

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 7:37 p.m. and led the Assembly in reciting the Pledge of Allegiance.

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

I. ROLL CALL

Ms. King called the Roll. The following Common Council members were present:

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

At Roll Call, there were fourteen (14) Common Council members present and one (1) absent (Ms. Maggio).

Also present were Mayor Harry Rilling; Corporation Counsel, Mario Coppola and City Clerk, Donna King.

II. ACCEPTANCE OF MINUTES

May 9, 2017

- ** MR. IGNERI MOVED TO ACCEPT THE MINUTES OF MAY 9, 2017 AS PRESENTED**
- ** MOTION PASSED WITH TWO (2) ABSTENTIONS (MR. DEPALMA AND MR. SERASIS)**

III. PUBLIC PARTICIPATION

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

Ms. Sally Marsico said she was not here to recommend that 95/7 be developed for a YMCA or low income housing. She was here to speak about the exterior signage at the mall. She said that Norwalk residents are horrified and do not want a skyline weighted down with advertising. She said the trend is to curtail signage. Ms. Marsico said that she has not seen changes made to the public realm. She said that people need a reason to go and have a place to congregate.

Mr. Brian Griffin, Vice President Greater Norwalk Chamber of Commerce spoke on behalf of their Board in support of the SoNo Collection. He said that the \$3.5 million will be helpful to the City. He said it was important to note that, regarding the anchors of high quality, they should be able to adapt to the market conditions. He encouraged moving this project forward.

Mr. Mike Jacobocci, Stepping Stones Museum for Children spoke in support of the SoNo Collection. He said that GGP's investment in job training that will contribute to the overall health of the community. He urged the Common Council to vote in favor of this project.

Ms. Georgann Rucker Scott said that her journey with GGP started on Washington Street. They made every effort to bring an outstanding mall to Norwalk. She said she was pleased that they contributed \$3.5 million to the City and asked if it could be used to renovate and refurbish housing in the South Main Street area and around the South Norwalk train station.

Ms. Rucker Scott said she felt that GGP made every effort to work with the City and when there are people willing to work with the City, it is very noble.

Mr. Larry Cafero, Attorney with GGP said the LDA was signed, but for two reasons. The third mixed use for the hotel is economically unfeasible. The other options are also economically unfeasible. He said he was here to ask the City to modify the LDA. In lieu of that third use, they are offering the City \$3.5 million, which is the equivalent of 20 years of taxes had the hotel been built. GGP is not proposing to increase the retail space and the public realm will remain the same.

Mr. Cafero said their second request is for flexibility with the anchors of high quality. He said that in the unlikely event something should happen, GGP needs the flexibility to put in an anchor of high quality. The City does not give up its right to challenge what GGP

puts in. He said this is a project that paid over \$2 million to the City of Norwalk; by the end of the fiscal year, the City will realize an additional \$7.5 million.

Mr. Doug Adams, GGP said he wanted to personally thank everyone who put in so much effort. He said he was very disappointed that they could not move forward with the hotel or one of the other mixed uses. He said he appreciated the serious consideration the Common Council is making. This project will create permanent jobs; they are starting construction outreach and job training will start in the fall.

Mr. Paxton Kinol, Waypointe said that it is important for Norwalk to approve these changes and not lose this economic cycle. He said he hoped the \$3.5 million would be used for better connectivity.

There were no other members of the public who wished to speak.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS:

RESIGNATIONS: There were none this evening

APPOINTMENTS: There were none this evening.

REAPPOINTMENTS: There were none this evening.

MAYOR'S REMARKS:

Mayor Rilling announced that the third annual Norwalk Day, hosted by Senator Duff, was held at the Capitol today. Several Norwalk attractions and businesses were on hand to showcase our city. Dr. Edward Tracey will be honored by the Health Department for his 39 years of service to the Norwalk Board of Health on May 24th.

The Rowayton Memorial Day Parade will be held on May 28th and the Norwalk parade will be held on May 29th. Mayor Rilling said the public should be aware of road closings. He said it is a day to remember and honor our military men and women who gave their lives for our nation.

A celebration for Fire Chief Reilly will be held in honor of his retirement from the Fire Department on May 31st. He served the city for 42 years.

V. COUNCIL PRESIDENT

Mr. Igneri did not have specific comments this evening.

A. GENERAL COUNCIL BUSINESS:

RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: There were none this evening.

APPOINTMENTS: There were none this evening.

REAPPOINTMENTS: There were none this evening.

B. CONSENT CALENDAR:

**** MR. DEPALMA MOVED THE FOLLOWING CONSENT CALENDAR:**

VI.A.1, VI.A.2, VII.A.1, VII.A.2, VII.A.4a, VII.A.4b, VII.A.5, VII.A.6, VII.A.8, VII.B.1, VII.C.1, VII.C.2, VII.C.3, VII.C.4, VII.C.5, VII.C.6, VII.C.8a, VII.C.8b, VII.C.9.

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

1. AUTHORIZATION TO SETTLE CLAIM: ERLING GOICO V. CITY OF NORWALK

EXECUTIVE SESSION

2. DISCUSSION OF NEGOTIATIONS PERTAINING TO PROPOSED OPTION TO PURCHASE AGREEMENT BY AND BETWEEN THE CITY OF NORWALK, THE NORWALK PUBLIC LIBRARY BOARD AND 587 CT AVE, LLC.

EXECUTIVE SESSION CONSENT TO REMOVE FROM THE AGENDA

VII. COMMON COUNCIL COMMITTEES

A. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ENTER INTO AN AGREEMENT WITH STEEPING STONES MUSEUM FOR CHILDREN, INC. FOR THE USE OF MATHEWS PARK FOR THE “WORLD WIDE DAY OF PLAY” TO TAKE PLACE SATURDAY, SEPTEMBER 16, 2017 FROM 8:00 AM – 5:00 PM. ESTIMATED ATTENDANCE 1,900.

2. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ENTER INTO AN AGREEMENT WITH THE CARVER FOUNDATION OF NORWALK FOR USE OF COLUMBUS SCHOOL GROUNDS FOR THEIR SUMMER

**CAMP TO BE HELD JUNE 26, 2017 THROUGH AUGUST 5, 2017,
MONDAY – FRIDAY EACH WEEK FROM 8:30 AM – 5:30 PM.
ESTIMATED ATTENDANCE 200.**

**4A. AUTHORIZE THE PURCHASING DEPARTMENT TO ISSUE A
PURCHASE ORDER TO M.E. O'BRIEN & SONS, INC, (SOLE-SOURCE)
FOR PLAYGROUND EQUIPMENT AT MARVIN SCHOOL FOR A SUM
NOT TO EXCEED \$72,105.00. ACCOUNT #0918-6030-5777-C0364.**

**4B. AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO
ISSUE CHANGE ORDER IN THE SUM NOT TO EXCEED \$5,000.00.
ACCOUNT # 0918-6030-5777-C0364**

**5. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ENTER INTO
AN AGREEMENT WITH KIDZ 4 KIDZ FOR THE USE OF NORWALK
HIGH SCHOOL TRACK FOR A KIDZ 4 KIDZ WALKATHON TO BE
HELD SATURDAY, JUNE 10, 2017 FROM 10:00 AM – 12:00 NOON.
SET UP TO TAKE PLACE SATURDAY, JUNE 10, 2017 AT 9:00 AM
WITH TEAR DOWN NO LATER THAN 2:00 PM ON SATURDAY, JUNE
10, 2017. ESTIMATED ATTENDANCE 300.**

**6. APPROVE THE WASHINGTON STREET PLAZA PROPOSED
IMPROVEMENT (PRELIMINARY SITE PLAN REVIEW).**

**8. APPROVE THE MASTER PLAN OF IRVING FREESE PARK AS
PRESENTED AND TO PROCEED TO FINAL DESIGN AND
CONSTRUCTION DOCUMENTS (TO BE FUNDED BY THE NORWALK
REDEVELOPMENT AGENCY).**

B. LAND USE AND BUILDING MANAGEMENT COMMITTEE

**1. TECHNICAL CORRECTION OF COMMON COUNCIL ACTION OF
MAY 9, 2017, ITEM VII.B.11 TO CORRECT THE NAME OF THE
COMPANY FROM “PDF” TO “PDS”**

NEW ACTION TO READ AS FOLLOWS:

**“AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN
AGREEMENT WITH PDS ENGINEERING AND CONSTRUCTION, INC.
FOR THE ROWAYTON ELEMENTARY SCHOOL CAFETERIA
IMPROVEMENT PROJECT FOR A TOTAL NOT TO EXCEED
\$150,000.00.
ACCOUNT NO: 09185010 5777 C0610.”**

C. FINANCE COMMITTEE

1. ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: MAY 11, 2017.

2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED: MAY 11, 2017.

3. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED: APRIL 30, 2017.

4. APPROVE FY 2017-18 PARKING AUTHORITY BUDGET AS REVISED.

5. DISCUSS AND APPROVE FY 2017-18 WATER POLLUTION AUTHORITY BUDGET.

6. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH TYLER TECHNOLOGIES TO ASSIST THE ASSESSOR WITH REAL PROPERTY VALUATION FOR A SUM NOT TO EXCEED \$680,000.00 (ACCOUNT 011321-5258).

8A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO SIGN A LETTER OF AGREEMENT REGARDING THE AGREEMENT OF PRIME AE GROUP, INC., THE CAPITAL REGION COUNCIL OF GOVERNMENTS (CRCOG), AND THE CITY OF NORWALK AS ONE OF THE MEMBERS OF THE IT SERVICES COOPERATIVE, FOR AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM, COMMENCING JUNE 29, 2017 AND ENDING JUNE 30, 2022 WITH ADDITIONAL THREE-YEAR OPTIONS TO RENEW.

8B. AUTHORIZE THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO THE CAPITAL REGION COUNCIL OF GOVERNMENTS FOR BASE SOFTWARE LICENSES, IMPLEMENTATION, AND HOSTING SERVICES FOR PHASE I ELECTRONIC DOCUMENT MANAGEMENT SYSTEMS AT A COST NOT TO EXCEED \$19,250.00 AND ADDITIONAL CUSTOMIZED INTERFACES AND WORKFLOWS NOT TO EXCEED \$60,000 (TOTAL \$79,250.00) ACCOUNT 09160600-5777-C0375. BUDGETED IT CAPITAL PROJECT; NO SPECIAL APPROPRIATION REQUIRED.

9. AUTHORIZE THE MAYOR, HARRY RILLING, TO EXECUTE AN AGREEMENT WITH CDR SOLUTIONS FOR EMAIL ARCHIVING SYSTEM FOR AN AMOUNT NOT TO EXCEED \$34,250.00, ACCOUNT

09150600-5777-C0375 (BUDGETED IT CAPITAL PROJECT; NO SPECIAL APPROPRIATION REQUIRED).

**** MOTION PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

A. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

Due to a potential conflict of interest, Mr. Hempstead recused himself and left the Common Council chambers.

**** MR. SIMMS MOVED THE FOLLOWING ITEM:**

3. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ENTER INTO AN AGREEMENT WITH STEW LEONARD'S FOR THE USE OF ANDREWS PARKING AREA TO SERVICE THEIR EMPLOYEES DURING BUSY STORE DATES.

2017:

JULY 1, 2, 3

NOVEMBER 21, 22

DECEMBER 2, 3,9,10,22,23,24

2018:

MARCH 30, 31

MAY 12, 13

MAY 26, 27, 28

**** MOTION PASSED UNANIMOUSLY**

Mr. Hempstead returned to the Common Council chambers.

**** MR. SIMMS MOVED THE FOLLOWING ITEM:**

7. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO SIGN THE NEGATIVE PLEDGE & AGREEMENT AND DECLARATION OF RESTRICTIVE USE COVENANT FOR THE REMEDIATION OF RYAN PARK.

Mr. Bonenfant asked Mr. Sheehan if the Park is permanent recreational space. Mr. Sheehan said the Park will never be used for anything other than a park. The City owns the land. That is an agreement that is in perpetuity.

**** MOTION PASSED UNANIMOUSLY**

B. FINANCE COMMITTEE

**** MR. KIMMEL MOVED THE FOLLOWING ITEM:**

7. RESOLUTION MAKING APPROPRIATIONS FOR VARIOUS PUBLIC IMPROVEMENTS AGGREGATING \$120,718,000 FOR THE 2017-2018 CAPITAL BUDGET AND AUTHORIZING THE ISSUANCE OF \$120,080,000 GENERAL OBLIGATION BONDS OF THE CITY TO MEET CERTAIN APPROPRIATIONS IN THE 2017-2018 CAPITAL BUDGET.

Mr. Kimmel said this is done every year after passing the capital budget.

Ms. Bowman said she will abstain from this vote, because it includes the Nathaniel Ely School.

**** MOTION PASSED WITH TWO (2) ABSTENTIONS (MS. BOWMAN AND MR. SIMMS)**

Mr. Hempstead left the meeting at 8:19 p.m.

C. PLANNING COMMITTEE

**** MR. KYDES MOVED THE FOLLOWING ITEM:**

1. APPROVE MODIFICATIONS TO THE URBAN RENEWAL PLAN FOR THE REED PUTNAM AREA AND AMENDMENT #5 TO LAND DISPOSITION & DEVELOPMENT AGREEMENT OF THE REED PUTNAM AREA – DEVELOPMENT PARCELS 1, 2, & 4 BY AND AMONG THE NORWALK REDEVELOPMENT AGENCY, THE CITY OF NORWALK, CONNECTICUT AND NORWALK LAND DEVELOPMENT LLC.

Mr. Kydes said they were all disappointed with the developer's request to remove the third use. In 2001, the Common Council approve a development that was 100% commercial space. Mr. Kydes said this is a far better development now than what was approved in 2001 and feels it will revitalize the urban core. He said this is a fair and well-crafted document.

Mr. Kydes said the memorandum with technical and clerical changes will have no effect on the substance of the agreement. Attorney Bernheim agreed and said there were no substantive changes to the memorandum; there were scrivener errors.

Mr. Kimmel asked if a separate vote was needed. Attorney Coppola said that was not necessary; they were clerical errors.

Mr. DePalma asked for confirmation that a good faith effort was made to find a tenant for the hotel space. Attorney Bernheim said GGP wanted a hotel in that space and met with 12 operators. Mr. DePalma asked if \$3.5 million is a fair trade off. Attorney Bernheim said both the Finance Director and Tax Assessor said the amount was fair.

In response to Mr. Kimmel's question about signage, Attorney Bernheim said that anything related to signage would have to comply with Zoning regulations. Mr. Kimmel asked about the public realm. Attorney Bernheim said the Common Council will be able to enforce its rights under the LDA as well as the Redevelopment Agency regarding replacements for the anchors.

Mr. Simms said he has been in favor of the mall project since the beginning, but is blown away that they want to move forward without the hotel, which they put forward in lieu of the housing component. Mr. Simms said they should be held to the LDA and should be providing housing or a Boys and Girls Club. He said he has lived in South Norwalk all of his life and the State and City used Eminent Domain to take homes and businesses from people who worked hard to purchase their homes and businesses.

Mr. Simms said that the people in South Norwalk deserve to have something come back to them. That money should be used for social services, home improvement and taxes for people living in the South Norwalk corridor; this mall will have a direct impact on the residents.

Mr. Simms said he was in support of the mall from day one, but is not in favor of changing the LDA.

Mr. Livingston said he will support this item. He said it was important that it is in the best interest to get a good tenant. He said if they do not approve this item tonight or delay the vote, they will lose the very anchor tenants they are trying to keep.

Mr. Bonenfant thanked everyone for their hard work, but said he was frustrated over the broken promises. He said there could have been an opportunity to throw out the Enterprise Zone altogether. He said he will not vote in favor of this and felt that the City could have gotten a better deal.

Mr. Igneri said this is an economic engine that the City needs badly. This project has to get moving soon and will create jobs. He said that retail is the largest employer in the state.

Ms. Bowman said that she supports the mall, but can't support the changes. The \$3.5 million should go to South Norwalk. South Norwalk needs social services programs. If they do not invest in South Norwalk, they are dooming the mall project.

Attorney Coppola said that in checking with the Finance Director, the City has to follow a process to determine where the money will be spent. The \$3.5 will go into the general

fund and then a request can be made to the Board of Estimate and Taxation and then ultimately the Common Council.

Ms. Bowman wanted to create an amendment to the motion to request that a substantial portion of the \$3.5 million be allocated for the betterment of South Norwalk. Mayor Rilling said that after the money goes into the general fund, it would be appropriate to have discussions to determine where that money will go. Mr. Corsello said that the \$3.5 million should go to the neighborhoods where residents were displaced, but said he is opposed to parsing the language tonight on the floor and that it is bad practice.

Attorney Coppola said that rather than do this on the fly, he would be happy to work on the language. Ms. Bowman said she would not support this without the proposed language.

**** MS. BOWMAN MOVED THE FOLLOWING:**

**WHEREAS THE COMMON COUNCIL DESIRES THAT A
SUBSTANTIAL PORTION OF THE \$3.5 MILLION BE ALLOCATED TO
SUPPORT TO NEIGHBORHOODS SURROUNDING THE SONO
COLLECTION PROJECT**

Mr. Kydes said that during the process everyone agreed that the money should go back to the community where the mall sits. There should be a process in place to allocate the \$3.5 million.

Mr. Livingston said he supports using the money in the area, but does not want to do this on the fly. Mr. Igneri said he would vote against this amendment, but favors having the money spent in the area.

Ms. Bowman said the Common Council flew through the entire process and has time now. She asked to put this down on paper. If it is not down on paper, no one will know what will happen tomorrow. Ms. Bowman said she heard the South Norwalk Community Center is getting a portion of the money.

**** MR. KIMMEL MOVED THE FOLLOWING:**

**WHEREAS IT IS THE DESIRE OF THE COMMON COUNCIL THAT \$3.5 M BE
USED FOR IMPROVEMENTS IN THE NEIGHBORHOODS SURROUNDING THE
PROJECT**

Mr. Adams said he did not object to this amendment.

Ms. Bowman withdrew her amendment.

**** THE AMENDMENT WAS PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. BONENFANT)**

Ms. O'Toole Giandurco asked GGP to not let them down. She said she wants to see the mall succeed and asked if this will be their last hurdle. She said this has been a difficult process and everyone wants what is best for the City.

Mr. Serasis said he had a problem with \$3.5 million not being a balanced deal. He said he understands GGP has shareholders, but the Common Council members are beholden to the residents. He said he will vote no, unless GGP says the City will get \$7 million.

**** MOTION PASSED BY ROLL CALL VOTE WITH TEN (10) VOTES IN FAVOR (MR. CORSELLO; MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MS. BOWMAN; MR. KYDES; MR. DEPALMA; MS. O' TOOLE GIANDURCO; MR. IGNERI AND MR. LIVINGSTON) AND THREE (3) VOTES IN OPPOSITION (MR. BONENFANT; MR. SERASIS AND MR. SIMMS)**

**** MR. KYDES MOVED THE FOLLOWING ITEM:**

- 2. AUTHORIZE THE MAYOR TO EXECUTE AMENDMENT #5 TO THE LAND DISPOSITION & DEVELOPMENT AGREEMENT IN THE FORM APPROVED BY THE COMMON COUNCIL AND THE NORWALK REDEVELOPMENT AGENCY AFTER APPROVAL OF THE MODIFICATIONS TO THE URBAN RENEWAL PLAN FOR THE REED PUTNAM AREA AND AMENDMENT #5 TO LAND DISPOSITION & DEVELOPMENT AGREEMENT OF THE REED PUTNAM AREA – DEVELOPMENT PARCELS 1, 2, & 4 BY THE NORWALK REDEVELOPMENT AGENCY.**

Mr. Kydes commended Mr. Kydes and the members of the Planning Committee. Ms. Bowman said she does not expect to see GGP back and expects to see a mall.

**** MOTION PASSED WITH THREE (3) VOTES IN OPPOSITION (MR. BONENFANT; MR. SERASIS AND MR. SIMMS)**

E. ORDINANCE COMMITTEE

**** MS. MELENDEZ MOVED THE FOLLOWING ITEM:**

- 1. APPROVE PROPOSED ORDINANCE CHANGES ON NORWALK CODE CHAPTER 67A, SUBSECTIONS 67A-1(A), 67A-1(B), 67A-2, 67A-3, 67A-4, 67A-5.**

Mr. Livingston explained that this Ordinance indemnifies people serving on boards and committees. Ms. Melendez said the Committee took the opportunity to bring the Ordinance into compliance with State law.

**** MOTION PASSED UNANIMOUSLY**

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were none this evening.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none this evening.

X. SUSPENSION OF RULES

There were none this evening.

XI. ADJOURNMENT

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

**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:10 p.m.

ATTEST:

Donna King, City Clerk