

**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.**

CALL TO ORDER

Mr. Petrini called the meeting to order at 7:30 p.m. and led the assembly with the pledge of allegiance.

City Clerk King read the notice that this meeting is being video taped and audio recorded for public broadcast, and assisted listening devices are available.

I. ROLL CALL

City Clerk King called the roll. The following Council Members were present:

Council at Large:	Mr. Richard Bonenfant	Mr. Douglas Hempstead
	Mr. Glenn Iannaccone	Mr. Bruce Kimmel
		Ms. Sharon Stewart
District A:	Ms. Eloisa Melendez	
District B:	Ms. Phaedrel Bowman	Mr. David Watts
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Jerry Petrini
District E:	Mr. John Igeneri	Mr. David McCarthy

Jerry Petrini, Acting Mayor; Attorney Brian McCann, representing Corporation Counsel; Donna King, City Clerk; Fourteen members present. Absent: Mayor Rilling, Travis Simms.

II. ACCEPTANCE OF MINUTES - Regular Meeting – June 23, 2015

**\*\* MR. MCCARTHY MOVED TO APPROVE THE MINUTES FROM THE MEETING OF JUNE 23, 2015 AS SUBMITTED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION

City Clerk King read names of those who had signed up to speak on an agenda item and asked them to come forward, state their name and address and to keep comments within the three minute time limit.

*Note: Public comments are not verbatim and represent summarizations of statements made unless otherwise noted.*

Public Comments:

1. Domenic Sammarco, 84 North Main spoke in reference to the Webster Street Lot and stated that it is not a safe and equitable solution. He explained that the Retail Association does not understand the rationale for the easement entrance/exit on Martin Luther King Drive and the city has spent a great deal of money on this project. He added that they will be losing some spots creating more congestion in that area and he does not see the need to change anything.
2. Richard Cody, Esq. 34 Church Street, Mystic, stated he was representing the Condo Association and was here to clear up confusion on item VI A1.easement across the Webster Street Parking Lot. He referred to the information set forth by the judge and explained that the City should be in compliance with the stipulation on the driveway. He stated that it is very unsafe and creates a traffic back up. He asked the Council to take a look at it this and to reconsider the action.
3. Paul Cantor, 184 Fallow Street, Norwalk spoke about the Oak Hills Park Authority request to amend the loan agreement. He said this is the third time the OHPA has made an appeal for debt restructure and there should not be more of a financial burden by the city to the Golf Club. He said user fees do not cover the operations and another loan for the driving range creates an unacceptable debt ratio and asked that if you do authorize another loan restructuring make it clear to the Authority and the public that you will not entertain the notion of lending it more money on top of the more than \$2 million taxpayers have already loaned it for the restaurant and the cart paths and other capital improvements. In addition to that money, the Authority recently received a \$1.5 million (state) grant from taxpayers and the city does not have the financial capacity to fund all of the many worthwhile capital projects requested by its various departments, a commercial driving range in Oak Hills Park is not a worthwhile city investment.
4. Kelly Straniti, 1 Ponus Avenue, spoke about the Oak Hills restructure and feels that it is a equitable compromise that should be passed to help the sustainability of this city resource. She spoke about the POKO extension request for the LDA for Wall Street and asked to consider when enough is enough. She spoke of her experience on the council four years ago and the many extensions and delays that were done compared to other projects that finished on a reasonable timetable, such as Waypointe, Pearl and others.
5. Nicole Harris, 7 Ohio Avenue spoke about the lease at Ben Franklin and the services that are provided by HOPE, Inc. She explained that they fill a void in social services left by NEON and focus on seniors and the homeless. She said they are not for profit and help those that figure out technology and computer forms for assistance and relief in social services. She asked the Council to consider granting the lease as requested.
6. Ernest DesRochers, 18 Ravenwood Road spoke in support for the Master Plan development and design of improvements to Oak Hills Park Golf Club. He thanked the Land Use and Finance Committees for their support and described government interaction and collaboration at its best. He reviewed his history with the OHPA and reorganization and financial restructuring that has helped keep this special resource financially sustainable. He reviewed recent planned improvements are associated with a \$1.5 million grant from the DEEP, which designates improvements to the golf course, the creation of a nature center, development of a tennis and fitness center, construction of a welcome center and improvement to existing building facilities.

Public Comments – continued

Mr. DesRochers added that what you're doing tonight is the beginning of something that's truly going to make Oak Hills the park it should be. The grant go into making absolutely needed infrastructure improvements to Oak Hills, and our business restructuring will help us in finally making Oak Hills financially solvent.

7. Jim Anderson stated he represents Just Like Home on Main Street and wanted to speak about the Webster Lot driveway. He explained it is a detriment to businesses in the area and creates potential hazards, traffic and back up noise.

Mr. Petrini asked if any members of the public wished to speak, and hearing none, closed the public participation portion of the meeting at 7:55 p.m.

#### IV. MAYOR

##### RESIGNATIONS/APPOINTMENTS - None

##### MAYOR'S REMARKS

Mr. Petrini stated that he would be serving as acting Mayor for the meeting because Mayor Rilling is on vacation. He also noted that Attorney Brian McCann would be filling in for Corporation Counsel, Mario Coppola, as his wife just gave birth to their first child last week.

Mr. Petrini announced that there is a ribbon cutting ceremony this week with the grand opening of Lowe's that had a soft opening last week.

Mr. Petrini stated that the role of Council President would be covered by Council Majority Leader, Douglas Hempstead.

##### COUNCIL PRESIDENT

Mr. Hempstead thanked all of those involved with the Fourth of July Fireworks Celebration for the City. He announced that the annual SONO Arts Festival will be August 15-16 along Washington and Main Streets.

##### GENERAL COUNCIL BUSINESS:

Mr. Watts requested to speak on an item of Council business on behalf of the Democratic Caucus.

Mr. Hempstead deferred to Mr. Petrini and noted that this was not on the agenda.

Mr. Petrini cautioned Mr. Watts to refrain from political statement and to keep comments related to Common Council business and free of personal attacks.

Mr. Watts stated that they did not kick out the Mayor from the caucus and they did not push out someone from running for Council. He shared his frustrations with the media and reiterated that they did not exclude the Mayor from the caucus and went on to speak of the issues that the party is facing with some members in the Democratic Party that are acting like Republicans. He described what he sees his role while he remains on the Council is to continue to serve the public, the party and needs of his constituents.

Mr. Petrini asked Mr. Watts to keep comments related to the Common Council agenda. Mr. Watts explained that no one should be silenced and if there is an item that affects the City it should be permitted to be addressed under the General Council Business, and he should not get the gavel from the Acting Mayor. He again shared his on-going frustrations with the issue and reiterated that they did not exclude the Mayor from the caucus. He went on to speak of the issues that the party is facing from certain members actions. He stated that he will not accept being silenced and forced to have those members that are not living up to their elected position in the party and voting with the other side.

Mr. Petrini requested a point of order and stated that this could be better handled with a press conference rather than speaking from the council floor.

Mr. Watts said he would gladly speak outside after the meeting to the media and to whoever wants to speak to him and he will not be silenced and will say it like it is.

### CONSENT CALENDAR

Mr. Hempstead explained the consent calendar to those in attendance and noted that if their item is on consent it means that no further discussion will take place on the items and representatives in attendance on items are free to leave.

**\*\* MR. HEMPSTEAD MOVED THE CONSENT CALENDAR AS FOLLOWS:  
VI. A2, VII. A1, A2, A3, A5a, A5b, A6, A7, VII. B3a, B3b, B4, B5, B6, B7, B8;  
VII. C1a, C1b, C2, C3, C4, C4, VII. D1, D2, D3, D4, D5, VII. E3, E4; VII. F1a, F1b, F2, F3,  
\*\* MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

*Items on the Consent Calendar are in bold as follows:*

### **VI- REPORTS: DEPARTMENTS BOARD AND COMMISSIONS A. CORPORATION COUNSEL**

#### **2. Authorization Io Settle Claim: Amanda Cunningham v. City of Norwalk.**

**Consent Calendar – continued**

**VII. COMMON COUNCIL COMMITTEES**

**A. HEALTH, WELFARE & PUBLIC SAFETY**

- 1. Authorize the purchasing agent to execute a purchase order, on behalf of the Norwalk Police Department, to MHQ, the low bidder, for the purchase of nine 2016 Ford Utility Police Interceptors, for the amount not to exceed \$242,000. Account #013053-5731.**
- 2. Authorize the purchasing agent to execute a purchase order, on behalf of the Norwalk Police Department, to Fleet Auto Supply, the low bidder, for the up-fit (emergency lighting/prisoner cage/graphics)of nine 2016 Ford Utility Police Interceptors, for the amount not to exceed \$114,000. Account #013053-5731.**
- 3. Authorize the purchasing agent to execute a purchase order, on behalf of the Norwalk Police Department, to Motorola, the low bidder, for the mobile radios for nine 2016 Ford Utility Police Interceptors, for the amount not to exceed \$42,000. Account # 013053-5731.**
- 5a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Herbert Recovery Systems, Inc. for the removal of the underground fuel storage tanks at the Fire Support Services Facility, 100 Fairfield Avenue (Bid #3551) for a sum not to exceed \$31,050.00. Account No. 091531 105777C0542.**
- 5b. Authorize the Fire Chief Denis McCarthy, to execute Orders on the Agreement with Herbert Recovery Systems, Inc. for the removal of the underground fuel storage tanks at the Fire Support Services Facility, 100 Fairfield Avenue for a sum not to exceed \$1,200.00. Account No. 091531 105777C0542.**
- 6. To approve the Health Department fee schedule as set by the Director of Health with the concurrence of the Board of Health**
- 7. Authorize the Purchasing Agent to issue sole source purchase orders to various vendors offering specialty non-generic vaccines for use in the Health Departments immunization programs for fiscal years 2016 through 2019, with total purchases not to exceed \$400,000.00 per year.**

**B. LAND USE & BUILDING MANAGEMENT**

- 3a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with F.V. Construction LLC for Interior ADA Alterations at Mill Hill Town House for a total not to exceed \$91,400. Accounts #091463105777 C0374 & 09166310 5777 C0521.**
- 3b. Authorize the Historical Commission to approve change orders on Contract for a total not to exceed \$5,000. Accounts #091463105777 C0374 & 09166310 5777 C0521.**
- 4. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Domus Construction, LLC for the reconstruction of porch at Mathews Park Gate House a total not to exceed \$44,950. Accounts #09076310 5777 C0403 & 09166310 5777 C0132.**
- 5. Authorize the Purchasing Agent to issue purchase orders to Vista Learning for CCSS Aligned French, Spanish and Italian Textbooks for a total not to exceed \$191,843 plus a contingency allowance of \$9,592. Account #0915 5010 5777 C0538.**

**Consent Calendar – continued**

- 6. Authorize the Purchasing Agent to issue purchase orders to Pearson for CCSS aligned Civics, US History and World History textbooks for a total not to exceed \$162,038 plus a contingency allowance of \$8,102. Account #0915 5010 5777 C0538,**
- 7. Authorize the Purchasing Agent to issue purchase orders to Cengage Learning for CCSS-aligned AP US History textbooks for a total not to exceed \$14,597 plus a contingency allowance of \$729. Account #09155010 5777 C0538.**
- 8. Authorize to increase the contingency on Purchase Order 5821 to A & M Electric for repair/improvement of PA System at various schools for an additional sum of \$11,176.00. (Total revised contingency of \$22,352 and a revised total of \$244,176.) Account Number 09155010-5777•C0537.**

**C. RECREATION & PARKS**

- 1 a. Authorize the Mayor, Harry W. Rilling to enter into an agreement with Chozen Few Entertainment dba SoNo Entertainment & Recording Studios for the use of Mathews Park for a Summer Music Festival to be held Saturday, August 29, 2015 from 12:00pm 9:00 pm. Set up to take place Saturday, August 29, 2015 at 9:00 AM with tear down no later than 12:00 Noon on Sunday, August 30, 2015. Estimated attendance 100+.**
- 1b. Approve the use of the Show Mobile by Chozen Few Entertainment dba SoNo Entertainment & Recording Studios for the use of Mathews Park for Summer Music Festival to be held Saturday, August 29, 2015.**
- 2 Authorize the Mayor, Harry W. Rilling to enter into an agreement with the National Kidney Foundation for the use of Calf Pasture Beach for their 2016 Fairfield County Kidney Walk to be held Sunday, May 15, 2016 from 7:30 AM —2:00 PM. Set up to take place Friday, May 13, 2016 at 12:00PM with tear down no later than 12:00 Noon on Monday, May 16, 2016. Estimated attendance 500.**
- 3. Authorize the Mayor, Harry W. Rilling to enter into an agreement with the New England Auto Museum for the use of Mathews Park for a Fathers Day Car Show to be held Sunday, June 19, 2016 from 9:00 AM — 4:00 PM. Set up to take place on Saturday, June 18, 2016 at 12:00 Noon with tear down no later than Monday, June 20, 2016 at 12:00 Noon. Estimated attendance 1,000.**
- 4. Authorize the Purchasing Agent to issue a Purchase Order to Turf Products LLC for a Toro Groundskeeper 5910 per State of Connecticut DAS Contract Award #13P5X031 for an amount not to exceed \$96,229.30. Account #0916-6030-5777.C0486.**
- 5. Authorize the Director of Public Works, to execute change orders with Deering Construction, Inc. for project PM2015-1 Pavement Management Program for a sum not to exceed \$146,910.00. Account #0914-1 000-5777-C0536. The work is for ADA Projects under the Department of Recreation and Parks.**

**D. FINANCE/CLAIMS**

- 1. Accept and Approve the Report of the Claims Committee Dated: July 9, 2015**
- 2. For informational purposes only: Narrative on Tax Collections dated July 9, 2015.**
- 3. For informational purposes only: Monthly Tax Collector's Report Dated: June 30, 2015.**

**4. Authorize the Purchasing Agent to issue purchase orders to Innovative Interlaces Incorporated for a new database server, installation services and warranty, per quotation dated June 1, 2015 in support of the Sierra upgrade phase 2 for an amount not to exceed \$27,100.00 account 09160600-5777-C0375**

**(budgeted capital item; no special appropriation required)**

**5. Authorize the Mayor, Harry W. Rilling, to execute any and all documents necessary to amend the loan agreement between the City of Norwalk and the Oak Hills Park Authority to restructure its existing debt to the City for the detailed Restaurant, Cart Path and Imagination projects' debt.**

**E. PLANNING**

**3. Authorize the Mayor, Harry Rilling, to execute an application for DECD Urban Act Grant funding for Phase II of Waypointe District Development infrastructure improvement.;**

**4. Authorize the Mayor to execute any related documents.**

**F. PUBLIC WORKS**

**la. Authorize the Mayor, Harry W. Rilling to execute an Agreement with Vaz Quality Works, LLC for State Project 102-351 West Avenue Pedestrian Improvement Project for a total not to exceed \$987,997.90.**

**lb. Authorize the Director of Public Works to execute Orders on Contract with Vaz Quality Works, LLC for State Project 102-351 West Avenue Pedestrian Improvement Project for a sum not to exceed \$98,799.79.**

**Account:       \$570,128 Federal MAP-21 TAP  
                  \$327,472 Federal STP-B  
                  \$201,500 West Avenue Improvements (Redevelopment Agency Capital  
Appropriation) 09-1 1-091 0-5777-C0006  
                  \$22,900 TEA21 Local Match (DPW Capital Appropriation)  
                  09-03-402 1 -5777-C0234**

**2. Authorize the Director of Public Works, to execute Change Orders with Deering Construction, Inc. for Project No. RD 2014-1 Paving and Sidewalk Improvements on Walter Avenue, Broad River Firehouse, Meadow Street Firehouse, Washington Street and Concrete Sidewalks at Various Locations for a sum not to exceed \$150,000.00.**

**Account:       09-1 5-4021 -5777-C0021  
                  09-1 6-4021 -5777-C0021  
                  09-16-3110-5777-C0509 (to be confirmed Approved 2015-2016 Capital Budget Funds)**

**3. Authorize the Mayor, Harry W. Rilling, to execute Amendment to the Agreement with Deering Construction, Inc. for Project No, PM 2015-1 Pavement Management Program for a sum not to exceed \$1,500,000.00.**

**Account:       09-15-4021-5777-C0021  
                  09-1 6-402 1 -5777-C0021  
                  09-16-4021 -5777-C03 18  
                  09-1 6-4027-5777-C0302**

**VI- REPORTS: DEPARTMENTS BOARD AND COMMISSIONS**

**A. CORPORATION COUNSEL**

**1. Approval of access easement across small corner of Webster Street Parking lot, substantially in the same form as attached proposed easement.**

**\*\* MR. MCCARTHY MOVED THE ITEM.**

Ms. Bowman requested for a member of the public to come forward to field questions.

Mr. Petrini stated that according to meeting rules, members could not return to the floor after public comments was closed, and only members of Departments or Committees could be recognized.

Mr. Watts asked for a point of order and questioned this Rilling. He stated that it was not according to the Mason's meeting rules and he asked for Corporation Counsel to over-rule Mr. Petrini and to provide a legal opinion. There was an examination of the meeting rules of order.

Mr. Kimmel clarified that the Counsel could not overrule the rules of order but a two thirds majority could serve as a supermajority with a suspension of the rules.

Mr. Hempstead stated that he agrees that public comments would be allowed but it would require a suspension of the rules.

**\*\* MS. BOWMAN MOVED FOR A SUSPENSION OF THE RULES TO ALLOW ATTORNEY CODY TO RESPOND TO HER QUESTIONS.**

**\*\* MOTION PASSED WITH TWELVE VOTES IN FAVOR, ONE OPPOSED (O'TOOLE-GIANDURCO) AND ONE ABSTENTION (PETRINI).**

Ms. Bowman asked if the item is passed, can we still do in the future and does it make sense. Attorney Cody clarified that it is a safety point and we would not lose the option to pause and look to further examine the easement.

Mr. McCarthy noted that the item was fully vetted in Committee with engineering and traffic studies and state approvals, and asked Attorney McCann to review the process.

Attorney McCann referred to the supporting documentation and explained that this was a stipulated judgment to give the access easement. There was further discussion on the conditions.

Mr. Hempstead clarified that we are voting on a court stipulated easement and judgment signed by both parties and he suggested that an amendment that the City take no further action.

Mr. Petrini requested a roll call vote.

**\*\* MOTION TO APPROVE PASSED WITH TEN VOTES IN FAVOR, (BONENFANT, HEMPSTEAD, IANNACONE, IGNERI, KIMMEL, KYDES, MCCARTHY, MELENDEZ, O'TOOLE-GIANDURCO, PETRINI), FOUR OPPOSED (BOWMAN, MAGGIO, STEWART, WATTS) AND NO ABSTENTIONS.**

**VII. COMMON COUNCIL COMMITTEES  
A. HEALTH, WELFARE & PUBLIC SAFETY**

**4. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Systems Planning Corporation, to provide a 'Focused Assessment of Specific Aspects of the Norwalk Fire Department' specifically related to emergency response and station location(s) in the Westport Avenue and Cranbury neighborhoods, for a sum not to exceed \$35,000.00 from Account 091 53110 5777 C0556.**

**\*\* MS. MAGGIO MOVED THE ITEM.**

Mr. Kimmel asked about the supporting documentation and Fire Chief McCarthy clarified the item as was vetted in Committee. Mr. Kimmel thanked Chief McCarthy and stated that there was no need for further clarification.

**\*\* MOTION TO APPROVE PASSED UNANIMOUSLY.**

**8a. Authorize the Mayor, Harry W. Rilling, to execute any and all documents necessary to apply for and accept funds from the State of Connecticut Department of Public Health for a Public Health Emergency Response program for the period July 1,2015 to June 30, 2016 in the amount of \$78,520.**

**8b. Authorize the Mayor, Harry W. Rilling; to execute any and all agreements, documents, Instruments or amendments as may be necessary to implement a Public Health Emergency Response program for the period July 1, 2015 to June 30, 2016.**

*Mr. Iannaccone recused himself from the item and left the Council Chambers at 8:56 p.m., and returned following the vote at 8:58 p.m.*

**\*\* MS. MAGGIO MOVED THE ITEM.**

**\*\* MOTION TO APPROVE PASSED UNANIMOUSLY.**

**B. LAND USE & BUILDING MANAGEMENT**

**1. Authorize the Mayor, Harry W. Rilling, to execute a License Agreement with Helping Our People Excel Inc. / Hope Inc. for the use of Room 301 at Ben Franklin Center for \$1,740 per year (@\$2.50 per sq. ft.), beginning on July 1, 2015 to June 30, 2016.**

**\*\* MR. BONENFANT MOVED THE ITEM.**

*Ms. Stewart recused herself from the discussion, left the Council chambers at 8:36 p.m. and returned following the vote at 9:10 p.m.*

Mr. Bonenfant moved the item for discussion and stated that his feeling on this is regardless of nonprofit status, the City should get \$4 per square foot and not lose money. He explained that \$2.50 per square foot covers the cost of utilities whereas the \$4 per square foot incorporates capital costs and allows the city to break even.

He explained that as stated in Committee, he took exception to a Council member moving in to the space as inappropriate. He added that the city doesn't distinguish between for-profit and nonprofit organizations, but does prefer to have fewer rather than more tenants in any given building so as to reduce security, maintenance and other concerns.

Mr. Watts said that Ms. Stewart is providing pro-bono social services to individuals who need those services, and she is doing great things, as we have serious issues in South Norwalk after the NEON collapse. He added that she is doing something to help out, volunteering her time, and we have to be more mindful and sensitive and whether it's for profit should not be the issue. He added that we have done more for the Maritime Aquarium, Oak Hills, CDBG partnerships and others.

Mr. Kimmel described the situation as complicated and explained that it is stemming from the bankruptcy of the NEON space that is providing necessary services. He stated that a policy must be developed, so decisions are not made subjectively and hopefully within the next year we can come up with a more objective way of dealing with that.

Ms. Bowman stated that there was extensive discussion in Committee for consideration on extending Ms. Stewart's lease through June 30, 2015 which represents a one-year extension. She added that what she's doing is out of her heart for the betterment of Norwalk for services that are much needed.

Mr. McCarthy said he wanted to echo comments about forming a policy. He explain that it's great that Ms. Stewart is performing these services but doesn't want to run into somebody performing similar work, and if we don't accommodate in this way, be forced to defend giving a Council member special treatment.

Mr. Petrini said he agreed with working on a policy and noted the Council reserves the right to amend a lease within the first 60 or 90 days, depending on the lease.

**\*\* MOTION TO APPROVE PASSED WITH THIRTEEN VOTES IN FAVOR, ONE OPPOSED (BONENFANT) AND NO ABSTENTIONS.**

***Ms. Stewart returned to the meeting at 9:10 p.m.***

**2. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with McNeil Design Collaborative, Inc. for the development of a Oak Hills Park Master Plan and design and construction documents for the improvements associated with the DEEP Grant, for a total fee not to exceed \$117,050.00 plus a reimbursable allowance in the amount of \$5,000 Acct. #09151340 5799 C0558.**

Mr. Bonenfant moved the item for discussion.

Mr. Kimmel noted that in response to a public comment on a grant to the city the DEEP grant is administered through the city to Oak Hills and the Common Council will vote on the grant's spending. He explained with most grants, this is very specific on what we can and can't do with the money that it's not for the learning center or the driving range, which is something that will be discussed down the road when we get to Phase II. He said he is pleased to support this, glad to see it happening, the course is in great shape now and this will make it an even nicer course and a nicer park. He described that there have been bridges of trust that have displayed bipartisan collaboration and he fully supports the item.

**\*\* MOTION TO APPROVE PASSED WITH THIRTEEN VOTES IN FAVOR, ONE OPPOSED (STEWART) AND NO ABSTENTIONS.**

Mr. Bonenfant moved the following items VII B. 9, 10, 11, 12 together as one motion:

- 9. Authorize the Purchasing Agent to issue a purchase order for laptop computers to Advanced Corporate Networking, Inc. for up to \$26,280.00. Acct #0916-501 0-5777-COI12.**
- 10. Authorize the Purchasing Agent to issue a purchase order desktop computers to The Walker Group of Farmington, CT for up to \$56,402.40. Account #0916-5010-5777-COI12.**
- 11. Authorize the Purchasing Agent to issue a purchase order desktops, all-in-one computers to Whalley Computer Associates of Southwick, MA, for up to \$370,000. Account #0916-5010-5777-C0112.**
- 12. Authorize the Purchasing Agent to issue a purchase order to Connecticut Business Systems, of Norwalk, CT for projection systems previously bid (November, 2014) in an amount not to exceed \$70,000. Account 40916-5010-5777-COI 12.**

Mr. Kimmel asked why there was no supporting documentation in the packet.

Mr. Lo came forward and explained that there was documentation presented at the Committee meeting as included with the agenda packet. He noted that it was an oversight that the documentation was not incorporated and forwarded along with the Council agenda packet.

**\*\* MOTION TO APPROVE PASSED UNANIMOUSLY.**

**13. Authorize the Mayor, Harry W. Rilling, to execute an Amendment to the Agreement with Mid-Fairfield Child Guidance Center for the third floor of Ben Franklin Center. Rental payment shall be based on \$2.50/sf/year, start date and rooms to be occupied, for a maximum total of \$19,580 per year. Expiration date shall be August 31, 2017.**

**\*\* MR. BONENFANT MOVED THE ITEM.**

There was discussion that this item was very similar to item VII.B1. Mr. Petrini noted that it was agreed by consensus that there is a need for an examination of the policy for lease guidelines.

**\*\* MOTION TO APPROVE PASSED WITH THIRTEEN VOTES IN FAVOR, ONE OPPOSED (BONENFANT) AND NO ABSTENTIONS.**

## **E. PLANNING**

### **1. Approve of the Conditional Agreement by and between the City of Norwalk, Connecticut, the City of Norwalk and POKO-IWSR Developers, LLC.**

Mr. Hempstead moved the item for discussion and gave an overview of the six year history of the project and outlined the series of delays and extensions. He described what has been one of the most frustrating and cost prohibitive items during his tenure on the Council.

Mr. Hempstead outlined that most recently POKO was determined to be in default of its Land Disposition Agreement in February, as they missed the January 30 deadline to produce proof of construction financing. He explained the supporting documents that that were the result of Executive Sessions with the Planning Committee working out a very detailed and complex conditional agreement. He outlined that it puts in stiff penalties of \$1,000 per day for every day that is missed, so that at least the City can recover some of the administrative costs with the never ending delays.

Mr. Watts said this is a total joke that this guy is not a serious developer and is just gaining by playing the system, and this is just ridiculous, and enough is enough. He went on to share his frustrations on this experience and described how someone can game the system and that's what being done, by moving the goalposts. He added that some of his constituents who are active and know enough about POKO clearly don't believe the project is going to happen.

Mr. McCarthy stated that he joins the feeling of putting a stop to what has been nothing but excuses and the never-ending saga of POKO Partners' Wall Street Place development has completely frustrated the Council. He outlined that he fails to find the sound logic and rationale to give the developer yet another two weeks to come up with proof of the completion of its financial puzzle.

Mr. Petrini asked Mr. Sheehan to provide the most recent update on the situation.

Mr. Sheehan came forward and fielded questions and there was an exchange of comments by the council members. He outlined the supporting documents the DECD, Urban Act funding stated that there has been a specific check list of requirements and they are as close as they have ever been. He reviewed the state has publicly awarded the project through Citibank basically somewhat assured that the financing is imminent but is also waiting for Freddie Mac to provide the permanent financing for this project.

Mr. Kimmel stated that this project is so close to coming to fruition that it wouldn't make sense to kill it now, as the City could end up in a serious battle. He explained that it is complex and he cautioned that we would end up in court, according to our legal counsel. He added that we have to be very careful because we would be in front of a judge asking us that we killed the project when all it needed was a letter from Freddie Mac, and not sure we would come out ahead on that.

Mr. Watts asked about the number of affordable units, and Mr. Sheehan described the levels of definitions on housing and outlined terms of affordability and Section 8-30G.

Mr. Kimmel talked of the affordable housing component of the project, pegged at an unusually high 40 percent, and he has watched other debates on other projects discussing the difficulties that the 10 percent threshold would create from a financing perspective – 10 percent. He outlined that here we are dealing with a project with roughly 40 percent affordable, great from my perspective, yet it did create a certain structure for financing that is rather cumbersome.

Mr. Sheehan said there were other assurances and explanations from the state side of the equation, this is really just a matter of paperwork catching up with the process.

Mr. Kydes stated that he is looking at this as a fuse lit situation, as we are giving this guy 30 days at \$1,000 a day. He described it as no matter how much money you have, it still burns.

Mr. Igneri stated that despite the frustrations, with endless extensions, two more weeks, it makes so much more sense to wait, we can't stop now. He added that if anyone refinanced their home recently, the amount of paperwork you have just for a small extension or refinancing is unbelievable, so POKO is going through quite a burden with Citibank, and feels we should wait the two extra weeks.

Mr. Sheehan explained that to get Citibank to have to deal with a particular department in the state of Connecticut is unusual and that the loan is very unique in the country. He further explained that Citibank needs to know that it has a place to land the debt once the project has been constructed and the certificates of occupancy are in place relative to the permanent debt structure. He further explained that this is where Freddie Mac is coming into play as Citibank has been actively involved as a Freddie Mac lender. The matter has cleared all of the questions and at this point we are waiting for the commitment to come forward.

Ms. Maggio stated that she can't see killing it right now when, prior to some of us being on the Council, it's been extended, extended, extended, and now we are this close.

Mr. Petrini stated that the question is why now rush to judgment at this point given that there are only a few weeks for performance of the agreement.

Mr. Bonenfant clarified that two weeks is actually close to a month, as the Council will next meet on August 11 and asked if POKO will be on the agenda as an action item.

Mr. Hempstead explained that if the Redevelopment Agency approves the resolutions next week, POKO will pay \$1,000 a day, backdated to July 1, and the project will live on as Citibank and Freddie Mac deliberate on the construction loan. The extension is good to July 31.

Mr. Petrini said it would be on the agenda for the August 11 meeting. Mr. Petrini called for a roll call vote on the motion.

**\*\* MR. HEMPSTEAD MOVED TO APPROVE OF THE CONDITIONAL AGREEMENT BY AND BETWEEN THE CITY OF NORWALK, CONNECTICUT, THE CITY OF NORWALK AND POKO-IWSR DEVELOPERS, LLC.**

**\*\* MOTION TO APPROVE PASSED WITH NINE VOTES IN FAVOR, (BONENFANT, IANNACONE, IGNERI, KIMMEL, KYDES, MAGGIO, MELENDEZ, PETRINI, STEWART), FIVE OPPOSED (BOWMAN, HEMPSTEAD, MCCARTHY, O'TOOLE-GIANDURCO, WATTS) AND NO ABSTENTIONS.**

**2. Authorize the Mayor to execute the Conditional Agreement on behalf of the City.**

**\*\* MR. HEMPSTEAD MOVED THE ITEM.**

**\*\* MOTION TO APPROVE PASSED UNANIMOUSLY.**

**5. Approve Common Council Resolution regarding Redeveloper Default Action associated with the Land Disposition and Development Agreement by and between the City of Norwalk, Connecticut, the Redevelopment Agency of the City of Norwalk and POKO-IWSR Developers, LLC dated November 17, 2007\* and so modified on October 24, 2014.**

**\*as approved by the Planning Committee and Redevelopment Commission.**

**(\*corrected from 2015 and amended)**

**\*\* MR. HEMPSTEAD MOVED THE ITEM.**

Mr. Hempstead noted that this was a technical in nature to document what came out of Committee. Mr. Petrini noted that date of November 17, 2015 on the agenda should be 2007.

**\*\* MOTION TO APPROVE PASSED WITH EIGHT VOTES IN FAVOR, (BONENFANT, IANNACCONE, IGNERI, KIMMEL, KYDES, MAGGIO, MELENDEZ, PETRINI), SIX OPPOSED (BOWMAN, HEMPSTEAD, MCCARTHY, O'TOOLE-GIANDURCO, STEWART, WATTS) AND NO ABSTENTIONS.**

**\*\* MOTION TO APPROVE PASSED UNANIMOUSLY.**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE – none

X. SUSPENSION OF RULES

Mr. Petrini called for a motion for a suspension of the rules for item VI. A1. (as noted on page 9)

XI. ADJOURNMENT

**\*\* MR. MCCARTHY MOVED TO ADJOURN.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,  
M. Knox;  
Telesco Secretarial Services

ATTEST \_\_\_\_\_ Date  
Donna King, City Clerk