came forward to address the Council. He said that there was a meeting of the Board of Education scheduled at the same time. He said that he has lived here for over 60 years. He said that when there was a group they don't come to the whole community. He said that they don't know what is going on. These were violations. The Planning and Zoning inspector is supposed to go down and inspect the site and they don't. He said that he had written to an official but got no response. Other towns are sending the junk to Norwalk. This is wrong. When it comes to Zoning, the Council doesn't want to hear about it. The community has something to say about this. Martin Luther King Boulevard was not intended for large trucks, it was supposed to be for small businesses. The people living down there can't breathe and the noise is continual. He said that they were sick and tired of this game playing and they do pretty well in court. He said that he was supposed to be on the committee but they felt it caused too much trouble. With all the truck traffic and problems, he won't get anything for his house. He said that he was addressing Mayor Rilling that he needed to do his job. this game is over.

IV. MAYOR:

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: There were none to consider at this time.

APPOINTMENTS: There were none to consider at this time.

REAPPOINTMENTS: There were none to consider at this time.

MAYOR'S REMARKS:

Mayor Rilling made the following announcements:

- The City of Norwalk has once again received AAA bond rating from the three major bond rating agencies, Moody's Investors Service, S&P Global Ratings, and Fitch.
- The Mayor's Summer Youth Employment Program is in full swing.
- The 2015-2017 Common Council portrait is now on display at the Council Chambers.
- Several concerts are scheduled in the summer. They are listed on the city website.
- July 16th is Norwalk Day at Bridgeport Bluefish Ballpark.

- Independence Day Fireworks for Norwalk have been scheduled for Sunday, July 3rd, with a rain date of Tuesday, July 5th.
- Fireworks for Rowayton have been scheduled for Sunday, July 5th.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

Mr. Kimmel pointed out that the Triple A bond rating saves the City hundreds of thousands of dollars a year. There was a very solid report from the City auditors and the year is ending with the triple A bond rating.

RESIGNATIONS AND APPOINTMENTS:

RESIGNATIONS: There were no resignations to consider at this time.

APPOINTMENTS: Michelle L. Coppola, Ethics Board

**** MR. HEMPSTEAD MOVED TO NOMINATE MS. COPPOLA FOR THE ETHICS BOARD.**

Mr. Hempstead said that it was nice to see the younger generation stepping forward to take positions.

Mr. Bonenfant said that he knew Ms. Coppola and agreed with Mr. Hempstead that it was nice to see the younger generation stepping forward to take positions.

**** THE MOTION TO APPOINT MS. COPPOLA FOR THE ETHICS BOARD PASSED UNANIMOUSLY.**

Ms. King administered the oath of office to Ms. Coppola.

REAPPOINTMENTS: There were no reappointments to consider at this time.

Mr. Kimmel then said this was basically the last step in the process for the Council. He outlined the remaining steps. The agenda has the language of four questions that were presented to the Council from the Charter Commission.

Approval of Charter Questions for 2016 Ballot:

- a) Shall the term of the Mayor and Town Clerk be changed from 2 to 4 years?
- b) Shall the offices of City Treasurer, City Sheriff and Selectman be eliminated?

- c) Shall the annual salary of each Common Council member be set at two percent (2%) of the base salary of the Mayor?
- d) Shall all Charter references to members of the Common Council be gender-neutral?

**** MR. KIMMEL MOVED TO AMEND THE CRC RECOMMENDATION FOR QUESTION B TO READ AS FOLLOWS: "SHALL THE OFFICES OF CITY TREASURER, CITY SHERIFF AND SELECTMAN BE ELIMINATED FROM THE CHARTER?"**

**** THE AMENDMENT PASSED UNANIMOUSLY.**

**** MS. MELENDEZ MOVED TO AMEND THE WORDING OF THE OF CHARTER QUESTIONS FOR THE 2016 BALLOT FROM:**

- A) SHALL THE TERM OF THE MAYOR AND TOWN CLERK BE CHANGED FROM 2 TO 4 YEARS?**
- B) SHALL THE OFFICES OF CITY TREASURER, CITY SHERIFF AND SELECTMAN BE ELIMINATED?**
- C) SHALL THE ANNUAL SALARY OF EACH COMMON COUNCIL MEMBER BE SET AT TWO PERCENT (2%) OF THE BASE SALARY OF THE MAYOR?**
- D) SHALL ALL CHARTER REFERENCES TO MEMBERS OF THE COMMON COUNCIL BE GENDER-NEUTRAL?**

TO:

- A) SHOULD THE TERM OF THE MAYOR AND TOWN CLERK BE CHANGED FROM 2 TO 4 YEARS?**
- B) SHOULD THE OFFICES OF CITY TREASURER, CITY SHERIFF AND SELECTMAN BE ELIMINATED FROM THE CHARTER?**
- C) SHOULD THE ANNUAL SALARY OF EACH COMMON COUNCIL MEMBER BE SET AT TWO PERCENT (2%) OF THE BASE SALARY OF THE MAYOR?**
- D) SHOULD ALL CHARTER REFERENCES TO MEMBERS OF THE COMMON COUNCIL BE GENDER-NEUTRAL?**

**** THE MOTION TO AMEND THE WORDING CHARTER QUESTIONS AS OUTLINED PASSED UNANIMOUSLY.**

Mr. Kimmel thanked everyone and said that he would try to keep everyone informed as the questions that work their way through the remaining steps of the process.

**** Mr. Hempstead moved to have each of the four questions voted on separately.**

Mr. Bonenfant asked whether the word “Should” would imply that it was a suggestion but not necessarily an action. He said that he just wanted to clarify with Corporation Counsel about the word “should” and felt it should be clear to the voters. Atty. Coppola pointed out in a statute, one would see the word “shall” used and “shall” may be perceived as being more binding than “should”. Mr. Kimmel said that “should” carries the connotation of advisability while “shall” is a legal term. Discussion followed. Atty. Coppola said that the discussion was somewhat disingenuous since the matter had already been vote on.

Mr. Kimmel pointed out that the Council was voting on the right of Norwalk residents to make the decision on these issues. Mr. Hempstead said that while he was elected to represent his constituents and felt it would be a disservice not to separate something like this. Discussion followed.

**** THE MOTION TO HAVE EACH OF THE QUESTIONS VOTED ON SEPARATELY FAILED TO PASS WITH FOUR (4) IN FAVOR (BONENFANT, HEMPSTEAD, SERASIS, AND O’TOOLE-GIANDURCO) AND NINE (9) AGAINST (CORSELLO, KIMMEL, SACCHINELLI, MELENDEZ, SIMMS, KYDES, DEPALMA, IGNERI, AND LIVINGSTON) AND ONE (1) ABSTENTION (BOWMAN).**

**** MR. KIMMEL MOVED TO APPROVE THE FOUR CHARTER QUESTIONS AS AMENDED.**

**** THE MOTION TO APPROVE THE FOUR CHARTER QUESTIONS AS AMENDED PASSED WITH NINE (9) IN FAVOR (CORSELLO, KIMMEL, SACCHINELLI, MELENDEZ, SIMMS, KYDES, DEPALMA, IGNERI, AND LIVINGSTON), THREE (3) AGAINST (BONENFANT, HEMPSTEAD AND O’TOOLE-GIANDURCO) AND TWO (2) ABSTENTIONS (BOWMAN AND SERASIS).**

B. CONSENT CALENDAR: VII.A.1, VII.B.1

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

B. BOARD OF ESTIMATE AND TAXATION

VII. COMMON COUNCIL COMMITTEES

**** MR. SIMMS MOVED THE FOLLOWING ITEMS ON THE CONSENT CALENDAR:**

A. FINANCE COMMITTEE

1.) APPROVE A SPECIAL CAPITAL APPROPRIATION IN THE AMOUNT OF \$83,000 TO FUND THE REMOVAL OF UNDERGROUND STORAGE TANKS (09163110-5777-C0542).

B. HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE

1.) AUTHORIZE THE MAYOR, HARRY W. RILLING, TO SIGN THE CONTRACT RENEWAL WITH EMERGENCY COMMUNICATION NETWORK (ECN) FOR THE CODE RED EMERGENCY NOTIFICATION SYSTEM UNLIMITED SERVICE FOR THE PERIOD OF JULY 1, 2016 TO JUNE 30, 2017, IN THE AMOUNT OF \$37,500. ACCOUNT #: 013160-5258

**** THE MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

PROMOTION OF SAFE PRACTICES IN AREAS WHERE RESIDENTIAL AND INDUSTRIAL NEIGHBORHOODS MEET

Sponsored by:

Thomas P. Livingston, Phaedrel L. Bowman, Richard J. Bonenfant, Michael R. Corsello, Michael DePalma, Shannon O'Toole - Giandurco, Douglas Hempstead, John E. Ignieri, Bruce I. Kimmel, John T. Kydes, Michelle A. Maggio, Eloisa M. Melendez, Nicholas Sacchinelli, Steve Serasis, Travis L. Simms

WHEREAS, the Common Council acknowledges that Norwalk residents throughout the City have voiced their concerns about the safety and health hazards posed by AMEC Carting; and

WHEREAS, AMEC Carting have been out of compliance with City Zoning regulations and, in light of this, the Common Council hereby expresses its concern about the need to ensure compliance with current City, State and Federal laws and

regulations; and

WHEREAS, in particular, the Common Council declares the City's intent that AMEC Carting and all entities conducting business in the City operate in compliance with applicable laws, ordinances and regulations, including Article 70 of the City's Building Zone Regulations.

THEREFORE, be it resolved that the Common Council of the City of Norwalk, Connecticut, reaffirms the importance of upholding and enforcing all applicable laws, regulations and ordinances intended to protect the general health, safety and welfare of the community and in particular those intended to protect neighborhoods surrounding industrial properties; and

THEREFORE, be it further resolved that the applicable City departments take prompt action, including the commencing of civil litigation, if appropriate, in situations where industrial companies are out of compliance with applicable laws and/or regulations; and

THEREFORE, be it further resolved that the Common Council recommends that any bidder who bids on a City contract while being out of compliance with any law and/or regulation be disqualified on the basis of being "not responsible" until such time as the bidder remedies any violation in order to return to full compliance with all applicable laws and regulations.

Mr. Livingston said that two weeks ago, the Council had tabled the resolution. In light of recent events, he would like to offer an amendment the Resolution by removing the words "AMEC Carting" and substituting the words "industrial companies".

**** MR. LIVINGSTON MOVED TO AMEND THE RESOLUTION AS FOLLOWS:**

**PROMOTION OF SAFE PRACTICES IN AREAS WHERE RESIDENTIAL
AND INDUSTRIAL NEIGHBORHOODS MEET**

Sponsored by:

THOMAS P. LIVINGSTON, PHAEDREL L. BOWMAN, RICHARD J. BONENFANT, MICHAEL R. CORSELLO, MICHAEL DEPALMA, SHANNON O 'TOOLE - GIANDURCO, DOUGLAS HEMPSTEAD, JOHN E. IGNERI, BRUCE I. KIMMEL, JOHN T. KYDES, MICHELLE A. MAGGIO, ELOISA M. MELENDEZ, NICHOLAS SACCHINELLI, STEVE SERASIS, TRAVIS L. SIMMS

WHEREAS, THE COMMON COUNCIL ACKNOWLEDGES THAT NORWALK RESIDENTS THROUGHOUT THE CITY HAVE VOICED THEIR CONCERNS ABOUT THE SAFETY AND HEALTH HAZARDS POSED BY INDUSTRIAL COMPANIES AND

WHEREAS, INDUSTRIAL COMPANIES HAVE BEEN OUT OF COMPLIANCE WITH CITY ZONING REGULATIONS AND, IN LIGHT OF THIS, THE COMMON COUNCIL HEREBY EXPRESSES ITS CONCERN ABOUT THE NEED TO ENSURE COMPLIANCE WITH CURRENT CITY, STATE AND FEDERAL LAWS AND REGULATIONS; AND

WHEREAS, IN PARTICULAR, THE COMMON COUNCIL DECLARES THE CITY 'S INTENT THAT INDUSTRIAL COMPANIES AND ALL ENTITIES CONDUCTING BUSINESS IN THE CITY OPERATE IN COMPLIANCE WITH APPLICABLE LAWS, ORDINANCES AND REGULATIONS, INCLUDING ARTICLE 70 OF THE CITY 'S BUILDING ZONE REGULATIONS.

THEREFORE, BE IT RESOLVED THAT THE COMMON COUNCIL OF THE CITY OF NORWALK, CONNECTICUT, REAFFIRMS THE IMPORTANCE OF UPHOLDING AND ENFORCING ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES INTENDED TO PROTECT THE GENERAL HEALTH, SAFETY AND WELFARE OF THE COMMUNITY AND IN PARTICULAR THOSE INTENDED TO PROTECT NEIGHBORHOODS SURROUNDING INDUSTRIAL PROPERTIES; AND

THEREFORE, BE IT FURTHER RESOLVED THAT THE APPLICABLE CITY DEPARTMENTS TAKE PROMPT ACTION, INCLUDING THE COMMENCING OF CIVIL LITIGATION, IF APPROPRIATE, IN SITUATIONS WHERE INDUSTRIAL COMPANIES ARE OUT OF COMPLIANCE WITH APPLICABLE LAWS AND/OR REGULATIONS; AND

THEREFORE, BE IT FURTHER RESOLVED THAT THE COMMON COUNCIL RECOMMENDS THAT ANY BIDDER WHO BIDS ON A CITY CONTRACT WHILE BEING OUT OF COMPLIANCE WITH ANY LAW AND/OR REGULATION BE DISQUALIFIED ON THE BASIS OF BEING "NOT RESPONSIBLE" UNTIL SUCH TIME AS THE BIDDER REMEDIES ANY VIOLATION IN ORDER TO RETURN TO FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Mr. Livingston said that this amendment changes the focus to address all of Norwalk rather than just one company and recognizes the fact that they appreciate the concerns of those living in South Norwalk. He said that the resolution was sponsored by every member of the Council and that they all expect that industrial companies in the City to follow the laws and expect the City to take appropriate action when the companies violate the law.

**** THE MOTION TO APPROVE THE AMENDMENT TO THE RESOLUTION PASSED UNANIMOUSLY.**

Ms. Bowman thanked Mr. Livingston for this. She said that a few different issues were brought to her attention about this issue. While most of the issues are zoning regulations, there are some things that the Council can do. She then spoke about creating buffers between businesses and residences. City Carting may have a cease and desist order

against them and there needs to be something done about this. This is just a start and the Council needs to keep this moving forward. This is a safety issue.

Atty. Coppola pointed out that the Zoning Enforcement Officer has a tool box to deal with these issues. He explained that a cease and desist order would not help unless the property was being sold or a loan was being taken out. He said that a citation process has more weight to it along with the blight enforcement. Mayor Rilling said that two hearing officers have been appointed to handle these types of cases. Atty. Coppola said that he was starting to see these cases processed more quickly.

Mr. Simms asked if there was a fine structure for these types of issues. Atty. Coppola said that there was an ordinance and gave the details of the citation process that the City must follow. Mayor Rilling said that with the two hearing officers and more legal staff, the cases should move more quickly. Mayor Rilling said that sometimes it takes longer than everyone would like but there will be changes. Atty. Coppola said that while some people are still frustrated about the violations that have continued, there have been a number of cases where the situations have been remedied. Mayor Rilling said that he would get a list of the properties where issues have been addressed and remedied.

Mr. Simms said that the City should be able to take further action when a cease and desist order is ignored. Atty. Coppola said that the citation process actually has a strong impact and can end up with the property in foreclosure.

Mr. Serasis said that he lives on one of the streets where this happened. This has been going on for decades and the Council can't move fast enough. He said that on High Street, there is a stone quarry that back yards are only separated by fences from private residents. This is not fair to do this to people. Renters shouldn't be subjected to having stone quarries in their backyards.

**** MR. LIVINGSTON MOVED TO APPROVE THE RESOLUTION AS AMENDED.**

**** THE MOTION TO APPROVE THE RESOLUTION AS AMENDED PASSED UNANIMOUSLY.**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no motions postponed to a specific date at this time.

X. SUSPENSION OF RULES

There were no suspensions of the rules to consider at this time.

XI. ADJOURNMENT

**** MR. IGNERI MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services