

TOWN OF WALLINGFORD, CONNECTICUT
SPECIAL TOWN COUNCIL MEETING

Robert F. Parisi Chambers

Wallingford Town Hall

45 South Main St.

Ordinance Committee

Thursday, November 3, 2016

6:30 P.M.

Minutes

The meeting was called to order at 6:34 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Chairman Craig Fishbein, Vincent Cervoni, Joseph Marrone, Vincent Testa, Christopher Shortell, John LeTourneau, John Sullivan, Jason Zandri, Tom Laffin. In attendance were: Corporation Counsel Janis Small, Peter Malone, CEO Thurston Foods, Bob Thurston, Plant and Operations Manager, and other residents from the Padens Court neighborhood and from the public noted below and in the recording.

Cervoni:	Present	Marrone:	Present	Shortell:	Present
Laffin:	Present	Sullivan:	Present	Testa:	Present
LeTourneau:	Present	Zandri:	Present	Fishbein:	Present

1. Discussion and Possible action with regard to the Noise Ordinance, Chapter 144

Chairman Fishbein began the meeting by noting that Attorney Small had been directed to draft language for an exception. Mr. Malone noted this was the 6th meeting on this and had no other comments at this time.

Chairman Cervoni read the end of the language of the proposed exemption and asked Attorney Small if the changes that were added would involve a substantial amount of redrafting. She replied that she would replace the infraction section with very similar, standard language. Chairman Cervoni confirmed with Attorney Small that the town cannot collect the costs of enforcement, and can instead increase the fine to \$250 per day.

Chairman Fishbein proposed the example of a neighbor having a loud party and asked if they could be cited under this ordinance. Attorney Small replied that it would likely fall under a breach of peace situation and that those neighbors would essentially get a warning initially. Looking at the history, she indicated she wasn't sure why it was ever done as an infraction to begin with. Chairman Fishbein how it would be established that there was a violation if the police dept. had never calibrated the equipment. The equipment was purchased in 2002 and the officers are trained.

Councilor Zandri asked what the last estimate we had received on a viable sound barrier between the properties. Mr. Malone said they have never confirmed any wall they've looked at would bring them in compliance. He said the approximate cost was over \$800,000.

Councilor Zandri said that he believed it was the right thing to do for the town to step in and try to solve this problem, even if that meant funding a wall. Attorney Small indicated that the Administration had reached out to Thurston indicating a willingness to help fund a solution, but had not heard back from Thurston or Mr. Malone.

Chairman Cervoni made a motion to move the proposed exemption further modifying the ordinance to increase the fine to \$250 per citation and amend the existing noise ordinance by allowing the mobile source exemption as part of the new ordinance, and changing the citation process.

Chairman Cervoni withdrew his first motion and Councilor Letourneau withdrew his second.

Cervoni's first motion is to adopt the mobile source exemption as part of the current ordinance. Seconded by John LeTourneau. He clarifies that the motion he cites is the one that was amended by the law department.

Mr. Malone clarified that this exemption applied to the entire town, not just Thurston.

John Pinkus, Paden's Court, asked if there was any cap on the decibels of this ordinance that is on the table. Chairman Fishbein indicated that there is no cap.

Testa: Yes
Zandri: No
Sullivan: Yes
Shortell: No
Cervoni: Yes
Laffin: Yes
Marrone: No
LeTourneau: Yes
Fishbein: No

The motion passes 5-4.

Chairman Cervoni made a motion to amend the ordinance to increase the per day fine to \$250. Vice Chair Laffin seconded the motion.

LeTourneau: No
Marrone: No
Laffin: Yes
Cervoni: Yes
Shortell: Yes
Sullivan: No
Zandri: No
Testa: No
Fishbein: Yes

Motion failed 5-4.

Chairman Cervoni motioned to amend the Ordinance to revise the zoning references to bring them up to date. Vice Chair Laffin seconded the motion.

Testa: Yes

Zandri: Yes
Sullivan: Yes
Shortell: Yes
Cervoni: Yes
Laffin: Yes
Marrone: Yes
LeTourneau: Yes
Fishbein: Yes

Chairman Cervoni motioned to change the enforcement process from infraction to a citation procedure. Vice Chair Laffin seconded.

LeTourneau: Yes
Marrone: Yes
Laffin: Yes
Cervoni: Yes
Shortell: No
Sullivan: Yes
Zandri: Yes
Testa: Yes
Fishbein: Yes

Motion passes 8-1.

Chairman Fishbein stated that, procedurally, the motions that pass will now go before the regular Town Council and have a public hearing.

2. Discussion and Possible action with regard to creating tax abatement program to encourage development in the Incentive Housing Zone (IHZ).

Councilor LeTourneau made a motion to table this until the December meeting because this language is coming to a vote at the EDC's regular meeting on Monday, November 7. Councilor Sullivan seconded this.

Motion to Call the Question on Councilor LeTourneau's motion passed unanimously.

Councilor LeTourneau's motion passed 9-0.

Motion to adjourn made by Chairman Cervoni and seconded by Councilor Shortell. Motion passes; **meeting adjourned at 7:47.**

In accordance with Title II of the Americans with Disabilities Act- Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior to meeting date.