

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**MARCH 24, 2009
8:00 P.M. DST COUNCIL CHAMBERS**

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS.

Mayor Moccia called the meeting to order at 8:10pm and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

Ms. Roman called the roll.

PRESENT

Amanda Brown	Anna Duleep
Michael Geake	Richard McQuaid
Richard Bonenfant	Steven Serasis
Rev. Phyllis Bolden	Carvin Hilliard
Nicholas Kydes	Laurel Lindstrom
Douglas Hempstead	Kelly Straniti
Andrew Conroy	William Krummel
Fred Bondi	

ABSENT: None

Ms Roman announced that there were fifteen members present.

II. ACCEPTANCE OF MINUTES

Regular meeting – March 10, 2009

**** MR. HEMPSTEAD MOVED THE MINUTES OF THE MARCH 10, 2009 COMMON COUNCIL REGULAR MEETING.**

**** THE MOTION TO APPROVE THE MINUTES OF MARCH 10, 2009 COMMON COUNCIL REGULAR MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

Special meeting -- March 10, 2009

**** MR. BONENFANT MOVED THE MINUTES OF THE MARCH 10, 2009 COMMON COUNCIL SPECIAL MEETING.**

The following corrections were noted:

City of Norwalk
Common Council
Regular Meeting
March 24, 2009
Page 1

Page 7, paragraph 5, line 1: Please change the following from: "Ms. Brown said she was not clear" to "Ms. Duleep said she was not clear"

Page 7, paragraph 5, line 3: please change the following from: "Ms. Brown said that she does not want" to "Ms. Duleep said that she does not want"

Page 8, **MOTION**: please change the following from:

**** MOTION PASSED WITH ELEVEN (11) IN FAVOR (MR. BONDI, MR. GEAKE, MR. MCQUAID, MR. BONENFANT, REV. BOLDEN, MR. HILLIARD, MR. KYDES, MS. LINDSTROM, MR. HEMPSTEAD, MS. STRANITI, MR. CONROY) AND THREE (3) IN OPPOSITION (MS. BROWN, MS. DULEEP, MR. SERASIS).**

TO:

**** MOTION PASSED WITH ELEVEN (11) IN FAVOR (MR. BONDI, MR. GEAKE, MR. MCQUAID, MR. BONENFANT, REV. BOLDEN, MR. HILLIARD, MR. KYDES, MS. LINDSTROM, MR. HEMPSTEAD, MS. STRANITI, MR. CONROY) AND FOUR (4) IN OPPOSITION (MS. BROWN, MS. DULEEP, MR. SERASIS AND MR. KRUMMEL).**

**** THE MOTION TO APPROVE THE MINUTES OF MARCH 10, 2009 COMMON COUNCIL SPECIAL MEETING AS CORRECTED PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

Let it be noted that the following comments and remarks by all speakers have been summarized and are not necessarily verbatim.

Mr. Jeffrey Kaplan came forward and stated that he was the Director of Seligson Properties. He said that he had received many phone calls about the Waypointe bond agreement. Mr. Kaplan then read a letter signed by seventeen business owners who could not attend the meeting and the names of those who signed.

He reminded everyone that during the last two weeks leading up to the vote, the Planning Committee and the Council members have heard from many others who were in favor of the project, also.

Mr. Victor Cavallo came forward and said that he lived on Rowayton Drive. He said that the area that Waypointe would be covering is a blighted area. He then reminded everyone that the City has issued bonds to build other garages. He then pointed out that the parking garage that was being constructed would have to be 75% leased before the City issued the bonds. He then reviewed the details of the requirements for issuances of the bonds. Mr. Cavallo then said that a Google search would result in six pages of documents regarding this bond issue.

Mr. Joe Passero of Norwalk and Chief Operating Officer of Klaff's came forward and said that Klaff's was one of the early revitalization efforts for South Norwalk. Retail is in decline right now and that the foot traffic would increase business for Matthew's Park and Stepping Stones. The project would benefit all of Norwalk.

Mr. Mel Sivlerstein came forward and said he lived at 158 Gillies Lane. He said that the Mayor had told him that Norwalk was not giving the money away. He said that he was sorry that he was incorrect on this.

Two weeks ago, he had asked whether Merritt 7 had received any City funding for building their garages and was told that they did not. He said that Norwalk needed to reconsider this project.

He then asked about how this would affect the bond rating and when construction would be scheduled to start after approval. Another concern was what might happen if they run out of funding half way through the project.

Mr. William Nightingale Jr. came forward and said that he lives in Rowayton. Mr. Nightingale said that there had been a lot of discussion about the approval process. He said that there have been a number of meetings, but that there haven't been many venues for the public to comment on the proposal. He said that the West Avenue Corridor Plan never mentioned the public financing. This was approved in 2006 and it wasn't until late 2007 that the idea of City bonding came forward. Mr. Nightingale said that he had attended a Mayoral review of the MDA and that there were comments and concerns expressed but nothing had been changed in the MDA. He said that he felt that it should include the residential component and there had been no correction of the real estate situation.

Ms. Dolores Meehan of Clinton Avenue came forward and said that she was against the City becoming involved this project. She said that she had written a letter that was published in the newspaper and that the Mayor had chastised her for her letter.

Mayor Moccia said that the letter had stated that the Governor had refused to give any money to Norwalk and that this was incorrect. Ms. Meehan replied that she had the right to say anything she wanted in a letter to the editor.

Mr. Charlie Howell the CEO of Patriot National Bank, came forward and said that he felt that it would be a tremendous economic stimulus and was firmly in favor of the project.

Atty. Ed Schmidt came forward and said that he was with Curtin, Brinkerhoff and Barrett. He said that his firm represents Currie Tire and that Currie would be affected by this project. He said that the reasons for taking the property by eminent domain would be illegal. He said that after reviewing the documents on line, that eminent domain has been specifically eliminated from the project and cited the various sections of the MDA when it was mentioned. Atty. Schmidt said that Currie Tire is not for sale and that now that he was no longer under threat of eminent domain, Mr. Currie was willing to speak to the developer.

Mr. David Park came forward and said that he was from 66 Strawberry Avenue. He said that he had spoken in favor of the project in the past and did not want to reiterate his previous statements. He said that he has been a homeowner since 1985 and that he would like to see the taxes stabilized. Mr. Park also reminded everyone that there was an impartial group that had reviewed the MDA. Mr. Park said that when he moved to Norwalk in 1985, the various projects like the Maritime Aquarium, Washington Street and other were either on the drawing board or just starting. He said that this project needed to go forward.

Mr. Michael Harden came forward and said he lived in Harborview in South Norwalk. He said that he believed that this particular area of Norwalk needs to be redeveloped and that this was a well-developed plan and would move the City forward. This would provide 700 temporary jobs, and many permanent jobs, along with bringing new life to West Avenue. If a city does not move forward, it loses ground.

Mr. Christopher Cooke then came forward and said that he lived on Overbrook road. He said that he was in favor of Waypointe and a project whose time has come. The stimulus that it would provide for the City would help tremendously,. As chairman of the Board of the LMM, he felt that it would be a wonderful asset to the City and a symbiotic relationship with the mansion. This would be a win-win situation for the City.

Mr. Christopher Potts came forward and said he lives at 73 Nursery Street. He said this was the third time he had addressed the Council or a committee about Waypointe. He said that he was not against commercial development, but some projects like the Norwalk mall or 50 Washington Street did not do as well as expected. This one project will take up 40% of Norwalk's indebtedness and that it would force to favor Waypointe above all others. He then referred to Scenario 5, which was the worse case situation projections by the Finance Department. He then said that there would be an 86 million shortfall if a four million dollar item was removed from the projection.

Mr. Melvin Patrick and said that he lived on Commerce Street and lived in Norwalk 36 years. He asked if Norwalk had to product a top ten list of projects, where would these parking garages be on the list. Mr. Patrick said that he felt that the entire list would be occupied by the parking list because there would be no other money for the other projects. He said that a vote against the project would not be a vote against progress but a vote for fiscal responsibility.

Mr. David Westmoreland said that he resides on Elmwood Avenue and is President of the Norwalk Historical Society. He said that the Society was working with the developer and that there were many good things happening. This type of private/public partnership would benefit Norwalk and expected that the Council would provide the necessary safe guards for the City.

Ms. Patsy Brescea of 136 West Avenue came forward and said that the City had spent much time on the issue of Waypointe and the garages. It is the crossroad for the City and will shape the core of the City. She said that she had spoken in support of 95/7 and Waypointe and other projects. She said that she had participated in many meetings where challenging decisions were made, such as the creation of Oak Hill Park, the purchase of the SONO Railroad Station, the renovation of the former Norwalk High School into City Hall, the development of the Norwalk Transit Authority, along with several other projects. She said that she hoped that the Council would move the project forward tonight so the City could benefit as it had from the other project.

Mr. Steven Bayer came forward and said that he had been doing business in Norwalk for 30 years. He said that he was watched the development of Norwalk, but also noticed the downtown area of Norwalk stagnate. Mr. Bayer said that while he was present to support the project, he was also afraid that if it was turned down, another project would not come up for another 30 years. He said that he felt it would benefit all the citizens of Norwalk.

Mr. Jerry Effren came forward and said that he lived in Norwalk and had businesses in Norwalk. There have been many meetings about this. He said that he had tried to find out where all the risk was for the project. Mr. Effren said that the risk was all on Mr. Seligson's part and that the City would only be doing a "take out" portion, when things were completed. He said that Norwalk should be happy to help Mr. Seligson complete this project.

Ms. Julie Burton came forward and said she lives at 14 Sunwich Road. She said that she would like to see the Waypointe project to move forward but felt that the last few stages were being rushed. She then asked if

Mr. Hamilton could present his stress test process again so that the people who had concerns could understand the concept. She then asked several detailed questions about the level of input and what kind of additional taxes might be levied on the City. She reiterated her request for one last meeting for the public to clarify the terms of the financial package. She suggested that any change of the agreement would be required to have a public hearing before the changes were made.

Ms. Diane Cece of Olmstead Place in Norwalk said that there were eight requirements for purchase, but that the Council could later waive these requirements after the MDA was approved. She then listed a number of other instances where the Council could change the terms of the MDA or change the agreement, which would then raise taxes. She said that there had been much discussion about the project but there were no public hearings or public presentations on this. She then suggested that the vote might be based on political will rather than facts. She requested that the Council be prudent in financial responsibility.

Mr. Ed Musante came forward and greeted the Council. He said that he was president of the Chamber of Commerce. He said that he was impressed with Patsy Brescea's comments. If the Council votes tonight, it will transcend the politics of the situation and be a vote for a tax base, jobs and a benefit for the City. He pointed out that the majority of the people have spoken in favor of the project.

Ms. Janet Adams came forward and said she lived at 288 Fallow Street. She said that she feels strongly that the project should go forward. She then pointed out that from where she lives in West Norwalk, she can be in Darien or New Canaan in a few minutes, while Wilton or Stamford would be just a slightly longer drive. She felt that Waypointe would draw residents from the surrounding communities to Norwalk.

Mr. Dan Grundman came forward and said that he lived on Grumman Lane. He said that he opposed the use of General Obligation Bonds because it would make the Norwalk Taxpayer responsible for a private project. However, he was in favor of Revenue Bonds, which are not secured by the City taxpayers. He pointed out where the General Revenue Bonds were cited in the MDA and said that issuing General Obligations Bonds without the taxpayers approval. He then said that if the GOBs were used, then there should be a referendum for the residents.

Mr. Nathan Sumpter of 45 Baxter Drive came forward and said that he was a member of Grace Baptist Church. Mr. Sumpter said that he was speaking for Rev. Lindsay Curtis and read a letter in support of the project. Rev. Curtis requested minority contractors be used, and that the project provide affordable housing for the City.

Mr. Sumpter then congratulated Rev. Bolden for her hard work on this issue. He said that he personally felt that it was the time to move forward.

Mr. Scott Kimmick of Gillies Lane came forward and asked what there was to not like about Waypointe. He said that he was wary of being involved in this bond project and for the City taking all the risk. He suggested that the Council reconsider the project in terms of today's economy. He said that he agreed with Mr. Sumpter regarding using a high percentage of minority contractors.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations: There were no resignations to accept at this time.

Appointments: There were no appointed to consider at this time.

Reappointments: There were no reappointments to consider at this time.

B. REMARKS

Mayor Moccia said that he would request that everyone remain respectful regarding one another. He then explained that the Federal stimulus package had many public/private partnerships included in it.

V. COUNCIL PRESIDENT

CONSENT CALENDAR

**** REV. BOLDEN MOVED THE FOLLOWING ITEMS AS THE CONSENT CALENDAR:**

VI. AGENCIES, BOARDS & COMMISSIONS

A. BOARD OF ESTIMATE & TAXATION

2. RESOLVED, THAT A SUM NOT TO EXCEED \$540,000 BE AND THE SAME IS HEREBY TRANSFERRED FROM CONTINGENCY TO THE DEPARTMENT OF PUBLIC WORKS FOR SOLID WASTE DISPOSAL. (ACCOUNT NO. 01-4042-5298

3. RESOLVED, THAT A SUM NOT TO EXCEED \$126,485 BE AND THE SAME IS HEREBY TRANSFERRED FROM INCREASED ESTIMATED REVENUES TO THE BOARD OF EDUCATION FOR SCHOOL HEATING ASSISTANCE FROM THE STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT. (ACCOUNT NO. 16026200-624-60).

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: MARCH 12, 2009

2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED MARCH 12, 2008.

3. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED: JANUARY 31, 2009 FEBRUARY 28, 2009

4. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF NORWALK AND MCGLADREY & PULLEN, LLP DATED JULY 12, 2004 FOR INDEPENDENT AUDITING SERVICES TO INCLUDE THE FOLLOWING INCREASE: FOR

B. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. TECHNICAL CORRECTION: AMEND COMMON COUNCIL ACTION OF NOVEMBER 25, 2008, ITEM VII. C.3A WHICH "AUTHORIZE THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO TOTAL COMMUNICATIONS FOR THE PURCHASE..." TO READ AS FOLLOWS:

"AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO TOTAL COMMUNICATIONS INC.'S EXISTING AGREEMENT FOR THE PURCHASE AND INSTALLATION OF A NEW CISCO PHONE SYSTEM FOR ROTON MIDDLE SCHOOL FOR A TOTAL NOT TO EXCEED \$111,765.75. ACCOUNT #0908/09 5010-5777-C0112."

2. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE UNITED HAITIAN AMERICAN SOCIETY OF NORWALK FOR THE USE OF CONFERENCE ROOM #124 IN CITY HALL, TO EXTEND THE AGREEMENT TO APRIL 1, 2010. ALL REMAINING TERMS OF THE AGREEMENT TO REMAIN UNCHANGED.
CONSENT TO TABLE TO COMMITTEE

3A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH BARTHOLOMEW COMPANY FOR THE SUPPLY AND INSTALLATION OF CARPETING IN NORWALK CITY HALL FOR A TOTAL NOT TO EXCEED \$64,439.64 FROM CAPITAL ACCOUNT #09097100-5777-C0439.

3B. AUTHORIZE THE OFFICE OF BUILDING MANAGEMENT TO ISSUE CHANGE ORDERS ON CONTRACT FOR A TOTAL NOT TO EXCEED \$6,443.00.

4. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO GUARDIAN SERVICE INDUSTRIES, INC.'S BUILDING ENGINEERING AND JANITORIAL SERVICES AGREEMENT, TO INCREASE THE OVERTIME ALLOWANCE FROM \$20,000 TO A NOT TO EXCEED AMOUNT OF \$30,000. FUNDS WERE ALLOCATED AS PART OF 2008-09 OPERATING BUDGET ACCOUNT #014071-5266.

D. RECREATION, PARKS, & CULTURAL AFFAIRS COMMITTEE

1. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE ROWAYTON SCHOOL P.T.A. FOR THE USE OF ROWAYTON SCHOOL FIELD FOR THEIR ANNUAL SPRING CARNIVAL TO BE HELD FRIDAY, MAY 1, 2009 FROM 6:00PM – 10:00PM AND SATURDAY, MAY 2, 2009 FROM 10:00AM -5:00PM WITH SET-UP TO TAKE PLACE THURSDAY, APRIL 30, 2009 FROM 10:00AM AND TEAR DOWN SUNDAY, MAY 3, 2009 BY 9:00AM. ESTIMATED ATTENDANCE 500.

2. APPROVE THE 2009/10 FACILITY USAGE AND PARKING FEES FOR THE DEPARTMENT OF RECREATION AND PARKS PER BALL FIELD LIGHTING FOR EACH EVENT.
3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH STANTEC FOR THE CREATION OF A COMPREHENSIVE MASTER PLAN FOR CRANBURY PARK RFP#2736 FOR A SUM NOT TO EXCEED \$33,000.00. ACCOUNT #09076030-5777-C0399.
4. APPROVE THE USE OF THE ORCHARD AT CRANBURY BY PAWS(PET ANIMAL WELFARE SOCIETY) FOR THEIR 2ND ANNUAL "BARK IN THE PARK" TO BE HELD SUNDAY, SEPTEMBER 13, 2009 FROM 9:30AM – 1:00PM WITH A RAIN DATE OF SUNDAY, SEPTEMBER 20, 2009. ESTIMATED ATTENDANCE 145-160.
5. APPROVE THE USE OF THE GALLAHER ESTATE IN CRANBURY PARK BY ALLISON LOVITO FOR A WEDDING TO BE HELD SATURDAY, OCTOBER 31, 2009 FROM 12:00 NOON – 12:00 MIDNIGHT. ESTIMATED ATTENDANCE 150-200.
- 6A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE NORWALK EXCHANGE CLUB FOR THE USE OF TAYLOR FARM FOR THEIR ANNUAL EXCHANGE AND GATEWAY ANTIQUE AUTO SHOW TO BE HELD SUNDAY, APRIL 26, 2009, FROM 8:00AM – 4:00PM WITH A RAIN DATE OF SUNDAY, MAY 3, 2009. SET-UP TO TAKE PLACE FRIDAY, APRIL 24, 2009 AFTER 12:00 NOON WITH TEAR DOWN BY SUNDAY, APRIL 26, 2009 BY 5:00PM. ESTIMATED ATTENDANCE 1,000.
- 6B. APPROVE THE USE OF THE SHOW MOBILE BY THE NORWALK EXCHANGE CLUB FOR THEIR ANNUAL EXCHANGE AND GATEWAY ANTIQUE AUTO SHOW TO BE HELD SUNDAY, APRIL 26, 2009 WITH A RAIN DATE OF SUNDAY, MAY 3, 2009.
7. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE NATIONAL MARINE MANUFACTURERS ASSOCIATION (NMMA) FOR THE USE OF CALF PASTURE BEACH, SHADY BEACH, TAYLOR FARM AND MARVIN SCHOOL FOR ATTENDEE PARKING FOR THE NORWALK INTERNATIONAL IN-WATER BOAT SHOW TO BE HELD THURSDAY, SEPTEMBER 24, 2009 THROUGH SUNDAY, SEPTEMBER 27, 2009. ESTIMATED ATTENDANCE 20,000+. PARKING FEE \$8.00/VEHICLE.
8. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH KAYAK FOR A CAUSE FOR THEIR ANNUAL KAYAK FOR A CAUSE IX TO BE HELD AT CALF PASTURE BEACH ON SATURDAY, JULY 25, 2009 FROM 12:00NOON – 9:00PM WITH SET-UP TO TAKE PLACE FRIDAY, JULY 24, 2009 AT 8:00AM AND TEAR

DOWN BY SUNDAY, JULY 26, 2009 AT 12:00NOON. ESTIMATED ATTENDANCE 1,500+.

E. ORDINANCE COMMITTEE

2. ADOPT THE PROPOSED REVISIONS TO THE NORWALK CODE CHAPTER 73A -PARKING AUTHORITY.

3. ADOPT THE PROPOSED REVISIONS TO THE NORWALK CODE CHAPTER 45, ARTICLE IV- OUTDOOR DINING.

**** THE MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

GENERAL COUNCIL BUSINESS

- 1. Approve and adopt the Bond Resolution related to the financing of the West Avenue Corridor- Plan Area B Redevelopment Project, known as the Waypointe Project. The Bond Resolution is entitled: "Resolution Of The City Of Norwalk Making Appropriations For The Acquisition Of Certain Public Improvements Related To The West Avenue Corridor (Waypointe) Project And Authorizing The Issuance Of General Obligations Of The City To Meet Said Appropriations".**
- 2. Authorize the Mayor to execute any and all documents and the City to undertake any and all actions related to said Bond Resolution in order to implement the financing provided for therein.**

**** REV. BOLDEN MOVED THE FOLLOWING ITEMS:**

- 1. APPROVE AND ADOPT THE BOND RESOLUTION RELATED TO THE FINANCING OF THE WEST AVENUE CORRIDOR- PLAN AREA B REDEVELOPMENT PROJECT, KNOWN AS THE WAYPOINTE PROJECT. THE BOND RESOLUTION IS ENTITLED: "RESOLUTION OF THE CITY OF NORWALK MAKING APPROPRIATIONS FOR THE ACQUISITION OF CERTAIN PUBLIC IMPROVEMENTS RELATED TO THE WEST AVENUE CORRIDOR (WAYPOINTE) PROJECT AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATIONS OF THE CITY TO MEET SAID APPROPRIATIONS".**
- 2. AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS AND THE CITY TO UNDERTAKE ANY AND ALL ACTIONS RELATED TO SAID BOND RESOLUTION IN ORDER TO IMPLEMENT THE FINANCING PROVIDED FOR THEREIN.**

Rev. Bolden said that she would like to thank everyone for all their hard work. Everyone has ideas and input and that the Committee had worked on this very diligently. Rev. Bolden said that this had been a long process, and the time line started in 1998. She said that she was personally satisfied with the information. Rev. Bolden said that she hoped that the project would move forward tonight.

Mr. Krummel said that he would like to echo Rev. Bolden's remarks. He said that there were two issues, one of which was the project and that many people wanted, but the second part was the impact of the taxes and the City's fiduciary responsibilities on this. Mr. Krummel said that he had spend many hours on the MDA and the bond resolutions. Mr. Krummel then reviewed the history of the project from 2002 forward. Parking garages were not introduced until 2005 and the original proposal was for Revenue Bonds. He then said that the BMHS project had a feasibility study done and that the project had been completed on time and came in under budget. He reminded everyone that there had been numerous meetings because it was a complex project. Mr. Krummel then said that there was much in the Bond Proposal that needed clarification. He then listed a number of phrases and clauses that he objected to in the Bond Resolution.

Mr. Hempstead then asked Mr. Hamilton and Mr. Bill Lindsay, of Independent Bond Investment Consultants, who helped with the presentation of the project to the Bond rating agencies, along with Atty. Frank Cole, Atty. David Panico, both of Robinson and Cole to address some of these concerns.

Mr. Hamilton then reviewed the Scenario 5 in the Finance Department document, which had been mentioned earlier. He explained that the Mayor's Review Committee had requested this type of analysis, which he did provide for them. He pointed out the MDA provides for the SSD tax to remain in place until the City recovers all funds, in the event of a shortfall.

Mr. Krummel said that one of the concerns about the referendum for the SSD. Atty. Frank Baker, of Robinson and Cole, came forward to clarify this for Mr. Krummel. Atty. Maslan said that the SSD Committee could not initiate a referendum. He then reviewed the details of the proposal and how the SSD would function. If a referendum was held, it would be the residents of the SSD that would be voting on changes on their own district.

Mr. Hamilton said that there had been concerns as to whether or not there was adequate vetting. Mr. Hamilton said that he believed that there had been extensive vetting and this project was probably more thoroughly vetted than any other that he knew of during his time with the City. He then listed a number of outside, professional consultants who had reviewed on the project. Mr. Hamilton said that he believed that the due diligence has been done.

Another concern that was expressed regarding the alternative financing. Mr. Hamilton explained that it would be highly unlikely that either a variable rate debt or an interest rate swop would be issued on this project. He added that the reason that they were included was that so the City would have all the tools needed when the bonds are issued. The bonds that were issued for the Maritime Center were variable rate debt bonds in 2002. They were converted to fixed rate bonds in 2004 because the market situation had changed. Doing this saved the City thousands of dollars.

Atty. Cole came forward and confirmed that in 2004, there was a Bond Sale Committee for the Maritime Garage and that the Council had voted on the issues. Atty. Cole reviewed the details on the project.

Mr. Lindsay came forward to talk about the fixed rate debt and interest rate swops. He explained that all the language was intended to do was to allow the City the flexibility to use this under certain situations in the future.

Ms. Lindstrom asked about the timeline. Atty. Baker then reviewed the requirements and explained that there was a minimum of 36 months when the developer must commence construction. He added that the project still must go through the Planning and Zoning approvals, also. Atty. Cole said that if the

requirements were not met, the City would not have to issue the bonds. If any of these swops were done, the City would have to go before a Credit Rating company and justify the use of these swops.

Mr. Krummel objected to the fact that the 09-10 budget did not include the issuances of the bonds in it. Mr. Hamilton said that if the project was approved, it would be included as a notation.

When asked about the fire station, Mr. Hamilton said that the fire station would be built and bonded before this project was well underway.

Mr. Hempstead asked that the audio tape be kept in the City Clerk's office. He pointed out that there was a referendum on Manresa Island and it failed. The community then allowed Manresa to go to Northeast Utilities for the power plant. Mr. Hempstead then reviewed some of the early history of the project. He said that the numerous consultants were not Mr. Hamilton's consultants, or Mr. Sheehan's consultants but the consultant for the Council. Their entire role in this project has been to protect the City from risk. Mr. Hempstead said that he truly believed that this project needs to be supported.

Mr. Kydes said that this project has taken a long time. There has been plenty of opportunity to review the documents and the process has been very transparent. The economy has taken a downturn now. Mr. Kydes said that Waypointe was a breath of fresh air and that it will help Norwalk move forward. Mr. Kydes said that if Norwalk doesn't move forward, it will destroy Norwalk for our children and our grandchildren.

RECESS

The Mayor declared a recess at 10:29 p.m. The meeting resumed at 10:40 p.m.

Atty. Cole came forward and said that it had come to his attention that the Council was concerned about the procedure for the bond resolution. He pointed out that he had been doing these resolutions for the City for almost 40 years and there was no difference in the process. A Bond Sale Committee is established, and they make administrative decisions. Atty. Cole said that it would be impossible to live in an environment where the Council makes a decision tonight and decided to revoke or revise the decision made tonight. It is important to rely on the administrative body that makes the decision.

Mr. Conway said that there had been a number of letters and concerns expressed regarding the fact that the bonding capacity would be stripped by issuing these bonds. Mr. Conway then asked where this would put the City in terms of the statutory debt limit. Mr. Hamilton said that the City would not even near the statutory debt limit, which is 1.3 billion. He added that it would be categorized into the Redevelopment subcategory.

Mr. Bonenfant thanked the Planning Committee and all those who asked good questions. He said that the fact that the SSD would stay in place until the debt was repaid. Mr. Bonenfant said that even if the SSD was dissolved, the residents would still be paying the tax at the set rate.

Mr. Bondi said that he was glad to have all these bond experts present to answer the questions. He also thanked everyone for their hard work..

Mr. McQuaid said that he was around when the project was first presented fourteen or fifteen years ago. Mr. McQuaid said that the experts have spoken and he would be supporting this project.

Mr. Kydes said that he understood about the initiatives like this. This is an opportunity to make Norwalk into a jewel of Fairfield County. By looking past the fear, the future can be brought closer.

Ms. Straniti said that she felt that Mr. Hamilton was correct about how thoroughly this project has been vetted. She said that there had been many meetings about this and how many of those meetings were with neighborhood associations and other groups. By having all the independent experts and consultants, this project has been looked at from every angle. The Planning Committee worked very hard and Rev. Bolden provided a great deal of leadership through the process.

Ms. Straniti said that with the garages and the public infrastructures, the City will be getting good value for the dollar because it would cost the City about 150 million to do the same project rather 103 million. She said that she would whole-heartedly support this project. In closing, she thanked Mr. Hamilton for all his hard work.

Mayor Moccia asked Mr. Seligson about a health center in Waypointe. Mr. Seligson said that there would be a wellness center in Waypointe in conjunction with Norwalk Hospital.

Mayor Moccia then asked about Blueback Square and the inclusion of a library. Mr. Ken Norva came forward and said that he was a manger for Streetworks. In West Hartford, there was a significant amount of public land, including the building that was the Board of Education and the enlargement of the public library. The cost of the public improvements exceeded the amount of the bond. The reason that there is no public improvement in this project is because there was no public land involved.

Ms. Brown asked whether there would be any public benefit to the city. Mr. Norva reviewed the details of the cost of public improvements and the cost of the land. Since there is no public land being used in the Waypointe project.

Mr. Hempstead asked whether the West Hartford Blueback project MDA dictated how the space was created. Mr. Norva said that West Hartford did not. West Hartford paid for the street improvements, but the Waypointe project MDA is much more stringent than the Blueback agreement. As the principal developer for Blueback Square, Mr. Norva said that he would not sign the Waypointe MDA because of all the restrictions.

Mr. Geake said that he was going to move to table this, but since the Bond counsel said that this was standard process. There are some serious questions about this. Mr. Geake said that the purpose of government was to do for the people the things that they can not do for themselves. He said that he liked the project, but had a problem with the City paying for the parking.

Mr. Serasis said that he would agree with the sentiments of Mr. Geake and Mr. Krummel. He said that he supports the project, but he had a problem with the City bonding itself to own parking garages. He then asked why the people who own parking garages aren't tripping over themselves to take part of this. He also said that if the regular people who have been at many of the meetings still don't understand the process. He said that he wished he could vote in a different manner, but couldn't get past the fact that the City shouldn't be opening parking garages.

Ms. Duleep thanked everyone for coming tonight, but that it would be have wonderful to do as a information session so that the public could have had the chance to ask about derivatives or basis points. Ms. Duleep said

that Norwalk was in a situation where the public library only had half a dozen parking spaces. She said that she understood that Waypointe couldn't address this, but it was a frustration.

Ms. Duleep then asked several detailed questions about Section 4 in the MDA. Atty. Cole then reviewed the details. He explained what a certificate of determination was and reminded everyone that it was a very detailed document. Ms. Duleep then had a question about the recent Bond sales. She said that she felt that she shouldn't have had to ask these questions now, but it should have been done earlier in the process. Atty. Cole said that Robinson and Cole had been at various committee meetings. Mr. Hamilton explained that the recent bond sale was comparable to the vote that was before the Council tonight. Ms. Duleep expressed concerns about the fact that there could be waivers of various regulations.

Mr. Hilliard said that he thought it was a great project and had been discussed thoroughly. This project would provide a number of jobs for people and commended Mr. Seligson for this project. He said that he supported this job. He then reminded everyone that it is important to look at the big picture.

Ms. Brown thanked Mr. Sheehan and Mr. Hamilton for their help in understanding the major components. She added that Mr. Seligson's staff had also been very accommodating. Based on the fact the fact that the City has to go forward and that revitalization must take place, with the professional advice and opinions, Ms. Brown said that she would be supporting the measure despite her reservation about the amount of the bonds. There is still a clause about eminent domain in the MDA, in Exhibit I. Atty. Baker came forward and reviewed the details regarding surface parking lots owned by the developer.

Mr. Krummel then asked several questions about the Bond Sales Committee and the choice between Revenue Bonds or General Obligation Bonds. Atty. Cole said that in this instance, it would not make much difference because the bonds would be backed by the City of Norwalk. The choice would focus on the price between the two bonds at the time when it was issued.

Mr. Krummel asked about the Debt Service Reserve Fund, which Mr. Hamilton then reviewed the details and concept with the Council. Mr. Krummel then asked about Section 12, the issuance of notes in anticipation of the bond. Atty. Cole explained the conditions under which this type of note would be issued. He said that he did not expect to issue this because the City was not constructing anything, but purchasing a finished item. Mr. Krummel then indicated a particular section where he had concerns and Atty. Cole said that the language there was included because of the tax laws. Mr. Krummel said that he wanted to make sure that the notes were not being used to pay for items before the conditions of the MDA were met. Atty. Cole said that it is not possible to issue bonds if they have not met the qualifications to issue bonds.

Ms. Lindstrom said that it was clear that there were many issues about the financing. She said that nine years ago, she was protesting the project, but many things have changed. However as far as the financing goes, the Council is present to work towards getting a sound financial understanding. It is important to get the answers and the information out to the public. Ms. Lindstrom said that she was leaning towards supporting the project because she has had more time to study the issue.

Ms. Lindstrom then asked about the additional appropriations that can be waived. Mr. Hamilton said that the 104 million dollars was in Section 1A and the additional appropriations are addressed in Section 1B and Section 1C. Mr. Hamilton said that there were no additional appropriations beyond the sums named in the sections.

**** MR. HEMPSTEAD MOVED TO EXTEND THE MEETING PAST 12 MIDNIGHT.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** THE MOTION TO APPROVE THE FOLLOWING ITEMS:**

- 1. APPROVE AND ADOPT THE BOND RESOLUTION RELATED TO THE FINANCING OF THE WEST AVENUE CORRIDOR- PLAN AREA B REDEVELOPMENT PROJECT, KNOWN AS THE WAYPOINTE PROJECT. THE BOND RESOLUTION IS ENTITLED: "RESOLUTION OF THE CITY OF NORWALK MAKING APPROPRIATIONS FOR THE ACQUISITION OF CERTAIN PUBLIC IMPROVEMENTS RELATED TO THE WEST AVENUE CORRIDOR (WAYPOINTE) PROJECT AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATIONS OF THE CITY TO MEET SAID APPROPRIATIONS".**
- 2. AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS AND THE CITY TO UNDERTAKE ANY AND ALL ACTIONS RELATED TO SAID BOND RESOLUTION IN ORDER TO IMPLEMENT THE FINANCING PROVIDED FOR THEREIN.**

PASSED WITH ELEVEN IN FAVOR (BONDI, BROWN, MCQUAID, BONENFANT, BOLDEN, HILLIARD, KYDES, LINDSTROM, HEMPSTEAD, STRANITI, AND CONROY) AND FOUR AGAINST (GEAKE, DULEEP, SERASIS, AND KRUMMEL).

A. BOARD OF ESTIMATE & TAXATION

- 1. RESOLVED, that a sum not to exceed \$50,000 be and the same is hereby transferred from Contingency to the Department of Public Works to pay for maintenance and repair of streets due to harsh winter. (Account 01-4021-5381).**

**** MR. HILLIARD MOVED THE FOLLOWING ITEM.**

- 1. RESOLVED, THAT A SUM NOT TO EXCEED \$50,000 BE AND THE SAME IS HEREBY TRANSFERRED FROM CONTINGENCY TO THE DEPARTMENT OF PUBLIC WORKS TO PAY FOR MAINTENANCE AND REPAIR OF STREETS DUE TO HARSH WINTER. (ACCOUNT 01-4021-5381).**

Mr. Krummel apologized to Mr. Alvord for the lateness of the hour. Mr. Krummel said that he would like clarification regarding asphalt price increase. Mr. Alvord said that the price increase by 36% in October and will be increasing another 15% in the near future.

Mr. Krummel said that others are speculating that the patching fees can be used by the contractors. Mr. Alvord said that the fees can only be used for pothole repairs. He added that there are areas like the southern portion of Keeler Avenue that need to be repaved curb to curb.

**** THE MOTION TO APPROVE THE FOLLOWING RESOLUTION:**

- 1. RESOLVED, THAT A SUM NOT TO EXCEED \$50,000 BE AND THE SAME IS HEREBY TRANSFERRED FROM CONTINGENCY TO THE DEPARTMENT OF PUBLIC WORKS TO**

**PAY FOR MAINTENANCE AND REPAIR OF STREETS DUE TO HARSH WINTER.
(ACCOUNT 01-4021-5381).**

PASSED UNANIMOUSLY.

C. PERSONNEL COMMITTEE

- 1. Authorize the Purchasing Agent to issue a Purchase Order to 3D Success by Design, for on-site diversity training and education seminar(s) for 489 employees, pursuant to the requirements outlined in RFP #2702, not to exceed \$21,800. Account #01-10-00-5272.**

**** MR. MCQUAID MOVED THE FOLLOWING RESOLUTION:**

- 1. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO 3D SUCCESS BY DESIGN, FOR ON-SITE DIVERSITY TRAINING AND EDUCATION SEMINAR(S) FOR 489 EMPLOYEES, PURSUANT TO THE REQUIREMENTS OUTLINED IN RFP #2702, NOT TO EXCEED \$21,800. ACCOUNT #01-10-00-5272.**

Rev. Bolden said that she had been contacted by Mr. Bovilsky from Human Relations about this. She said that 3D Success by Design had been used in the past and that this item had not gone through Committee. It was noted that there was no one present to answer the Council Members' questions.

**** MR. MCQUAID MOVED TO TABLE THE FOLLOWING RESOLUTION:**

- 1. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO 3D SUCCESS BY DESIGN, FOR ON-SITE DIVERSITY TRAINING AND EDUCATION SEMINAR(S) FOR 489 EMPLOYEES, PURSUANT TO THE REQUIREMENTS OUTLINED IN RFP #2702, NOT TO EXCEED \$21,800. ACCOUNT #01-10-00-5272.**

**** THE MOTION PASSED WITH TWELVE IN FAVOR (BONDI, BROWN, MCQUAID, BONENFANT, , KYDES, GEAKE, DULEEP, SERASIS, KRUMMEL, LINDSTROM, HEMPSTEAD, STRANTI, AND CONROY) AND TWO AGAINST (BOLDEN AND HILLIARD).**

E. ORDINANCE COMMITTEE

- 1. Adopt the proposed Ordinance Establishing the Waypointe Special Services District.**

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

- 1. ADOPT THE PROPOSED ORDINANCE ESTABLISHING THE WAYPOINTE SPECIAL SERVICES DISTRICT.**

Ms. Brown said that there were several questions about Section I. She said that this was not altered or removed. Atty. Baker came forward and said that this ordinance was solely subject to this issue and the Council could not modify this. He then reviewed the details of this issue with the Council.

Mr. Krummel said that the referendum was required if the Council attempts to amend the ordinances. He then asked if the Board of Commissioners could initiate a change to the ordinance. Atty. Baker said that the Board of Commissioners could not change the organic legislation. Discussion then followed regarding the details of the SSD and the enhanced SSD.

Rev. Bolden said that on page 10 of the updated draft, there was a reference to the non-residential, non-voting tenants on the Board.

Mr. Geake asked about the fact that the SSD was calculated by square footage and whether this was required by the State. Atty. Baker said that the statutes did not specify. He then reviewed the details. The discussion then moved to the appreciable rate on the market residential units and the affordable residential units.

**** THE MOTION TO APPROVE THE FOLLOWING RESOLUTION:**

1. ADOPT THE PROPOSED ORDINANCE ESTABLISHING THE WAYPOINTE SPECIAL SERVICES DISTRICT.

PASSED WITH TWELVE IN FAVOR (BOND, BROWN, MCQUAID, DULEEP, BONENFANT, BOLDEN, HILLIARD, KYDES, LINDSTROM, HEMPSTEAD, STRANITI AND CONROY); ONE ABSTENTION (SERASIS) AND TWO AGAINST (GEAKE AND KRUMMEL).

F. PLANNING COMMITTEE

- 1. Approve of the Master Development Agreement By and Among City of Norwalk, Connecticut, The Norwalk Redevelopment Agency, and Waypointe LLC for the West Avenue Corridor Redevelopment – Plan Area B; and Authorize the Mayor, Richard A. Moccia, to execute on behalf of the City The Master Development Agreement By and Among City of Norwalk, Connecticut, The Norwalk Redevelopment Agency, and Waypointe LLC for the West Avenue Corridor Redevelopment – Plan Area B (the MDA).**
- 2. Authorize the Mayor, Mayor, Richard A. Moccia, to execute any and all other documents and the City to undertake all actions related to and /or necessary for the implementation of The Master Development Agreement By and Among City of Norwalk, Connecticut, The Norwalk Redevelopment Agency, and Waypointe LLC for the West Avenue Corridor Redevelopment – Plan Area B, including but not limited to the following:**
 - a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents related to and necessary to apply for and accept public funding in connection with the West Avenue Corridor Redevelopment – Plan Area B Project, pursuant to Article V, Section 5.3(a) of the MDA.**
 - b. Authorize the Mayor, Richard A. Moccia, to execute the Waypointe Special Services District Parking Facilities License/ Services Agreement – in the form substantially set forth in Exhibit M to the MDA. The License Agreement shall provide the terms pursuant to which the Waypointe SSD will utilize the services of the Norwalk Parking Authority or the City of Norwalk to meet the City’s repair and maintenance obligations related to the Public Garages, pursuant to Article VI, Section 6.3(b) of the MDA.**

- c· Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to contract with the Waypointe Special Services District (the Waypointe SSD) for the operation and maintenance of certain public and/or common improvements within the boundaries of the Waypointe SSD, including but not limited to the Public Garages and certain other improvements described in and pursuant to the Waypointe SSD Parking Facilities License/Services Agreement , pursuant to Article VI, Section 6.3(b) of the MDA.**
- d· Authorize the imposition of a municipal levy as recommended under the Waypointe SSD Ordinance and the collection by the City of the revenues accruing there from, pursuant to Article VI, Section 6.3(d) of the MDA.**
- e· Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to accept the conveyance of fee simple title to the Public Garages, New Streets and Site Improvements as described in Article VIII, Sections 8.1 and 8.2 of the MDA, and to make payment to the Redeveloper for such transfer as set forth in Article VIII, Sections 8.1, 8.4 and 8.6 of the MDA. Such documents shall include but not be limited to bills of sale, substantially in the form set forth in Exhibits Q and Q-1 and such other documents as listed in Exhibit P of the MDA.**
- f· Authorize any and all actions necessary on the part of the City in order to accept the conveyance of fee simple title to the Public Garages, New Streets and Site Improvements as described in Article VIII, Sections 8.1 and 8.2 of the MDA, and to make payment to the Redeveloper for such transfer as set forth in Article VIII, Sections 8.1 and 8.4 of the MDA..**
- g· Authorize the Mayor, Richard A. Moccia to execute any and all documents as may be necessary in connection with the creation of the Condominium in which the Public Garages will be located- including, specifically, the Condominium Declaration consistent with the terms set forth in Exhibit EE to the MDA. The Condominium(s) shall be created pursuant to Article VIII, Section 8.5 of the MDA.**
- h· Authorize the Mayor, Richard A. Moccia, to execute a Controlled Revenue Lot License Agreement in connection with the operation of the Controlled Revenue lot– in the form substantially as set forth in Exhibit I to the MDA. Such action shall be taken pursuant to Article IX, Section 9.1 of the MDA.**
- i· Authorize the Mayor, Richard A. Moccia to execute any and all documents necessary to undertake and implement the design and construction of the City Traffic Improvements pursuant to Article XII, Section 12.1 of the MDA.**
- j· Approve of the Redeveloper, its successors and permitted assigns, as such is described in the MDA, as a sole/ single source from which all Public Improvements may be purchased or acquired and/or any construction services related thereto may be obtained pursuant to Article XIV, Section 14.1 of the MDA.**

- k. Authorize the Mayor, Richard A. Moccia to execute any and all documents necessary to undertake and implement the maintenance, repair, operation, refurbishment and replacement of all Site Improvements and to make all necessary capital expenditures, in order to keep the same in good, safe and clean condition and repair and in a first class condition in accordance with the City's obligations and the maintenance standards set forth in Article XIV, Section 14.6(a) and Exhibit HH to the MDA.**
- l. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to grant an easement to enable the Redeveloper or its permitted successors and /or assigns, to perform its maintenance and improvement obligations related to the New Streets and/or Street Realignment Property pursuant to Article XIV, Section 14.6(d) of the MDA.**
- m. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to enable the City to undertake and implement the maintenance, repair, operation, refurbishment and replacement of the Public Garages and to make all necessary capital expenditures, in order to keep the same in good, safe and clean condition and repair and in a first class condition in accordance with the City's obligations and the maintenance standards set forth in Article XIV, Section 14.8 and Exhibit HH to the MDA.**
- n. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake any and all actions necessary for the discontinuance, unmapping and/ or the realignment of those portions of the rights of way of such public highways as are designated to be discontinued in the Redevelopment Plan for the West Avenue Corridor-Plan Area B and identified in Exhibit AA of the MDA, pursuant to the requirements of Article XVIII, Section 18.3 of the MDA.**
- o. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake any and all actions necessary to provide for all utility services required for the West Avenue Corridor , Plan Area B Redevelopment Project and to perform any and all work required to provide hook-ups between the Improvements constructed as part of the Project and the public utility facilities located in public streets as may be required to effectuate such hook-ups, pursuant to Article XVIII, Section 18.4(b) of the MDA.**
- p. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake all actions necessary and appropriate to satisfying the City's obligations with respect to the Project financing, including matching funds, as may be required and are necessary to initiate and complete the Project in accordance with the terms of the MDA, and as specifically set out in Articles V and VI of the MDA.**
- q. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake all actions necessary and appropriate to provide and accept such easements and licenses for the construction, drainage, utilities, vaults, footings, construction signage, maintenance and other similar purposes as may be necessary to permit and facilitate the performance of the parties obligations with respect to the West Avenue Corridor Plan Area B Redevelopment Project pursuant to the terms of the MDA, specifically under Article XVI, Section 16.2.**

**** REV. BOLDEN MOVED AGENDA ITEMS F 1 & 2 (a-q)**

Rev. Bolden then read the prevailing wage requirements section included the MDA aloud to those present.

Rev. Bolden thanked Mr. Sheehan for his guidance and patience in this matter, along with the staff in Redevelopment, the Finance Department and the Planning Committee. All those who worked on this project are to be commended on performing their due diligence. Rev. Bolden said that she would be voting in favor of this item.

Mr. Geake said that he had several problems with this MDA because the City was assuming far more risk than anyone was admitting to. He then pointed out that the City would have to deal with the high end retail stores, or a sudden drop in the occupancy of the parking garage, and other factors.

Mr. Hilliard said that he is not hearing about people building things, but is hearing about people out of work.

Ms. Duleep said that her main objection was based on what she was hearing from the public, which is the issue of financing. She said that she wished that the information session could have been held at an earlier date. Her major objection was centered on the financial aspects.

Ms. Brown then read two questions that she had received earlier regarding the fact that the Mayor would be authorized to take actions on something that does not yet exist. It is the responsibility of the Mayor and the Council at the time, to authorize the items when the issues arise.

Ms. Brown then went on to comment that while eminent domain was not included in the MDA, there were issues regarding deed swopping.

Atty. Maslan then said that the MDA was a contract and the parties to the contract were the City, the Redevelopment Agency and the developer. When the Mayor signs the document, along with the other parties, the contract is formed. However there is still a contractual obligation on the part of the City to follow through.

Ms. Brown objected to the fact that the Mayor was cited by name in the resolutions. Atty. Maslan reviewed the fact that the succeeding mayors would be assuming the authority. Atty. Baker said that all performances of the contract become the obligation on the part of the parties. Without the MDA being signed, the project will not proceed. If the garages are not built, the Mayor would not be required to sign or authorize anything.

Mr. Hempstead then thanked the Mayor for picking up the vision and taking it to the next step and then all those who were involved in the work to bring this project to this stage. He reminded everyone that there were three major projects that the Council had approved.

Mayor Moccia said that there was a perception that he only cut ribbons, but in the last two years, he has attended many, many meetings on this project. He added that he had worked very hard to convince everyone that Norwalk residents should get the jobs on this project.

**** MR. GEAKE THEN MOVED TO AMEND EXHIBIT H – MERCHANDISING PLAN – ANCHOR/SUPERMARKET PARAGRAPH 2 FROM:**

“OBVIOUSLY, THE PERCENTAGE OF EACH CATEGORY LISTED ABOVE ARE FOR MERCHANDISING PURPOSES ONLY, AND THE FINAL MIX WILL BE WHAT THE “MARKET TELLS US” IT CAN BE. THE PERCENTAGE NOTED ABOVE WILL CHANGE BOTH BEFORE AND AFTER THE PROJECT IS CONSTRUCTED. THE GOAL WILL BE TO DRAW SUPPORT FROM FOUR MAJOR MARKET SEGMENTS: (1) RESIDENTS WITHIN WAYPOINTE, (2) EMPLOYEES WORKING DOWNTOWN, (3) RESIDENTS OF NORWALK, AND (4) VISITORS. LARGER FORMAT TENANTS WILL BE LOCATED LARGELY ON THE UPPER LEVELS WITH SERVICE AND SPECIALTY TENANTS LOCATED ON THE STREET LEVEL. A CENTRAL THEME SHOULD BE ATTRACTION/RECRUITMENT OF NEW, QUALITY RETAIL AND ENTERTAINMENT TENANTS WHICH ARE UNIQUE TO THE NORWALK AREA, COMPATIBLE WITH THE UPSCALE PEDESTRIAN-FRIENDLY ENVIRONMENT AND COMPLEMENTARY TO THE DOWNTOWN AND UPTOWN PROJECTS. SOME EMPHASIS WILL BE ON ATTRACTIVE “FIRSTS IN THE MARKETPLACE” AND “ONE IN MARKETPLACE” RETAILERS, BUT RECOGNITION SHOULD ALSO BE GIVEN TO MAJOR DESTINATION TENANTS WITH THE ABILITY TO DRAW FROM A LARGE TRADE AREA AND WHOSE ADVERTISING DOLLARS CAN BE VERY IMPORTANT TO MARKETING A LOCATION. SIMILARLY, THE MIX OF RESTAURANTS SHOULD INCLUDE “TREND SETTING” SPECIALTY RESTAURANTS AS WELL AS LARGE FORMAT, NATIONAL OR REGIONAL BRAND TYPES OF RESTAURANTS WHICH, BECAUSE OF THEIR RECOGNIZABLE NAME AND MORE POWERFUL MARKETING ABILITY, WILL BE ABLE TO ATTRACT A BROADER CLIENTELE TO THE AREA.”

TO:

“OBVIOUSLY, THE PERCENTAGE OF EACH CATEGORY LISTED ABOVE ARE FOR MERCHANDISING PURPOSES ONLY, AND THE FINAL MIX WILL BE WHAT THE “MARKET TELLS US” IT CAN BE. THE PERCENTAGE NOTED ABOVE WILL CHANGE BOTH BEFORE AND AFTER THE PROJECT IS CONSTRUCTED. SINCE A CHANGE IN THE MIX COULD MATERIALLY IMPACT THE UTILIZATION OF THE PARKING GARAGES, ANY SUCH CHANGE IS SUBJECT TO THE APPROVAL OF THE COMMON COUNCIL, WHICH WILL NOT UNREASONABLY BE WITHHELD. THE GOAL WILL BE TO DRAW SUPPORT FROM FOUR MAJOR MARKET SEGMENTS: (1) RESIDENTS WITHIN WAYPOINTE, (2) EMPLOYEES WORKING DOWNTOWN, (3) RESIDENTS OF NORWALK, AND (4) VISITORS. LARGER FORMAT TENANTS WILL BE LOCATED LARGELY ON THE UPPER LEVELS WITH SERVICE AND SPECIALTY TENANTS LOCATED ON THE STREET LEVEL. A CENTRAL THEME SHOULD BE ATTRACTION/RECRUITMENT OF NEW, QUALITY RETAIL AND ENTERTAINMENT TENANTS WHICH ARE UNIQUE TO THE NORWALK AREA, COMPATIBLE WITH THE UPSCALE PEDESTRIAN-FRIENDLY ENVIRONMENT AND COMPLEMENTARY TO THE DOWNTOWN AND UPTOWN PROJECTS. SOME EMPHASIS WILL BE ON ATTRACTIVE “FIRSTS IN THE MARKETPLACE” AND “ONE IN MARKETPLACE” RETAILERS, BUT RECOGNITION SHOULD ALSO BE GIVEN TO MAJOR DESTINATION TENANTS WITH THE ABILITY TO DRAW FROM A LARGE TRADE AREA AND WHOSE ADVERTISING DOLLARS CAN BE VERY IMPORTANT TO MARKETING A LOCATION. SIMILARLY, THE MIX OF RESTAURANTS SHOULD INCLUDE “TREND SETTING” SPECIALTY RESTAURANTS AS WELL AS LARGE FORMAT, NATIONAL OR REGIONAL BRAND TYPES OF RESTAURANTS WHICH, BECAUSE OF THEIR RECOGNIZABLE NAME AND

MORE POWERFUL MARKETING ABILITY, WILL BE ABLE TO ATTRACT A BROADER CLIENTELE TO THE AREA.”

**** THE MOTION TO AMEND EXHIBIT H – MERCHANDISING PLAN – ANCHOR/SUPERMARKET PARAGRAPH 2 AS CITED ABOVE FAILED TO PASS WITH THREE IN FAVOR (GEAKE, CONROY AND KRUMMEL) AND TWELVE AGAINST (BONDI, BROWN, MCQUAID, DULEEP, BONENFANT, SERASIS, BOLDEN, HILLIARD, KYDES, LINDSTROM, HEMPSTEAD AND STRANITI)**

Mr. Hempstead then said it might not be a good idea to get into the retail percentage. There are zoning regulations that dictate the number of parking.

**** THE MOTION TO APPROVE THE FOLLOWING RESOLUTIONS:**

- 1. APPROVE OF THE MASTER DEVELOPMENT AGREEMENT BY AND AMONG CITY OF NORWALK, CONNECTICUT, THE NORWALK REDEVELOPMENT AGENCY, AND WAYPOINTE LLC FOR THE WEST AVENUE CORRIDOR REDEVELOPMENT – PLAN AREA B; AND AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ON BEHALF OF THE CITY THE MASTER DEVELOPMENT AGREEMENT BY AND AMONG CITY OF NORWALK, CONNECTICUT, THE NORWALK REDEVELOPMENT AGENCY, AND WAYPOINTE LLC FOR THE WEST AVENUE CORRIDOR REDEVELOPMENT – PLAN AREA B (THE MDA).**

- 3. AUTHORIZE THE MAYOR, MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL OTHER DOCUMENTS AND THE CITY TO UNDERTAKE ALL ACTIONS RELATED TO AND /OR NECESSARY FOR THE IMPLEMENTATION OF THE MASTER DEVELOPMENT AGREEMENT BY AND AMONG CITY OF NORWALK, CONNECTICUT, THE NORWALK REDEVELOPMENT AGENCY, AND WAYPOINTE LLC FOR THE WEST AVENUE CORRIDOR REDEVELOPMENT – PLAN AREA B, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:**
 - A· AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO AND NECESSARY TO APPLY FOR AND ACCEPT PUBLIC FUNDING IN CONNECTION WITH THE WEST AVENUE CORRIDOR REDEVELOPMENT – PLAN AREA B PROJECT, PURSUANT TO ARTICLE V, SECTION 5.3(A) OF THE MDA.**

 - B· AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE THE WAYPOINTE SPECIAL SERVICES DISTRICT PARKING FACILITIES LICENSE/ SERVICES AGREEMENT – IN THE FORM SUBSTANTIALLY SET FORTH IN EXHIBIT M TO THE MDA. THE LICENSE AGREEMENT SHALL PROVIDE THE TERMS PURSUANT TO WHICH THE WAYPOINTE SSD WILL UTILIZE THE SERVICES OF THE NORWALK PARKING AUTHORITY OR THE CITY OF NORWALK TO MEET THE CITY’S REPAIR AND MAINTENANCE OBLIGATIONS RELATED TO THE PUBLIC GARAGES, PURSUANT TO ARTICLE VI, SECTION 6.3(B) OF THE MDA.**

- C. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONTRACT WITH THE WAYPOINTE SPECIAL SERVICES DISTRICT (THE WAYPOINTE SSD) FOR THE OPERATION AND MAINTENANCE OF CERTAIN PUBLIC AND/OR COMMON IMPROVEMENTS WITHIN THE BOUNDARIES OF THE WAYPOINTE SSD, INCLUDING BUT NOT LIMITED TO THE PUBLIC GARAGES AND CERTAIN OTHER IMPROVEMENTS DESCRIBED IN AND PURSUANT TO THE WAYPOINTE SSD PARKING FACILITIES LICENSE/SERVICES AGREEMENT , PURSUANT TO ARTICLE VI, SECTION 6.3(B) OF THE MDA.**
- D. AUTHORIZE THE IMPOSITION OF A MUNICIPAL LEVY AS RECOMMENDED UNDER THE WAYPOINTE SSD ORDINANCE AND THE COLLECTION BY THE CITY OF THE REVENUES ACCRUING THERE FROM, PURSUANT TO ARTICLE VI, SECTION 6.3(D) OF THE MDA.**
- E. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACCEPT THE CONVEYANCE OF FEE SIMPLE TITLE TO THE PUBLIC GARAGES, NEW STREETS AND SITE IMPROVEMENTS AS DESCRIBED IN ARTICLE VIII, SECTIONS 8.1 AND 8.2 OF THE MDA, AND TO MAKE PAYMENT TO THE REDEVELOPER FOR SUCH TRANSFER AS SET FORTH IN ARTICLE VIII, SECTIONS 8.1, 8.4 AND 8.6 OF THE MDA. SUCH DOCUMENTS SHALL INCLUDE BUT NOT BE LIMITED TO BILLS OF SALE, SUBSTANTIALLY IN THE FORM SET FORTH IN EXHIBITS Q AND Q-1 AND SUCH OTHER DOCUMENTS AS LISTED IN EXHIBIT P OF THE MDA.**
- F. AUTHORIZE ANY AND ALL ACTIONS NECESSARY ON THE PART OF THE CITY IN ORDER TO ACCEPT THE CONVEYANCE OF FEE SIMPLE TITLE TO THE PUBLIC GARAGES, NEW STREETS AND SITE IMPROVEMENTS AS DESCRIBED IN ARTICLE VIII, SECTIONS 8.1 AND 8.2 OF THE MDA, AND TO MAKE PAYMENT TO THE REDEVELOPER FOR SUCH TRANSFER AS SET FORTH IN ARTICLE VIII, SECTIONS 8.1 AND 8.4 OF THE MDA..**
- G. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE ANY AND ALL DOCUMENTS AS MAY BE NECESSARY IN CONNECTION WITH THE CREATION OF THE CONDOMINIUM IN WHICH THE PUBLIC GARAGES WILL BE LOCATED- INCLUDING, SPECIFICALLY, THE CONDOMINIUM DECLARATION CONSISTENT WITH THE TERMS SET FORTH IN EXHIBIT EE TO THE MDA. THE CONDOMINIUM(S) SHALL BE CREATED PURSUANT TO ARTICLE VIII, SECTION 8.5 OF THE MDA.**
- H. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE A CONTROLLED REVENUE LOT LICENSE AGREEMENT IN CONNECTION WITH THE OPERATION OF THE CONTROLLED REVENUE LOT- IN THE FORM SUBSTANTIALLY AS SET FORTH IN EXHIBIT I TO THE MDA. SUCH ACTION SHALL BE TAKEN PURSUANT TO ARTICLE IX, SECTION 9.1 OF THE MDA.**
- I. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO UNDERTAKE AND IMPLEMENT THE DESIGN**

AND CONSTRUCTION OF THE CITY TRAFFIC IMPROVEMENTS PURSUANT TO ARTICLE XII, SECTION 12.1 OF THE MDA.

- J· APPROVE OF THE REDEVELOPER, ITS SUCCESSORS AND PERMITTED ASSIGNS, AS SUCH IS DESCRIBED IN THE MDA, AS A SOLE/ SINGLE SOURCE FROM WHICH ALL PUBLIC IMPROVEMENTS MAY BE PURCHASED OR ACQUIRED AND/OR ANY CONSTRUCTION SERVICES RELATED THERETO MAY BE OBTAINED PURSUANT TO ARTICLE XIV, SECTION 14.1 OF THE MDA.**
- K· AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO UNDERTAKE AND IMPLEMENT THE MAINTENANCE, REPAIR, OPERATION, REFURBISHMENT AND REPLACEMENT OF ALL SITE IMPROVEMENTS AND TO MAKE ALL NECESSARY CAPITAL EXPENDITURES, IN ORDER TO KEEP THE SAME IN GOOD, SAFE AND CLEAN CONDITION AND REPAIR AND IN A FIRST CLASS CONDITION IN ACCORDANCE WITH THE CITY'S OBLIGATIONS AND THE MAINTENANCE STANDARDS SET FORTH IN ARTICLE XIV, SECTION 14.6(A) AND EXHIBIT HH TO THE MDA.**
- L· AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO GRANT AN EASEMENT TO ENABLE THE REDEVELOPER OR ITS PERMITTED SUCCESSORS AND /OR ASSIGNS, TO PERFORM ITS MAINTENANCE AND IMPROVEMENT OBLIGATIONS RELATED TO THE NEW STREETS AND/OR STREET REALIGNMENT PROPERTY PURSUANT TO ARTICLE XIV, SECTION 14.6(D) OF THE MDA.**
- M· AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ENABLE THE CITY TO UNDERTAKE AND IMPLEMENT THE MAINTENANCE, REPAIR, OPERATION, REFURBISHMENT AND REPLACEMENT OF THE PUBLIC GARAGES AND TO MAKE ALL NECESSARY CAPITAL EXPENDITURES, IN ORDER TO KEEP THE SAME IN GOOD, SAFE AND CLEAN CONDITION AND REPAIR AND IN A FIRST CLASS CONDITION IN ACCORDANCE WITH THE CITY'S OBLIGATIONS AND THE MAINTENANCE STANDARDS SET FORTH IN ARTICLE XIV, SECTION 14.8 AND EXHIBIT HH TO THE MDA.**
- N· AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS AND THE CITY TO UNDERTAKE ANY AND ALL ACTIONS NECESSARY FOR THE DISCONTINUANCE, UNMAPPING AND/ OR THE REALIGNMENT OF THOSE PORTIONS OF THE RIGHTS OF WAY OF SUCH PUBLIC HIGHWAYS AS ARE DESIGNATED TO BE DISCONTINUED IN THE REDEVELOPMENT PLAN FOR THE WEST AVENUE CORRIDOR-PLAN AREA B AND IDENTIFIED IN EXHIBIT AA OF THE MDA, PURSUANT TO THE REQUIREMENTS OF ARTICLE XVIII, SECTION 18.3 OF THE MDA.**
- O· AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS AND THE CITY TO UNDERTAKE ANY AND ALL ACTIONS**

NECESSARY TO PROVIDE FOR ALL UTILITY SERVICES REQUIRED FOR THE WEST AVENUE CORRIDOR , PLAN AREA B REDEVELOPMENT PROJECT AND TO PERFORM ANY AND ALL WORK REQUIRED TO PROVIDE HOOK-UPS BETWEEN THE IMPROVEMENTS CONSTRUCTED AS PART OF THE PROJECT AND THE PUBLIC UTILITY FACILITIES LOCATED IN PUBLIC STREETS AS MAY BE REQUIRED TO EFFECTUATE SUCH HOOK-UPS, PURSUANT TO ARTICLE XVIII, SECTION 18.4(B) OF THE MDA.

P. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS AND THE CITY TO UNDERTAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO SATISFYING THE CITY'S OBLIGATIONS WITH RESPECT TO THE PROJECT FINANCING, INCLUDING MATCHING FUNDS, AS MAY BE REQUIRED AND ARE NECESSARY TO INITIATE AND COMPLETE THE PROJECT IN ACCORDANCE WITH THE TERMS OF THE MDA, AND AS SPECIFICALLY SET OUT IN ARTICLES V AND VI OF THE MDA.

Q. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS AND THE CITY TO UNDERTAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO PROVIDE AND ACCEPT SUCH EASEMENTS AND LICENSES FOR THE CONSTRUCTION, DRAINAGE, UTILITIES, VAULTS, FOOTINGS, CONSTRUCTION SIGNAGE, MAINTENANCE AND OTHER SIMILAR PURPOSES AS MAY BE NECESSARY TO PERMIT AND FACILITATE THE PERFORMANCE OF THE PARTIES OBLIGATIONS WITH RESPECT TO THE WEST AVENUE CORRIDOR PLAN AREA B REDEVELOPMENT PROJECT PURSUANT TO THE TERMS OF THE MDA, SPECIFICALLY UNDER ARTICLE XVI, SECTION 16.2.

PASSED WITH TWELVE IN FAVOR (BONDI, BROWN, MCQUAID, DULEEP, BONENFANT, BOLDEN, HILLIARD, KYDES, LINDSTROM, HEMPSTEAD, STRANITI AND CONROY); ONE ABSTENTION (SERASIS) AND TWO AGAINST (GEAKE AND KRUMMEL).

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions from the Council at this time.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no postponed motions from the Council at this time.

X. SUSPENSION OF THE RULES

There were no motions to suspend the rules from the Council at this time.

XI. ADJOURNMENT

**** MR. KYDES MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 1:05 a.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

