

**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

Mayor Rilling called the meeting to order at 7:30 p.m. 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. Bruce Kimmel	Ms. Sharon Stewart
District A:	Ms. Eloisa Melendez	Mr. David Watts
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Jerry Petrini
District E:		Mr. David McCarthy

Mayor Harry Rilling; Attorney Mario Coppola, Corporation Counsel; Donna King, City Clerk  
Thirteen (13) members present. Absent: Glenn Iannaccone, John Igneri.

II. ACCEPTANCE OF MINUTES - Regular Meeting – March 24, 2015

Page 1, under attendance change Fourteen Thirteen.

**\*\* MR. MCARTHY MOVED TO APPROVE THE MINUTES FROM THE MEETING OF MARCH 24, 2015 AS AMENDED WITH CORRECTION NOTED. \*\***  
**\*\* THE MOTION PASSED UNANIMOUSLY. \*\***

PUBLIC PARTICIPATION

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

1. Kishshana Palmer, Director of Development at Stepping Stones Museum, Norwalk. Spoke in support of Item E5, The worldwide Day of Plan at Matthews Park on September 19, 2015.
2. Gail Lavielle, State Representative from the 143<sup>rd</sup> District thanked the Common Council for their attention and vigilance in response to legislative matters on local control.

Public Comments -- continued

Ms. Lavielle acknowledged the Council members for the resolution in response to Bill 6581 on the Transit Corridor Development and noted that it was effective in being subsequently altered. She added that the resolution passed at the last Council meeting in opposition to House Bill 6581 had been effective in opposition to that bill was looked at with great seriousness by members of the Planning and Development Committee who subsequently altered the bill a great deal. She stated that you are listened to, I want you to know that. That bill is in Finance Committee now and they have to take a vote on that by the first of May. She then spoke about recent bills initiated in the current session SB-1 and GB-946 both acts concerning revenue items and local tax fairness as a result of the establishment of regional COGs. She noted that there will be more discussion on these bills tonight and asked the Council members to feel free to contact her with any questions or concerns.

3. John Bove, representing the South Norwalk Boat Club, spoke in support of item Public Works item D5. He explained that the South Norwalk Boat Club is seeking authorization from the Connecticut DEEP to oversheet the existing steel battered bulkhead located on the southern portion of the property. The proposed activities would extend from approximately the southern property line to the north approximately 420 feet where it will tie into the existing vertical bulkhead. The proposed activity is being requested due to the current state of the existing bulkhead, it was recommended that the wall be replaced in order to maintain a safe and operational facility in addition to preserving the structural integrity of Mack Street.

4. Michael Mushak, 50 Elmwood Avenue and co-chair of the Norwalk Bike/Walk Task Force, spoke in support of the transfer for wage deficits as a result of DPW retirements that resulted in a six month lag in replacement of the position. The transfer allows staff to catch up on the long list of projects in the works. He spoke about flood mitigation efforts and the item to help diversion along Daphne and Honeysuckle. He stated his support of all the work on sidewalks and funding in the capital budget and it is key for public safety and attracting business from pedestrian traffic. He spoke about the funding and resolution for Norwalk River Valley Trail that will connect Calf Pasture Beach to Danbury for cyclists, hikers and walkers. He noted the hard work done by council members and encouraged them to approve the funding and resolution. He stated that most support the idea of the trail, endorsed by the Chamber of Commerce and it's a good investment for business. He referred to other cities across the nation and the positive impact that has occurred on economic development and revenues. He held up binders of studies and reports over the past several decades that were done on the Bike/Walk efforts, and noted that it is a long time project that has come to accomplishment.

Mayor Rilling asked if any member of the public wished to speak, and hearing none, closed the public participation portion of the meeting at 8:00 p.m.

**RESIGNATIONS/APPOINTMENTS/REAPPOINTMENTS: None**

MAYOR REMARKS

Mayor Rilling stated that Council member Eloisa Melendez requested to present a recognition to a Norwalk student. She reported that Juan Montoya, Brien McMahon High School student has been chosen to attend a science conference in technology. She stated his Science Teacher had recommended Juan based on his achievements in Science and he received this award from Education Connections. Juan was greeted and congratulated by the Council members and presented with a certificate of achievement from Mayor Rilling.

Mayor Rilling announced the following upcoming events and items of City interest:

- Norwalk Senior Center is having Senior Citizens Connecticut Day to connect seniors and provide information on cost saving opportunities to save money on food, fuel, utilities, tax relief and other daily living items of interest.
- April 15 Lighthouse Award by the Health Department to a local restaurant.
- April 16 is the grand opening of “Judy’s Room” at the Norwalk Public Library at 6pm.
- April 23 is a Literacy Volunteer fundraiser program at the Norwalk Inn featuring keynote speaker Marilyn Kendrix, author of “The Justice Imperative,” to discuss the importance of keeping students in school.
- April 24-26 and May 1-3 is “Annie” at Norwalk High School. Mayor Rilling noted the wonderful performances of Beauty and the Beast at Brien McMahon and Little Mermaid at West Rocks Middle School. He encouraged people to attend and noted the amazing talent at the schools that is akin to Broadway productions.
- Norwalk High School Winter Percussion received Bronze Medal at the National Band Competition in Indianapolis. He noted that the music program at the schools is another example of the wonderful programs and student achievement. He added that the Winter Percussion Ensemble will be featured at an upcoming Council Meeting to be recognized.

COUNCIL PRESIDENT

Mr. Petrini stated that he would request a suspension of the rules to change the order of the agenda in consideration of those in attendance for the item under DPW. He asked for Item D5 to be next on the agenda.

GENERAL COUNCIL BUSINESS:

Mr. Petrini announced that beach season is soon and he encouraged residents to go online to print out their beach sticker. He noted that while the season officially opens in May, it’s not too early to be prepared and have the sticker that is displayed on the windshield. He noted that it is very easy to do and all that is needed is name, address and last four digits of the VIN number.

Mr. Petrini then 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 item and representatives need not stay for the remainder of the meeting.

CONSENT CALENDAR

- \*\* MR. PETRINI MOVED THE CONSENT CALENDAR AS FOLLOWS:  
VI. A1, A2; VII. A1, A2, A3, A5, A6, A7, A8; C1, 2A, 2B; 3A, 3B, 4, 5A, 5B;  
D1, D2, D3, D4A, D4B, D5, D7; E1, E2, E3, E4, E5, E6A, E6B, E7A, 7B.**
- \*\* MOTION TO APPROVE THE CONSENT CALENDAR PASSED  
UNANIMOUSLY.**

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

**VI. REPORTS DEPARTMENTS, BOARDS AND COMMISSIONS:**

BOARD OF ESTIMATE AND TAXATION

- 1. RESOLVED, that a sum not to exceed \$9,501 be and the same s hereby transferred from Increased Revenues to the Recreation and parks Department to cover field repairs related to damage done from the last Oyster Festival. (Account #01-6031-5321)**
- 3. RESOLVED, that a sum not to exceed \$99,408 be and the same is hereby transferred from Contingency to the Public Works Department to cover various anticipated year-end wage deficits. (Account #Various)**

VII. COMMON COUNCIL COMMITTEES

FINANCE/CLAIMS

- 1. Accept and Approve the Report of the Claims Committee Dated: April 9, 2015.**
- 2. For informational purposes only: Narrative on Tax Collections dated April 9, 2015.**
- 3. For informational purposes only: Monthly Tax Collector's Report Dated: March 31, 2015.**
- 5. Approve FY 2015-16 Parking Authority Budget.**
- 6. Approve FY 2015-16 WPCA Budget.**
- 7. Authorize the Mayor, Harry W. Rilling, to execute a contract with Hooker & Holcombe, Inc. to perform the City's pension and OPEB actuarial valuations for the five-year period beginning July 1, 2015 and ending June 30, 2020 for an amount not to exceed \$296,000. Account #Pension Funds and 711342-5258.**

Consent Calendar -- continued

Finance/Claims-- continued

**8. Authorize the Mayor, Harry W. Rilling, to execute a contract with McGladrey, LLP to perform the City's annual financial statement audit for five-year period beginning July 1, 2015 and ending June 30, 2019 for an amount not to exceed \$475,000. Acct #011310-5253.**

**LAND USE**

**1. Authorize the Purchasing Agent to issue a Purchase Order to A&M Electric Company, LLC for the repair and upgrade of the Public Address Systems at 18 schools for a total not to exceed \$221,824.00; plus a contingency allowance for a total not to exceed \$11,176.00 (Total \$233,000). Acct. #09155010-5777-00537.**

**2a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Sav-Mor Cooling & Heating, Inc. for the replacement of HVAC equipment (AHU #5) at Norwalk City Hall for a total not to exceed \$126,947.00. Acct, #0911/12 7100 5777 C0439.**

**2b. Authorize the Office of Building Management to issue Change Orders on Contract for a total not to exceed \$12,694.00.**

**3. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Century Protective Services, Inc. to provide security services at City Hall and the Libraries:**

**a. City Hall base contract for a day time security guard and a night time security guard FY 2015-16 shall not exceed \$81,536.00; FY 2016-17- \$83,982.08; FY 2017-18 - \$86,501.54: with 2-one year options for 2018-19 and 2019-20 Account #014075-5266. Overtime for City Hall for FY's 2015-2018 shall not exceed \$19,360 annually. Account number 014075-5266.**

**b. Libraries base contract for FY 2015-16 shall not exceed \$76,440.00; FY 2016-17- \$78,741.00; FY 2017-18 - \$81,120. with 2-one year options for 2018-19 and 2019-20. Account 016200-5296.**

**4. Authorize the Mayor, Harry W. Rilling, to execute a License Agreement with Michael Dibenedetto dba Debo Food Service to operate the Newsstand Concession at City Hall for an initial term of 3 years plus one-two year option. Annual payment to the City shall be \$3,600 per year for the terms of the Agreement.**

**5a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Pat Corseth Inc. for the Installation and labor of playground equipment at Rowayton School for a total amount not to exceed \$18,600.00. Account #09045010 5777 B0322.**

**5b. Authorize NFCC to issue change order on contract for a total not to exceed \$1,860.00.**

Consent Calendar-- continued

**D. PUBLIC WORKS**

- 1. Authorize the Mayor, Harry W. Rilling, to execute a contract and any other such documents that may be required with the Department of Energy and Environmental Protection for Project Number DEPA00002082007 City of Norwalk Culvert Improvements and Property Acquisition to Keeler Brook and to further execute any amendments, rescissions and revisions thereto.**
  
- 2. Act on the request to un-name the existing unimproved private street named ‘Seaside Place and to name the existing private common unnamed driveway in the Seaside Place Association as “Seaside Place’**
  
- 3. Authorize the Mayor, Harry W. Rilling, to enter into an Agreement and any other such documents that may be required with the Norwalk Transit District for the City’s portion of design fees for State Project 102-350, Norwalk River Valley Trail — Phase 2 for a sum not to exceed \$ 45,000.00. Account No. 903 040 4021 5777 00234.**
  
- 4.a. Authorize the Mayor. Harry W. Rilling, to execute an Agreement with FGB Construction Company for Project No PM 20 15-2 Bituminous Concrete Permanent Pavement Repairs for a sum not to exceed \$297,525.00.**
- 4.b. Authorize the Director of Public Works to execute Orders on Contract with FGB Construction Company for Project No. PM 2015-2 Bituminous Concrete Permanent Pavement Repairs for a sum not to exceed \$29,752.50 Account No. 030000-2602.**

**E. RECREATION & PARKS**

- 1 Approve the Department of Recreation and Parks Fees and Charges for the 2015-16 Fiscal Year.**
- 2. Authorize the Mayor Harry W. Rilling to enter into an agreement with the South Norwalk Arts Celebration Inc. dba SoNo Arts Celebration for the use of 50 Washington Park for exhibits, Veterans Park for overflow parking as well as Oyster Shell Park for additional exhibits. The SoNo Celebration to take place Friday. August 14, 2015 Saturday. August 15, 2015 and Sunday, August 16, 2015. Set up to take place Friday August. 14, 2015 at AM with tear down no later than Noon on Monday. August 17, 2015. Estimated attendance 15,000 — 20,000.**
- 3. Authorize the Mayor, Harry W. Rilling to enter into an agreement with the Marching Bears Inc. to use Andrew Field Parking Lot for a Carnival to be held Thursday, June 11, 2015 from 6:00 PM - 10:00 PM. Friday, June 2015 from 6:00 PM-10:00 PM and Saturday, June 13, 2015 from 3:00 PM-10:00 PM with a rain date of Sunday, June 14, 2015 from 3:00 PM — 8:00 PM. Set up to take place Monday, June 8, 2015 at 8:00 AM with tear down no later than Noon on Monday June 15, 2015. Estimated attendance 1,000.**

Consent Calendar-- continued

**Recreation and Parks**

**4. Authorize the Mayor. Harry W. Rilling to enter into an agreement with the Corporate Fun Run, Inc. to use the Gallaher Estate and grounds for a Corporate Fun Run Fairfield County 5K to be held Friday, July 31, 2015 from 5:00 PM- 9:30 PM. Set up to take place Thursday, July 30, 2015 at 10:00 AM with tear down no later than Noon Friday, July 31, 2015. Estimated attendance 490.**

**5. Authorize the Mayor. Harry W. Rilling to enter into an agreement with Stepping Stones Museum for Children to use the Great Lawn at Mathews Park for a Worldwide Day of Play to be held Saturday. September 19, 2015 from 8:00 AM -5:00 PM. Estimated attendance 3,000.**

**6. A) Authorize the Mayor. Harry W. Rilling to enter into an agreement with the Exchange Club of Norwalk to use Taylor Farm for their Annual Norwalk Exchange Antique Car Show to be held Sunday April 26, 2015 from 8:00 AM - 5:00 PM. Set up to take place on Thursday, April 23, 2015 at Noon with tear down no later than Noon on Monday, April 27, 2015. Rain Date of Sunday, May 3, 2015 Estimated attendance 500+.**

**B) Approve the use of the Show Mobile by the Norwalk Exchange Club for their Annual Norwalk Exchange Antique Car Show to be held Sunday, April 26, 2015 with a rain date of Sunday, May 3, 2015.**

**7. A) Authorize the Mayor, Harry W. Rilling to enter into an agreement with Currie Tire to use the grounds a Mathews Park for a Save the Children Fundraiser Concert to be held Saturday, May 16, 2015 from 5:00 PM-May 16, 2015 at Noon with tear down no later than 10:00 PM Saturday 16, 2015. Estimated attendance 2,000+.**

**Rain Date of Sunday, May 17, 2015.**

**B) Approve the use of the show Mobile by Currie Tire for a Save the Children Fundraiser Concert Saturday May 16, 2015 the Children Fundraiser Concerto be held Saturday May 16, 2015 from 5:00 PM—00 PM on the grounds of Mathews Park**

**VII. REPORTS DEPARTMENTS, BOARDS AND COMMISSIONS:**

**3. RESOLVED, that a sum not to exceed \$789,117 be and from which \$308,645 is hereby transferred from Assigned Fund Balance and \$480,472 is transferred from Contingency to the Police Department to cover Contract Wage Settlements (Account #Various)**

Mr. Kimmel moved the item for discussion and explained the supporting documentation. He noted that this was not a new expenditure but a retroactive amount based on contract settlements. He noted that with respect to representation from the Police Department at tonight's meeting, Chief Kulhawik nor Deputy Chief Zecca were unable to attend. He added that as a result, he would respect a motion to table for further information.

**\*\* MR. SIMMS MOVED TO TABLE THE ITEM UNTIL THE NEXT COUNCIL MEETING.**

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

4. RESOLVED, that a sum not to exceed \$550,233 be and the same is hereby transferred from Contingency to the Police Department to cover DROP and severance payments and anticipated overtime wage settlement (Account #Various).

Mr. Kimmel moved the item for discussion and explained the supporting documentation. He noted that this was the same situation as the previous item and was not a new expenditure but a retroactive amount based on contract settlements. He noted that with respect to representation from the Police Department at tonight's meeting, Chief Kulhawik nor Deputy Chief Zecca were unable to attend. He added that as a result, he would respect a motion to table for further information.

**\*\* MR. SIMMS MOVED TO TABLE THE ITEM UNTIL THE NEXT COUNCIL MEETING.**

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

Mr. Petrini asked to suspend the rules and in consideration of members of the public in attendance on this one agenda item, to have D5 next in the order of business.

*Mr. Petrini and Ms. Maggio recused themselves and left the Council Chambers at 8:16 p.m. and returned following the vote at 8:18 p.m.*

#### E. PUBLIC WORKS COMMITTEE

Authorize the Mayor, Harry W. Rilling to execute a Permanent Easement Agreement with the South Norwalk Boat Club, Inc. through and across Mack Street for the installation of systems, elements and appurtenances in support of and necessary to the installation of South Norwalk Boat Club, Inc.'s proposed new bulkhead as shown on "Zoning Map of Property Prepared for South Norwalk Boat Club, Inc." dated June 17, 2014 by Dennis A. Delius — Land Surveyor.

**\*\* MR. MCCARTHY MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING TO EXECUTE A PERMANENT EASEMENT AGREEMENT WITH THE SOUTH NORWALK BOAT CLUB, INC. THROUGH AND ACROSS MACK STREET FOR THE INSTALLATION OF SYSTEMS, ELEMENTS AND APPURTENANCES IN SUPPORT OF AND NECESSARY TO THE INSTALLATION OF SOUTH NORWALK BOAT CLUB, INC.'S PROPOSED NEW BULKHEAD AS SHOWN ON "ZONING MAP OF PROPERTY PREPARED FOR SOUTH NORWALK BOAT CLUB, INC." DATED JUNE 17, 2014 BY DENNIS A. DELIUS — LAND SURVEYOR.**

**\*\* MOTION PASSED UNANIMOUSLY. (RECUSED: MAGGIO, PETRINI)**



A. FINANCE/CLAIMS

4. Authorize the Mayor, Harry W. Rilling, to execute a lease agreement with 332 Wilson Avenue LLC, do Stanley M. Seligson Properties, to lease approximately 1 .9 acres of land with improvements located at 332 Wilson Avenue for purposes of a school bus depot, based upon the terms and conditions outlined in the attached term sheet. Acct#: TBD Board of Education Acct.

Mr. Kimmel moved the item for discussion and reviewed the supporting documentation as vetted through Committee. Mr. McCarthy asked about the three-part lease and the city's responsibility for the tax. Ms. Bartron, Norwalk Public Schools Purchasing Agent came forward and explained that the RFP was prepared as property tax responsibility would be passed on to the Bus Company. Mr. Kimmel asked Corporation Counsel review of the tax liability, and Attorney Coppola clarified the triple net lease qualifications according the state statues.

Mr. Kimmel suggested that the wording on the item be amended to include review by Corporation Counsel.

**\*\* MR. KIMMEL MOVED TO AMEND THE ITEM TO INCLUDE: "LEASE SHALL NOT BE IMPLEMENTED UNTIL CORPORATION COUNSEL REVIEWS AND APPROVES SAID TERMS".**

**\*\* AMENDMENT TO THE ITEM WAS APPROVED UNANIMOUSLY.**

**\*\* MR. KIMMEL MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A LEASE AGREEMENT WITH 332 WILSON AVENUE LLC, DO STANLEY M. SELIGSON PROPERTIES, TO LEASE APPROXIMATELY 1 .9 ACRES OF LAND WITH IMPROVEMENTS LOCATED AT 332 WILSON AVENUE FOR PURPOSES OF A SCHOOL BUS DEPOT, BASED UPON THE TERMS AND CONDITIONS OUTLINED IN THE ATTACHED TERM SHEET. LEASE SHALL NOT BE IMPLEMENTED UNTIL CORPORATION COUNSEL REVIEWS AND APPROVES SAID TERMS. ACCOUNT#: TBD BOARD OF EDUCATION ACCOUNT.**

**\*\* MOTION WAS APPROVED UNANIMOUSLY.**

B. PLANING COMMITTEE

1. Motion to reconsider the following action taken at the Common Council meeting of February 24, 2015: RESOLUTION, authorizing a Special Capital Appropriation in the amount of \$867,000 for the Watercourse Maintenance Project. (Account No, 091 4-4027-5777-C0440)

Mr. Hempstead stated that this was a technical action to put the item back onto the table.

PLANNING COMMITTEE – continued

**\*\* MR. HEMPSTEAD MOVED TO RECONSIDER THE FOLLOWING ACTION TAKEN AT THE COMMON COUNCIL MEETING OF FEBRUARY 24, 2015: RESOLUTION, AUTHORIZING A SPECIAL CAPITAL APPROPRIATION IN THE AMOUNT OF \$867000 FOR THE WATERCOURSE MAINTENANCE PROJECT. (ACCOUNT NO. 091 4-4027-5777-C0440)**

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

2. New Resolution proposed:

RESOLUTION, authorizing a Special Capital Appropriation in the amount of \$867,000 for the Watercourse Maintenance Project. (Account No. 0914-4027-5777-C0440). Of which \$350,000 shall be expressly appropriated towards the mitigation of the identified drainage work associated with the Honeysuckle- Daphne Diversion, and any balance of the \$350,000 be applied to the further mitigation of flooding and or drainage issues associated with Saddle Road and surrounding area.

Mr. Hempstead read the resolution and explained the work associated with the Honeysuckle-Daphne Diversion project and the rest toward similar work for Saddle Road and surrounding areas. He added that they've had flooding problems on that road for a long time, and although this will not solve them all, at least it gets a start.

**\*\* MR. HEMPSTEAD MOVED ADOPT THE RESOLUTION, AUTHORIZING A SPECIAL CAPITAL APPROPRIATION IN THE AMOUNT OF \$867,000 FOR THE WATERCOURSE MAINTENANCE PROJECT. (ACCT NO. 0914-4027-5777-C0440) OF WHICH \$350,000 SHALL BE EXPRESSLY APPROPRIATED TOWARDS THE MITIGATION OF THE IDENTIFIED DRAINAGE WORK ASSOCIATED WITH THE HONEYSUCKLE- DAPHNE DIVERSION, AND ANY BALANCE OF THE \$350,000 BE APPLIED TO THE FURTHER MITIGATION OF FLOODING AND OR DRAINAGE ISSUES ASSOCIATED WITH SADDLE ROAD AND SURROUNDING AREA.**

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

Approve the 2015-2016 Capital Budget with the attached amendments made by the Planning Committee of the Common Council.

Mr. Hempstead moved the item for approval and noted that the budget is a collaborative effort by the committees to address necessary city infrastructure improvement projects as well as ADA compliance requirements.

Mr. Kimmel stated that he recommends approval of the \$23.8 million capital budget that will churn additional money into roads, sidewalks and drainage improvement projects in the fiscal year beginning July 1.

He shared past experiences with the capital budget process and explained the efforts involved with addressing the necessary improvements and securing the appropriate funding.

He stated that the amounts are unprecedented as the sidewalk work will no longer be tied exclusively to road paving. He added that a lot of it will be done in the traditional way in association with paving projects, but we're also going to now begin to repair sidewalks as we find the ones that are in disrepair irrespective of whether there's a road being fixed nearby. The bottom line of the new capital budget stands at \$23.8 million and of that amount, \$17.2 million would be paid for through the issuance of municipal bonds.

Mr. Petrini, noted that the new capital budget includes money to replace the worn underwater ramps at the Visitors' Docks at Veterans Memorial Park. He explained that barring anything right at the end of this year's boating season, we'll get it done so we'll be ready for next year.

Mayor Rilling explained they have put together what we believe is a very responsible budget with the assistance of Finance Director Hamilton the BET and Committees. He added that the department heads were very responsible in identifying the items that were very important to them. Mayor Rilling said he will meet with Director of Public Works Harold F. Alvord and staff to address sidewalk repairs. Mr. Alvord's department recently received an analysis of sidewalk conditions throughout Norwalk's urban core. The newly adopted 2015-16 capital budget allocates \$5.5 million to the city's pavement management program and \$900,000 to sidewalks and curbing.

**\*\* MR. HEMPSTEAD MOVED APPROVE THE 2015-16 CAPITAL BUDGET WITH THE ATTACHED AMENDMENTS MADE BY THE PLANNING COMMITTEE OF THE COMMON COUNCIL.**

*Mr. Watts requested a roll-call vote. It was noted that Mr. Simms and Ms. Bowman left the meeting and did not vote.*

**\*\* MOTION PASSED WITH NINE VOTES IN FAVOR, MAGGIO, PETRINI, O'TOOLE GIANDURCO, MCCARTHY, BONENFANT, HEMPSTEAD, KIMMEL, STEWART) ONE OPPOSED (WATTS) AND THREE ABSTENTIONS (STEWART, MELENDES, KYDES).**

#### 4. Common Council Resolution on the Norwalk River Valley Trail.

Mr. Hempstead moved the item for discussion and explained that the Norwalk Transit District at the suggestion of the Department of Public Works, was able to secure a matching grant (95% federal 5% local) from the Federal Transit Authority. He added that the \$250,000 to design the next phase of the Norwalk River Valley Trail, which would run from the end of the existing trail section at Union Park.

Mr. Kimmel noted that \$300,000 in the budget will serve as a 10% match that is needed to secure \$3 million in other funding to construct the trail between Union Park and New Canaan Avenue.

Mr. Hempstead stated that this trail is part of one of the many assets of the city of Norwalk, just as important as our golf course, just as important as our beaches, just as important as our ball fields.

Mr. Hempstead read the resolution as follows:

Common Council Resolution on the Norwalk River Valley Trail

**Whereas the Norwalk River Valley Trail that passes through Norwalk is an important part of Norwalk's future growth, as well as making for a walkable and bicycle friendly city; and**

**Whereas the next phase of the Norwalk River Valley Trail is anticipated to start at Union Park and continue up to Broad Street; and**

**Whereas funds have already been allocated for the design phase of the next section of the Norwalk River Valley Trail; and**

**Whereas the preliminary design for the Norwalk River Valley Trail through Norwalk is scheduled to be completed within the next nine months and sent out for comment to the CT DOT and a public review; and**

**Whereas it is anticipated that the process to final design may not be completed until late spring of 2016; and**

**Whereas the City of Norwalk has already set aside \$300,000, which is 10% of the local match for the construction phase of the project, in its 2015-2016 Capital Budget; and**

**Whereas it is understood that an additional 10% match of \$300,000 may be required at the time the project is approved and sent to bid; now**

**Therefore, be it resolved that the Norwalk Common Council pledges to support an additional sum of \$300,000, either as a special appropriation or as part of the 2016-2017 Capital Budget, to satisfy any construction grant requirements; and**

**Be it further resolved that the Norwalk Common Council requires the city's Department of Public Works to include in its 2016-2017 Capital Budget all of the funds necessary to completely satisfy the local match for the Norwalk River Valley Trail.**

**\*\* MR. HEMPSTEAD MOVED TO ADOPT THE RESOLUTION ON THE  
NORWALK RIVER TRAIL AS PRESENTED**

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

Approve the Resolution Opposing SB-1, An Act Concerning Tax Fairness and Economic Development

Mr. McCarthy read the resolution as follows

**Resolution Opposing SB-1, An Act Concerning Tax Fairness And Economic Development**

Sponsored by David McCarthy and Doug Hempstead

Whereas Norwalk was purchased in 1640 united with the cities of South Norwalk and East Norwalk as the City of Norwalk in 1913; and,

Whereas the Common Council of the City of Norwalk, in conjunction with the Mayor, Board Estimate and Taxation and Department Heads, budgets for essential governmental services each year, trying always to maintain the lowest possible rate of taxation; and,

Whereas the only sources of funds to implement the annual budget of the City of Norwalk are small amounts of fee revenue and state grants, almost 90% of the budget through property taxes paid by the citizens of Norwalk; and,

Whereas the median household income in the city of Norwalk is \$71,877, while the median family income for the state of Connecticut is \$85,563; and,

Whereas the percentage of families that qualify for the Free and Reduced Lunch Program in Norwalk is approximately 50% and in the state of Connecticut it is 35%; and,

Whereas under the current formula, Norwalk's portion of the state's Education Cost Sharing fund is approx. \$11.3M, less than 50% of the closest comparable city, Danbury's portion of \$27.3M; and,

Whereas Norwalk has been underfunded by the State's ECS formula for 20 years at a cost Norwalk taxpayers of well over \$300 million; and,

Whereas SB-1 will only exacerbate the ongoing challenge of being able to locally support the Norwalk Board of Education budget; and,

Whereas the Common Council of the City of Norwalk extremely reluctantly, under the threat proposing access to Federal Transportation funding, joined the Western Connecticut Council of Governments on November 25, 2014 and,

Whereas the State of Connecticut abolished county government in 1960; and,

Whereas SB-1 requires the establishment of a "regional property tax base revenue sharing system" under which, each municipality would remit a portion of its local property taxes to

The Regional Council of Governments COG, which would in turn redistribute throughout its member towns and cities and according to a formula that takes into account each municipality's population and property value; and,

Whereas SB-1 is therefore establishing a new level of tax that would be laid on the heads of Norwalk property tax payers; now,

Therefore, be it resolved, that, we, the Common Council of the City of Norwalk, reject this additional level of taxation for our citizens. That we resent being forced to join an organization against our will to be set up for another level of taxation while being told that would never happen; and,

Therefore be it further resolved that, we, the Common Council of the City of Norwalk, call upon our State Delegation, Representatives Chris Perone, Bruce Morris, Fred Wilms, Terrie Wood and Gail Lavielle to request that SB-1 be withdrawn and add the their voices in opposition of the proposed bill; and,

Therefore be it further resolved that, we, the Common Council of the City of Norwalk, call upon our State Senator, Robert Duff, a co-sponsor of SB-1 CONCERNING TAX FAIRNESS AND ECONOMIC DEVELOPMENT, to withdraw or significantly modify it immediately.

Mr. McCarthy reviewed background describing S.B. 1, An Act Concerning Tax Fairness and Economic Development, on the state's website is to adjust the state grants in lieu of taxes for state-owned real property and property owned by private nonprofit colleges and hospitals.

He explained that the bill would institute a statewide car tax, adjust the state's Payment in Lieu of Taxes (PILOT) program, and introduce a revenue sharing system for new commercial and industrial developments. There were further comments on the bills' use of a formula and the idea that the recently created Council of Governments (COGs) system will be used to tax Norwalk, although assurances had been made that wouldn't happen.

Mr. Kimmel stated this is compared to recent discussions on the regionalization (COGs) and now it has moved to transit oriented development. He asked what the benefits of another layer of beauracracy are and does not understand why this is needed.

Mr. McCarthy said he had done some math. If the bill were to pass as written today, it would mean that Norwalk would get 83 cents back on every dollar sent to Hartford. Norwalk would need to hike its taxes 17 percent to stay even, except that those dollars are also taxed, so the real tax hike would be 25 percent, Stamford would get 85 cents back, while Bridgeport would get \$2.05 for every dollar it sends to Hartford, he said. Hartford itself would get \$2.94 for its dollar.

Mr. McCarthy further outlined that the massive redistribution of funds from a struggling city, that is just keeping it together, off to cities that are failing is not in our interest and only serves to further feed an inefficient government beast that will consume us all in the end. Bob Duff should not be aiding and abetting Hartford, he should be representing Norwalk and Darien and that just doesn't seem to be happening. I don't think anybody should be trying to balance the state's budget on Norwalk's back. This bill needs to be killed and our state budget needs to be balanced and gimmick free.

There was discussion and debate over whether it was premature to submit the resolution without first having a meeting with Senator Duff. Mr. Watts suggested that in all fairness, there should be a time of deliberation and collaboration to review the specifics of the bill and consequently modify the wording of the resolution in the best interest of the public.

Mr. McCarthy said but wait, there's more – the mil rate on cars would go up to 51 from the currently proposed 29% because the first \$3,000 of value would be exempt. Then the state would strip Norwalk of taxes related to new development – so why would anyone want to allow a mall to get built here. He outlined that Norwalk gets to deal with the difficulties, bear the burden of the infrastructure costs, and Bob Duff takes all the tax benefits up to Hartford, The addition of a mall could actually end up costing taxpayers money if the bill passes as it is written. Legislators said they support building a mall in Norwalk, but said nothing about sharing revenue with Norwalk. Mr. Hempstead said it seems as if the legislators only care about the taxes that will go to the state. He said he is frustrated, mad as hell, and about kill the bill, as it's going to hurt Norwalk with no benefits. He stated that I told you so about joining the Western Connecticut Council of Governments (WCCOG).

Mr. Kydes said he also has a lot of concerns about the bill, but the bill is in its infancy, and often, political parties don't like to reach out to a member of the opposite party. He added that he has been in conversation with virtually all of our legislative delegates and everyone has indicated a desire to meet with us and discuss with us and answer any questions that we do have.

Mr. McCarthy noted that if Bob Duff can make time to read to children, he ought to be able to make time to talk to the Common Council about a bill that would take money away from every single Norwalker.

Mayor Harry Rilling said that with the legislature being in session it's very difficult to try to schedule because they are up there late at night sometimes. Senator Duff had been attempting to schedule a meeting with the Council leadership about the bill, Rilling said. Any Council member would be welcome, but it would probably be on a Saturday morning.

Mr. McCarthy said Bob Duff discussed S.B. 1 with Darien selectmen at their last meeting, he said, and he should show the Council the same courtesy and come to the next meeting.

Mr. Kimmel said he agreed this is a public issue, it affects people of Norwalk, and so it would seem that behind-the-scenes discussions aren't the right way to go on a bill that affects taxpayers. He added that there needs to be credit given to Representative Lavielle for coming to the meeting and keeping the Council informed and maintaining a dialogue to address common concerns.

McCarthy said he wanted to get an explanation from Duff, but at this point, as far as supporting the bill goes, "I am firmly going the other way. It just seems bad in all respects for Norwalk and indeed for all of our neighbors in Fairfield County and beyond. This bill will discourage development and I suggest that this Council and the city of Norwalk should leave the Council of Governments before we allow any of this to happen to us. As it's being considered, you can't help but wonder what the heck is the point of building the mall if you're not going to get the increase in the tax base in the first place?"

Mr. Bonenfant said that if all you're going to get is traffic, so in the back of my mind I've got a lot of projects that, to me, they're as good as on hold until this gets straightened out. He added that other communities don't want hospitals, hey come to Norwalk Hospital, and Norwalk doesn't get its fair share of property tax on the land it sits on. He added that comments made on school construction reflect a reimbursement from the state used to be 75 percent of the lost property tax, but now it's 25 percent, he said.

Mr. Watts applauded McCarthy's passion on the topic but suggested tabling the motion as Duff could still come down and talk to the Council even if the resolution is passed. If in two weeks Sen. Duff cannot make it to his hometown legislative body because of a conflict we will have to just address it then. Bob has the ability to seemingly be everywhere all the time, so I am sure he can figure out a way to do this.

Mr. Hempstead noted the importance of the resolution and the position that this municipal governing body must take.

Ms. O'Toole-Giandurco stated that she would support the resolution and noted that tabling would slow the momentum made to address a bill that has such a negative impact on Norwalk.

Mr. Watts requested a two-minute recess.

The meeting was recessed at 9:57 p.m. and reconvened at 9:50 p.m.

**\*\* MR. KIMMEL MOVED TO TABLE THE RESOLUTION UNTIL THE NEXT MEETING AFTER MORE INFORMATION IS DISCUSSED.**

*There was a request for a roll-call vote.*

**\*\* MOTION FAILED WITH SIX VOTES IN FAVOR, (STEWART, MELENDEZ, BOWMAN, SIMMS, KYDES, WATTS); SEVEN VOTES OPPOSED (MAGGIO, PETRINI, O'TOOLE GIANDURCO, MCCARTHY, BONENFANT, HEMPSTEAD, KIMMEL) AND NO ABSTENTIONS.**

**\*\* MR. MCCARTHY MOVED TO ADOPT THE RESOLUTION AS PRESENTED.**

*There was a request for a roll-call vote.*

**\*\* MOTION PASSED WITH TEN VOTES IN FAVOR, (BOWMAN, WATTS, MAGGIO, PETRINI, O'TOOLE GIANDURCO, MCCARTHY, BONENFANT, HEMPSTEAD, KIMMEL, STEWART) NONE OPPOSED AND THREE ABSTENTIONS (MELENDEZ, SIMMS, KYDES).**

Mayor Rilling said he had been in Hartford Tuesday talking about SB-1 and other things. He explained that while he has concerns about the bill, recognizes the fact that when a bill comes into a committee often times it goes into it extreme and what comes out of committee is much weaker and more watered down. He stated that The Western Connecticut Council of Governments has also spoken against the bill.

Mayor Rilling added that he knows Sen. Duff is more than willing to come and discuss this with us, and am relatively confident that this bill will come out of committee significantly different than it went in or it may die altogether.

Mr. Watts thanked Mr. McCarthy for his work in pulling together this resolution and for his diligence with thoroughly examining the state legislature bills.

**7. Approve the Resolution Opposing GB-946, An Act Concerning Revenue Items to Implement the Governor's Budget**

Mr. McCarthy reviewed background describing GB-946 is to adjust and place a tax on \$2.50 of each ton of municipal solid waste. Mr. McCarthy read the resolution as follows:



**A Resolution Opposing GB 946,  
AN ACT CONCERNING REVENUE ITEMS  
TO IMPLEMENT THE GOVERNOR'S BUDGET  
Sponsored by David McCarthy**

Whereas the Common Council of the City of Norwalk, through Chapter 94 of the City Ccce established a process for the collection of solid waste in the City of Norwalk; and,  
Whereas the Common Council of the City of Norwalk established a mandatory recycling program in 1991 which lead to a good initial start in separating recyclables from the solid waste stream; and,  
Whereas the Common Council of the City of Norwalk established a Single Stream Recycling Program in 2013, which led to an initial 60% increase in the amount of recycling and, in conjunction with other contracted Solid Waste Services, led to a \$17 million savings for the City over ten years; and,  
Whereas the State of Connecticut's Department of Energy and Environmental Protection has seen fit to include Norwalk in its Connecticut Municipal Recycling Honor Roll since its establishment in 2002; and,  
Whereas all of these efforts as well as on-site recycling at the Norwalk Transfer Station, Hazardous Waste Collection Programs, Bulky Waste Collection Programs and on-going education efforts seek to reduce the amount of tonnage in the solid waste stream; and,  
Whereas all of these efforts are designed to adhere to the strictest of environmental laws and minimize the impact on the environment in general; and,  
Whereas all of these efforts are meant to safely and responsibly transfer solid waste at the lowest possible cost to the taxpayers of Norwalk; and,  
Whereas a part of the state's overall method of safely and effectively disposing of Municipal Solid Waste (MSW) involves utilizing waste-to-energy facilities located inside the state borders as energy generating plants. Said plants require a minimum volume to be effective and are struggling to achieve that minimum volume; and,  
Whereas the Common Council of the City of Norwalk prefers balanced, market-oriented solutions to solve problems; and,  
Whereas GB-946, AN ACT CONCERNING REVENUE ITEMS TO IMPLEMENT THE GOVERNOR'S BUDGET, which is meant to simply enact the entire state's budget, contains a section which places a tax of \$2.50 on each ton of Municipal Solid Waste; and,  
Whereas any added costs layered on the City of Norwalk for disposal of MSW must be passed on to the taxpayers of the 4th Taxing District; now,  
Therefore, be t resolved, that, we, the Common Council of the Ct oppose this additional level of taxation through additional fees to be borne by

**\*\* MR. MCCARTHY MOVED TO ADOPT THE RESOLUTION AS PRESENTED:  
\*\* MOTION PASSED UNANIMOUSLY.**

