

CITY OF NORWALK
SPECIAL MEETING OF THE PLANNING COMMISSION
February 19, 2019

PRESENT: Frances DiMeglio, Chair; David Davidson; Mike Mushak; Tammy Langalis; Brian Baxendale; Mary Peniston; Steve Ferguson (6:14 p.m.) and Nora King; (after the roll call)

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Drew Berndlmaier; Patrick Sikorsky; Jeff Mangan; Sonya Trollson; Tom Hamilton; Angela Fogel

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6:08 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. DISCUSSION AND/OR DECISION

a) Zoning Commission referral – #5-18R – Zoning Commission – Proposed amendments regarding permit revocation as revised to February 2019 - Report and recommendation

Mr. Kleppin began the presentation and gave a brief overview of the application. He said that the Zoning Commission had held their public hearing and then instructed staff to make changes. The whole process had been restarted because of these substantive changes. There was a discussion about defining “gross violation.” The commissioners decided to send the same referral that they had previously sent to the Zoning Commission.

b) Special Appropriation – Operations / DPW – Sidewalks on Wilson - Covewood to Highland – Report and recommendation

Mr. Wrinn said that Department of Public Works (DPW) decided to take funds from one project on Cudlipp Street, which would not be proceeding and move it for new sidewalks on Wilson Avenue. Mr. Drew Berndlmaier from DPW said that the budget was for restoring curbs and sidewalks. One budget line was for new sidewalks. There was a discussion about making a footpath out of the shoulder with a bright line similar to what is done in Massachusetts. Mr. Mushak said that he had been requesting this for 10 years. Ms. Langalis thought that the funds could be used in other parts of the city for pedestrian safety.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the capital project appropriation request from the Operations and Public Works for \$75,000 for sidewalks on Wilson Avenue between Covewood and Highland Avenue be **APPROVED**; and

BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development goal to “Upgrade sidewalks along major roads”

BE IT FURTHER RESOLVED that the notice of this action be forwarded to the Common Council.

Mr. Ferguson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.

No one opposed.

No one abstained.

c) Special Appropriation – Oak Hills Golf Authority – Oak Hills Park – Emergency funding of payroll – Report and recommendation –

This item was removed from the agenda.

IV. PUBLIC HEARINGS

a) Subdivision #3637 – 35 Meeker Court, LLC – 35 Meeker Court – 4 Lots – Calling of surety (Continued; move to close hearing) – Report and recommendation

Mr. Wrinn began the presentation with an overview of the application. He noted that there had been phase plans for each of the houses. One house was built and the foundation for the second house was being constructed. There was a discussion about a large pile of rubble which is now gone. It was decided that the staff would continue to monitor the situation with dated pictures for the commissioners. Mr. Mushak thanked Attorney Suchy for letters that explained the situation at hand.

Patrick Sikorsky, 20 Meeker Court, explained that the surface erosion seemed to be getting better. The subsurface erosion has changed. The grass could not be worked on and the neighbors were asking for a tax abatement because the devaluation of their properties. He said that the flooding had been handled well by the commission but that this street has been devalued. They were receiving letters from real estate agents, asking if they wanted to move. They have lived through this for years. He appreciated that they had been allowed to air out their grievances and would like to

Jeff Mangan, 18 Meeker Court, said that the trucks were backing up illegally on their street and idling on their street. They have called the police but they have not helped. He also

passed out pictures from February 8. Mr. Mangan did not think that Phase 1 was done because there was still mud on the road. He also thought the applicant was still in violation of their permit. There was a discussion about the process and whether the mud would be removed.

Sonya Trollson, 34 Meeker Court, did not expect, that the house that was already built, would be sold. She also did not think any of the other houses would be sold once built. She asked for a timeline for this project and thought there was no end in sight.

Ms. DiMeglio explained the Planning Commission's purview which was whether the erosion plan had been put in place. The Planning and Zoning Department staff would continue to monitor weekly and in times of bad weather. She also asked Mr. Wrinn to forward a letter from Atty. Suchy to the neighbors. There was an explanation that under Connecticut state law, there was no timeline for the construction of houses, if the public improvements had been completed. Mr. Mushak noted that the subdivision could be in perpetuity if the public improvements had been completed. He also noted that there are unique conditions in that there has been much more rain over the last year than there had ever been. Ms. Trollson was concerned that the site could stay in this condition forever.

Ms. DiMeglio closed the public hearing and said the staff would inform the Planning Commission of what they found. She noted that the area would be monitored monthly.

Mr. Davidson asked that the staff to arrange for the city's Corporation Counsel to come to the next regular meeting of the Planning Commission to advise what enforcement rights they have in connection with subdivisions and any violations they encounter, as well as a response to Atty. Suchy's letter.

Ms. King asked about the earlier Zoning Commission referral – #5-18R which she had not heard because she had not arrived yet. Mr. Kleppin said this matter would be handled at the Zoning Commission's next meeting. She also asked if the Planning Commission could be sent notifications when this developer had submitted applications, but Ms. DiMeglio reminded her that they could not do that to one developer.

Mr. Davidson did not think that the response from Corporation Counsel was unresponsive on these issues. He continued to ask for a discussion with them. Mr. Kleppin noted that the Planning Commission's purview was not in zoning permits. Ms. DiMeglio said that they could have a discussion at the next Planning Commission meeting.

V. DISCUSSION AND ACTION ON CAPITAL BUDGET

a) Discussion and action on Capital Budget 2019-2020 to 2023-2024

Tom Hamilton introduced Angela Fogel, Director of Management and Budgets who began the presentation by explaining several factors to create the Capital Budget. She asked the commissioners to review the debt summary. She said that they had spoken with Bill Lindsey, an independent financial advisor who assists the city with bonding as well as advising the City on how to make the presentations to the rating agencies. Mr. Hamilton asked them to

refer to page 4 of the Capital Budget message. There was a discussion about debt service. The city maintained debt to 2% or less to maintain their AAA bond rating. Other municipalities in the state had higher debt percentage but then did not have a AAA bond rating.

Mr. Davidson said that there was no relationship to the Capital Budget schedules in connection with the Finance Department's recommendations. Mr. Hamilton said that there was a change in methodology that had been used. He explained that it had changed because projects are not bonded right away. They developed a new model so that it reflected the anticipated borrowing schedule. He used the Board of Education Capital Budget requests for buildings as an example of this schedule. The city borrowed on a cash flow basis. There was a discussion about the current Capital Budget requests. Mr. Davidson noted that the Capital Budget summary requested \$144 million which did not seem to be reflected in the schedules. There was a discussion about the schedules that had been provided last year as compared to the ones provided this year. Mr. Hamilton began to explain the differences from the two schedules. There was an explanation of the bonding schedule. Mr. Hamilton thought it would accurately reflect the bonding schedules going forward. Mr. Davidson had concerns about the veracity of the schedules.

Ms. Fogel then explained the mill rate increase which was based on an old Grand List which would be divided over 6 years. She also explained that the Capital Budget was like a bell curve and that it would decrease. There was a discussion about how the city bonds. They bond school projects with the state. Mr. Hamilton was not sure if there would be impacts on future school projects due to the fact that there a new governor had been elected. He explained the differences between the Norwalk school district and other districts as well as the fact that the state could look at Norwalk in different ways. He also said that Norwalk had not gotten much funding from the state in the past few decades. There was a further discussion about the schedules. Mr. Hamilton noted that they had reviewed the Capital Budget with the bond agency consultant. There was a discussion about the major departments requesting funding, including the Board of Education. Mr. Davidson noted that the Board of Education is receiving approximately 30% more than the other major departments. He thought that the bulk of the funds were going to the Board of Education. Ms. Fogel noted that she tried to stay consistent with what was approved last year. Mr. Hamilton noted that over a vast amount of time the Board of Education had not received funds from the city. He thought that the funds could be larger for what is needed including air conditioning in all of the school buildings. Cutbacks had been made to bring the funding down. Mr. Davidson asked Mr. Hamilton what hat he was wearing, whether for the Board of Education or the acting Finance Director which Mr. Hamilton said he was not the acting Finance Director. He had been helping out when the city needed it. Several of the commissioners said that they appreciated Mr. Hamilton stepping up. Ms. DiMeglio noted that there were not bathrooms at Nathan Hale or is there enough parking there. She also noted that the Finance Department had not recommended funding the Nathan Hale project but that there was a lot of money going to the Irving Freese Park. There was a discussion about the flexibility in the Finance Department's final number to fund the Capital Budget requests from departments. She said that there was not much since the debt ratios were high. She would have to run the numbers through the financial models. Mr. Kleppin noted that they should focus on which of these projects are important and not be too concerned about the final numbers. There was a discussion about the process of the Capital Budget requests. There

was a discussion about drainage and how much money had been removed from those funding requests. It was also noted that storm water quality management and drainage are different from each other. There was a further discussion about the DPW requests and that there were some City pipes that were over 100 years old. There was a discussion about how to handle the process of reviewing the Capital Budget requests.

At 7:47 p.m. the commissioners took a break. They returned to the meeting at 8:02 p.m.

The commissioners discussed how they would handle the process of reviewing all of the Capital Budget requests. They discussed what the Finance Department removed from the Police and Combined Dispatch request. There was a discussion about whether the commissioners would be reviewing only this year's request or all 5 years. Ms. Fogel then returned with schedules which showed increases in the Grand Total of the Capital Budget requests that were approved by the Finance Department. She did note that it increased debt service which is principal and interest. For the Fire Dept., the commissioners kept the Finance Dept. recommendation for battery powered extrication equipment, security cameras and intercom system, outdoor sign and training tower. They decided to return to vehicle replacement. Mr. Davidson asked that the security cameras and intercom system be put back in to the requests. There was then a discussion about whether to keep the outdoor sign. There was then a further discussion about whether to look at all of the 5 years. Mr. Davidson wanted to give a subtotal for projects for 5 years. Ms. Peniston asked if they could use the comments column to give the total for the project. Ms. DiMeglio asked Ms. Fogel whether they should review the out years. Ms. Fogel noted that if they took the numbers in the out years they would keep the debt service the same. Some commissioners thought that they should review the 5 years but only make a recommendation for the 1 year. Mr. Mushak noted that Ms. Wilson of the Zoning Dept. staff had said that other towns did the process the same way as Norwalk had been doing.

There was a discussion about removal from the funding for Bridge Repairs in the DPW. There was concern about the not funding Bridge Repairs. Ms. Peniston suggested that they add a comment to say that they were waiting for the report. The next item was for Fleet Replacement which had been reduced by the Finance Dept. Mr. Davidson said that this item should not be cut as it had been. Most of the commissioners thought that this item should be left as the Finance Department recommended. Many commissioners said that the money should be added to the out years. There was a discussion about what DPW would use the vehicles for. There was a discussion about the Pavement Management Program and the Sidewalks & Curbing – Citywide and whether to put money back into the Sidewalks program. They agreed to restore the funding for Sidewalks & Curbing – Citywide as well as Footpath Replacement. Ms. Peniston suggested adding more than requested, especially in the out years, since many citizens said it was critical in the Plan of Conservation and Development. Some commissioners thought it was important to add a number to requests that were important while others thought it should be suggested in the comments. There was a discussion about the Dredging – Marinas and Easements and Stormwater Quality Management which funding had been removed. The commissioners decided to make a comment to have the Mayor review what the City's legal obligation on the timing of both of these items. There was a discussion about the Municipal Separate Storm Sewer System (MS4) and the bag ban. Mr. Kleppin said that the MS4 was not

being enforced. Some responsibilities are being fulfilled. The comment should also include a note about how this would affect conservation goals in the city. The next item they discussed was the City Hall Repairs and Improvements; however, Mr. Kleppin asked the commissioners to review the MS4 tasks because they were important. He recommended that an amount be returned to Capital Budget request for the 5 years. They then continued on to City Hall Repairs which they agreed with the Finance Department recommendation. There was a discussion of the Branch Library building management. There was then a discussion on Various Buildings – Environmental Remediation which they suggested to put the funding back into the budget. There was then a discussion about the Nathaniel Ely School which they all agreed the funding should be put back into the requests. There was a discussion about whether to fund the air conditioning for the Police Department. Some commissioners thought that the funding could be used to fund air conditioning for the schools and that the Police Department could be pushed out another year. The commissioners thought that the funding for the Health Department through the Building Management should be restored. The commissioners discussed the FHWA Local Match and agreed with the recommendation by the Finance Department. There was a discussion about the Glover Avenue Improvements which the Finance Department had taken out the funds because the DPW had said was a low priority. They also suggested there should be a comment that they should review after a plan is submitted. For the LED Street Light Conversion the commissioners would comment that they support the 5 year plan. There was a discussion about the Traffic Signal Replacement projects. The commissioners decided to reduce the Finance Dept. recommendation in half. The commissioners then discussed East Avenue – Green Pedestrian Crosswalk Signs and agreed that they should follow the Finance Department recommendation. They would comment that there should be a study for this. Mr. Mushak noted that there was no way for a pedestrian to cross to the Green. For Traffic Signal System Enhancements the commissioners decided to follow the Finance Dept. recommendation. The commissioners decided to restore the funds for the RRFB Crosswalk signs. However, there was then a discussion about Artistic Crosswalk Signs and whether to fund this. Many thought that a colorful crosswalk would slow the traffic down. Ms. DiMeglio was not sure about the placement for this crosswalk plus there was no protocol to decide how to do it. Mr. Kleppin said that they should have a process in the next couple of weeks. The city would only have to raise half of the funds. Mr. Davidson suggested only funding this year and see how it works out in this pilot year. The commissioners thought they should restore funding to the Norwalk River Valley Trail and the Safe Routes to School Project as follow the plan of the department. For New Sidewalk Construction, they followed the department request. For the Hunt Street/Witch Lane they decided to follow the request of the department which the Finance Department had removed.

The commissioners then decided to discuss the Board of Education Capital Budget requests. There was a discussion about fully funding the Board of Education request. Mr. Davidson did not agree with several increases in the requests and thought that some should be reduced.

**** MS. DIMEGLIO MOVED:** to accept the Board of Education Capital Budget funding as recommended by the Finance Department plus adding another \$33,000 for asbestos for a total of \$23,569,000

Ms. King seconded.

At this time, there was a roll call for the votes.

Brian Baxendale voted yes.

Mike Mushak voted yes.

Nora King voted yes.

Frances DiMeglio voted yes.

Tammy Langalis voted yes.

Before Mr. Ferguson voted, he made a statement that they were all volunteers and that they want to make Norwalk the best it can be. He noted to Ms. King that she is passionate but asked her not to lash out at other commissioners. Then he voted yes.

David Davidson voted no.

Mary Peniston voted yes.

No one abstained.

There was then a discussion about the Recreation and Parks request for funding for their Vehicles. Then they said they would restore the department's request for funding and not accept the Finance Department request. Mr. Ferguson said that he had spoken to Sean Combes who would be open to working with Norwalk Recreation and Parks. There was then a discussion of the Basketball Courts which they accepted the Finance Department recommendation. The request for the School and Park Playgrounds was restored by the commissioners. There was then a discussion of the Cranbury Park/Gallaher Estate which the commissioners accepted the Finance Department recommendation. There was a discussion about the Calf Pasture Beach Capital Budget fund request which they decided to keep the Finance Dept. recommendation. The next item was the Irving Freese Park which the commissioners discussed. The whole park had to be rewired and an amphitheater would be provided. There was then a discussion about there not being enough ball parks in the city. Some of the parks were for the schools and some were not. If a ball club is a for profit they cannot rent a school field. Mr. Mushak noted that in the last few years that ball fields had been funded but that the Irving Freese Park had not been done for a while. For Nathan Hale, the commissioners agreed to restore the funding for it since it had no bathrooms. The commissioners thought that they should restore funding for the Broad River Baseball Complex. For several other projects the commissioners agreed with the Finance Department recommendation. The commissioners also restored funding for the Paving Sidewalk Project as well as the Park Garage. There was a discussion about the Veterans Memorial Park in the out years and to go with the Finance Dept. recommendation. The commissioners also restored the funding for the turf softball study. Ms. Peniston said to approve it but that the Dept. of Health should provide a feasibility study for all of the turf fields to determine the appropriate turf. The next item to be discussed was the SONO branch repurposing. The commissioners decided to go with the Finance Dept. recommendation.

There was a discussion about the Main Library Parking and Expansion funding. Mr. Ferguson suggested that there should be a Capital Fund campaign for the library which would help with funding. There had been opportunities to expand onto other lots next to the library but that had not happened in the past. Now they were available but there were no set amounts yet. There were suggestions for placeholders into the out years and whether the commissioners

should put it in. They decided not to do it. There was a discussion about the CPTV offer and the fact that they had to have the funds available. The commissioners then decided to restore the funding the Museum Collection Archive/Cataloging. They agreed with the Finance Dept. recommendations for the Lockwood House ADA Access. The commissioners decided to restore half of the funding for the Smith Street Buildings. They agreed with the Finance Dept. recommendations for the Cemetery Site Work and the LWPA Murals.

Mr. Davidson made a statement about the Redevelopment Agency and read the agenda from their last meeting (which had been rescheduled because of snow) He noted that the Agency had funded the Washington St. park project from funds for approximately over \$1 million that they found from 2003. The commissioners decided to fund the Redevelopment Agency as recommended by the Finance Dept. for Affordable Housing. For Urban Core Infrastructure projects they reduced the funding suggested by the Finance Dept. There was a discussion about Façade Improvements and they decided to use some of the funds from the reduction of the infrastructure projects and use it for this item. For Waterfront Public Access, they decided to reduce the Finance Dept. recommendation.

For both Information Technology and Human Relations and Fair Rent they funded the as recommended by the Finance Department. For the Fire Dept. the commissioners decided to stay with the Finance Dept. recommendation.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the Capital Budget be **APPROVED**, as modified with an amount of \$53,653,000 for fiscal year 2019-2020; and

BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development goal to “Upgrade sidewalks along major roads”

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Ferguson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: February 6, 2019

It was decided to postpone this item to the next meeting.

VII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

VIII. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Baxendale seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.

No one opposed.

No one abstained.

The meeting was adjourned at 11:24 p.m.

Respectfully submitted,

Diana Palmentiero