

CITY OF NORWALK
PUBLIC WORKS COMMITTEE
APRIL 6, 2010

ATTENDANCE: Andrew Conroy, Chair; Fred Bondi; Nora King;
John Tobin;
Laurel Lindstrom (7:39 p.m.); Douglas Hempstead (7:55
p.m.)

STAFF: Hal Alvord, Director; Robert Maslan, Corporation
Counsel

Public Hearing

A public hearing on the establishment of a sanitary sewer connection inspection fee for sewer connections constructed on state roads. Public hearing to begin at 7:30 PM.

Mr. Conroy opened the public hearing at 7:37 p.m. He asked if anyone present wished to speak.

Ms. Lindstrom joined the meeting at 7:39 p.m.

There were no members of the public who wished to address this item.

** MR. BONDI MOVED TO CLOSE THE PUBLIC HEARING
** MOTION PASSED UNANIMOUSLY

General Information

1. Additional information items.
 - a. Assignments to taxing districts (Chair request).

Mr. Conroy gave a brief overview of the policy for determining taxing districts. Mr. Maslan said that they are not wards; they are defined taxing districts. He said that in 1967 and 1984 most, if not all of the properties that straddled properties were designed by the Common Council as being in

either the fourth or seventh taxing district. Mr. Conroy said that the key was the services being provided to those properties.

Ms. King asked who made the determination to remove the seventh taxing district. Mr. Maslan said that it was never officially created, but it still exists. He said that the tax bills show the district block and lot. Ms. King said that if people have property in dual districts, the issue should not have been done behind closed doors. She said that this Committee was here to come to an agreement. Mr. Conroy said that they were not here for that; they were here because he wants a clear definition of who creates the policy.

A resident asked if their voting and school district will change. Mr. Conroy said that they would not. Ms. King said that the issue is they went behind closed doors. Mr. Tobin asked who went behind closed doors. Ms. King said that Mr. Stewart, Mr. Maslan and Mr. Alvord.

Ms. King said that she and Mr. Stewart had a conversation and he was going to rescind the letters. She said that he avoided her calls. She said that he back stabbed and back peddled.

Mr. Conroy said that the sixth taxing district has an interest in this because they could lose revenue. The district and the property owners needed to be notified, but that has been corrected. After the Sixth taxing district met with Mr. Hamilton, Mr. Stewart, and Mr. Maslan they came to the conclusion that they needed a better policy. Mr. Conroy added that he was not trying to supervise the actions of Mr. Stewart.

Mr. Hempstead joined the meeting at 7:55 p.m.

Mr. Bondi said that these changes will not affect the school or voting locations because voting is done by street name. He said that none of the lines have been changed.

Ms. King said that some of the homes were assessed as Rowayton properties. She said that one resident was hit twice. Mr. Conroy said that in general, Ms. King is correct. There is an issue of whether they are getting the benefits of living in Rowayton. Mr. Conroy said that they are here to determine if it is within the power of the Common Council to set the policy.

Mr. Bondi asked how many properties are included. Mr. Conroy said that originally there were 20-30, but after further review by Mr. Hamilton there are eight properties. Mr. Alvord said that there are a couple of unique situations. The dwelling unit is in one district and the driveway is in another district. He said that the City and the District should be discussing services. Mr. Conroy said that he wants to discuss the policy and if it ever existed. Mr. Conroy said that the billing was done to lower the mill rate. There was no formal policy and Mr. Stewart chose to use the larger percentage of land. In August 2009, he switched to the majority of the structure. If the homeowner got a letter they could appeal to the Board of Assessment. Mr. Conroy said that the purpose of tonight's discussion is to see if this Committee is able to create the policy.

Mr. Tobin questioned who would create the policy, if not the Common Council. Mr. Maslan said that under the Charter, when sewers were extended into a new area, the Common Council gets the list from the DPW and they put the properties into the fourth district. Ms. King told Mr. Maslan that was his interpretation. Mr. Maslan said that it was in black and white. Mr. Conroy said that the fourth taxing district was the vehicle used to provide sewer and garbage services to anyone in Norwalk. He said that who goes into what district is an executive decision.

Mr. Maslan said that part of the routine function of the Tax Assessor is to create a taxing district. Ms. King said that she did not agree. Mr. Maslan said that people can appeal. Ms. King told Mr. Maslan that he was putting the burden on the homeowner.

Ms. Lindstrom said that she is hearing that there is no consistent written policy and asked if they could get something in writing from the Tax Assessor so they could have an understanding. Mr. Conroy said that he asked Mr. Hamilton to provide the Committee with his written policy.

A resident said that there was nothing in the letter about services; only that they were being switched from one taxing district to another. She said that no one can tell her who is going to pick up their trash or answer a fire call. She said that the only thing she found out was that they were paying for lights they do not have. She said that she understood the logic, but it was done in a poor way.

Mr. Maslan said that he has information and offered to stay and talk to anyone with questions. Mr. Conroy said that a letter explaining the issue was supposed to be sent to the residents.

A resident said that when he received a tax increase with no explanation he called the city and said that there was no explanation or reason. He said that he was told he would be reverted to his former district, but that did not happen. He asked if the seventh taxing district exists. Mr. Conroy said that it is an administrative taxing district; it is actually the fourth taxing district.

A resident said that it was appalling and offensive the way this was handled. He said that he wants to pay what is fair, but he wants the designation of his home to be correct. He said that the City wants to devastate the valuation of his home.

By a unanimous show of hands, the Committee agreed to pursue establishing a policy. Mr. Conroy said that he would create a draft policy and then share it with the rest of the Committee.

** MR. HEMPSTEAD MOVED TO SUSPEND THE RULES TO ADD AN ITEM TO THE AGENDA
** MOTION PASSED UNANIMOUSLY

1. Norwalk transfer station (February 2010 report).

Mr. Alvord said that the February report was in the packet. He distributed the March report and said that they were on track. He said that the tonnage for garbage and recycling are down and that he does not believe it will grow significantly. Mr. Conroy asked if there were any consequences to that. Mr. Alvord said that there were not. He said that it was a matter of the economy. Mr. Alvord said that he remains convinced that they can do better in the schools and with the residents, but they do not have the resources to make the big citywide push.

Mr. Hempstead suggested that if there is any grant money available it could be used get information out. Mr. Alvord said that the problem is that they do not have the resources; they would like to market the recycling programs. Mr. Conroy said that this Committee would be happy to create a recycling PSA on cable. Ms. Lindstrom said that the Stamford

trucks have information on them showing what can be recycled. Mr. Hempstead said that an aggressive student recycling policy would be good.

Ms. King suggested that Ms. Lauricella of the League of Women Voters would be a good source of information. Mr. Alvord said that she never followed up. Mr. Bondi said that she is no longer with them.

Public Participation Portion

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

Business Portion

1. Approve the Minutes of the Public Works Committee meeting of Tuesday February 2, 2010
(tabled at March meeting).

** MR. HEMPSTEAD MOVED TO APPROVE THE MINUTES OF FEBRUARY 2, 2010

The following correction was made to page 5: Ms. King moved should be corrected to read, a committee member moved to...

** MOTION PASSED UNANIMOUSLY

2. Approve the Minutes of the Public Works Committee meeting of Tuesday March 2, 2010.

** MS. LINDSTROM MOVED TO APPROVE THE MINUTES OF MARCH 2, 2010

** MOTION PASSED WITH ONE (1) ABSTENTION (MR. BONDI)

** MR. BONDI MOVED TO APPROVE PROPOSED REVISION TO DEPARTMENT OF PUBLIC WORKS RATES AND FEES TO ESTABLISH A SANITARY SEWER CONNECTION INSPECTION FEE FOR CONNECTIONS CONSTRUCTED IN STATE ROADS.

Mr. Conroy said that there were no members of the public present during the public hearing who wished to comment.

** MOTION PASSED UNANIMOUSLY

RULES AND REGULATIONS GOVERNING EXCAVATIONS AND ENCROACHMENTS IN PUBLIC STREETS AND GROUNDS.

Mr. Alvord explained the item. He said that Norwalk is generally ahead of its neighbors in how paving management and protection programs are handled. Mr. Conroy asked if there is an appeal process. Mr. Alvord said that they would go before this Committee. Mr. Hempstead said that he would be more comfortable with a drop dead date for a permanent patch. Mr. Alvord said that it takes 24 months. Ms. King suggested dropping it to 12 months. Mr. Alvord said that he does not want to do that; it is not a best practice. He said that he will provide the Committee with the best practice.

** MR. BONDI MOVED TO TABLE THE ITEM TO THE NEXT MEETING
** MOTION PASSED UNANIMOUSLY

** MR. CONROY MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE A TEMPORARY CONTRACT AGREEMENT WITH SCALAFANI BROTHERS OF CRESCENT STREET, INC. TO FACILITATE THE COMPLETION OF CONSTRUCTION ON THE CRESCENT STREET IMPROVEMENT PROJECT

Mr. Maslan described the location. He said that \$330,000 in improvements were made to the site and that the Scalafani Brothers are asking for \$25,000 in cash. He said that the DPW put forth an agreement that did not include a cash payment. Mr. Alvord said that the resolution before the Committee is to execute a temporary construction agreement. They have been working on the negotiations for over a year. Mr. Conroy asked if approving the agreement will harm the client.

Mr. Nolin, representing Scalafani Brothers gave an overview of the item. He said that this fall the DPW said that they needed an easement to build a retaining wall. He said that these are different plans than previously seen. Mr. Nolin said that the big issue is the way the road would be reconfigured. He said that they asked the City to take down the wing wall and the City refused. He said that they do not know how this is going to work. He distributed a copy of their requests. Mr. Maslan said that they

are troubled with this item. He said that it is taking a long time because of the adjustments being demanded by the property owners. He added that they oppose the \$25,000.

Mr. Nolin said that they feel that the wing wall is a mistake and should be removed. Mr. Maslan said that this could be redesigned without improvements to the Scalafani property. Ms. King said that if there is an issue with the wing wall it is the City's responsibility to fix it.

Mr. Conroy asked Mr. Maslan for his recommendation. Mr. Maslan said that if they remove item 11, he could live with that. Mr. Hempstead said that the normal process is to discuss this with the property owner first. Ms. King said that it sounds like the City dropped the ball. Mr. Maslan said that there are two sides. Ms. King said that she is in agreement with the fee. Mr. Maslan said that it is not a good precedent to pay for legal fees.

Mr. Scalafani said that they were never brought in before the construction process. He said that without the turning radius, he will be out of business. Mr. Tobin asked if both sides could go back to the table to redesign this. Mr. Nolin said that it is going to cost the City money to redesign the project. Ms. King said that she feels he is entitled to the reimbursement of fees. Mr. Maslan said that is not a good precedent and that this is the first he has heard of this request.

Mr. Conroy said that he will send this item to the full Council and will pull it from the agenda if they can't come to an agreement.

** MOTION PASSED UNANIMOUSLY

** MR. BONDI MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE A CONTRACT WITH FRED N. DURANTE JR. GENERAL CONTRACTOR, INC. FOR PROJECT NO. PM 2010-2, PROPOSED BITUMINOUS CONCRETE PERMANENT PAVEMENT REPAIR, FOR A SUM NOT TO EXCEED \$225,340.00.

5B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS, TO ISSUE ORDERS ON CONTRACT TO FRED N. DURANTE JR. GENERAL CONTRACTOR, INC. FOR PROJECT NO. PM 2010-2, PROPOSED BITUMINOUS

CONCRETE PERMANENT PAVEMENT REPAIR, FOR A SUM NOT TO EXCEED \$22,534.00.
ACCOUNT NO: 030000-2602

Mr. Alvord explained that this is the permanent patch contract.

** MOTION PASSED UNANIMOUSLY

** MS. LINDSTROM MOVED TO APPROVE THE FOLLOWING RESOLUTION:
RESOLVED THAT RICHARD A. MOCCIA, MAYOR, BE, AND HEREBY AUTHORIZED TO SIGN THE AGREEMENT ENTITLED:
"AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF NORWALK FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE OF TRAFFIC SIGNAL CONTROLLERS AND SYSTEM UPGRADE AT FIFTEEN INTERSECTIONS WITHIN THE CITY OF NORWALK UTILIZING FEDERAL FUNDS FROM THE CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM AND FROM THE URBAN COMPONENT OF THE SURFACE TRANSPORTATION PROGRAM."

** MOTION PASSED UNANIMOUSLY

** MR. BONDI MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE AN AGREEMENT WITH EMPIRE PAVING, INC. FOR PROJECT ARRA 2010-1 PROPOSED PAVEMENT PRESERVATION PROGRAM, STATE PROJECT 102-335 FEDERAL AID PROJECT 1102 (109) FOR A SUM NOT TO EXCEED \$1,205,262.75; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE ORDERS ON CONTRACT TO EMPIRE PAVING, INC. FOR PROJECT ARRA 2010-1 PROPOSED PAVEMENT PRESERVATION PROGRAM, STATE PROJECT 102-335, FEDERAL AID PROJECT 1102-(109) FOR A SUM NOT TO EXCEED \$10,526.27
ACCOUNT NO. – NOT YET ESTABLISHED

Mr. Conroy asked for a project list for the next meeting.

** MOTION PASSED UNANIMOUSLY

2. Project updates - See attached project status sheet.

Bridges

Old Tokeneke Bridge – Removal

The committee discussed funding for the Bridge removal. Mr. Hempstead suggested holding a joint meeting with the Darien Public Works Committee.

Roads

Mr. Hempstead said that there are potholes everywhere. He said that there are trees that were cut during the recent storm that need to be removed. Mr. Alvord said that they are still working on that. Mr. Conroy said that was an enormous task. Ms. King and Mr. Hempstead told Mr. Alvord that the staff did an excellent job. Mr. Bondi said that Olmstead Place did not flood during the storm, but there was some flooding on First Street.

** MR. HEMPSTEAD MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY

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

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services