

**COMMON COUNCIL  
NORWALK, CONNECTICUT**

**JUNE 9, 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.**

The Mayor called the meeting to order at 8:03 p.m. Following the Pledge of Allegiance, the Mayor requested a moment of silence in memory of Council Member Kelly Straniti’s father who passed away recently.

**I. ROLL CALL**

Ms. Wink called the roll. The following Council Members were present:

- |               |               |
|---------------|---------------|
| Mr. Bondi     | Ms. Brown     |
| Mr. Geake     | Mr. McQuaid   |
| Ms. Duleep    | Mr. Bonenfant |
| Mr. Serasis   | Rev. Bolden   |
| Mr. Hilliard  | Mr. Kydes     |
| Ms. Lindstrom | Mr. Hempstead |
| Ms. Straniti  | Mr. Conroy    |

There were 14 members present and one absent (Krummel).

**II. ACCEPTANCE OF MINUTES**

**Regular meeting –**

**May 12, 2009**

**\*\* MR. BONDI MOVED THE MINUTES OF MAY 12, 2009.**

**\*\* THE MOTION PASSED WITH THIRTEEN IN FAVOR (BONDI, BROWN, MCQUAID, DULEEP, BONENFANT, SERASIS, BOLDEN, HILLIARD, KYDES, LINDSTROM, HEMPSTEAD, STRANITI, AND CONROY) AND ONE ABSTENTION (GEAKE).**

**May 26, 2009**

**\*\* MR. CONROY MOVED THE MINUTES OF MAY 12, 2009.**

**\*\* THE MOTION PASSED WITH THIRTEEN IN FAVOR (BONDI, BROWN, MCQUAID, DULEEP, BONENFANT, SERASIS, BOLDEN, HILLIARD, KYDES, LINDSTROM, HEMPSTEAD, GEAKE, AND CONROY) AND ONE ABSTENTION (STRANITI).**

### **III. PUBLIC PARTICIPATION**

Ms. Ganga Duleep came forward and said that she would like to talk about the Zoning on Day Street. She said that she was the President of Friend of Ryan Park, but was present as a concerned resident about the change in the zoning for affordable housing on Day Street. She said that she felt that there could be other uses for that site. She then said that she had an alternative use project and requested that the Council not vote on proposal for 90 days to allow the residents to present other proposals.

Mr. Christopher Potts, 73 Nursery Street, came forward and said that Diane Lauricella was not able to be present at the meeting. He then read a statement from Ms. Lauricella regarding the changes on Day Street. Ms. Lauricella said that she had some concerns about the changes on Day Street. She felt the site was zoned for light industry and asked why the City was making it into a residential parcel. She said that it would be important to have more efforts towards finding clean industry for the area rather than housing.

### **IV. MAYOR**

#### **A. RESIGNATIONS AND APPOINTMENTS**

**Resignations:** There were no resignations to consider at this time.

**Appointments:** Paul Arcario - *Historical Commission*

Mayor Moccia said that he was withdrawing Mr. Arcario's appointment to the Historical Commission because Mr. Arcario was already serving on the Norwalk Facility Construction Committee.

**Reappointment:** Gerald Foley – *Purchasing Agent*

#### **\*\* MR. KYDES MOVED TO APPROVE THE REAPPOINTMENT OF GERALD FOLEY AS THE PURCHASING AGENT FOR THE CITY OF NORWALK.**

Mr. Foley was a candidate for reappointment as Purchasing Agent. The Mayor commented that the City of Norwalk was very fortunate to have both Mr. Hamilton and Mr. Foley working on the City Finances. Mr. Hempstead said that he felt very secure with the fact that all the rules and knows that Mr. Foley pays close attention to all the details.

Mr. Kydes said that he and Mr. Foley share the same professional background and that Mr. Foley does his job well.

Ms. Brown said that Mr. Foley was most congenial and courtesy and he works very hard to save the City money in every area he can. She thanked Mr. Foley for all his help when she first came onto the Council.

Mr. Hilliard said that Mr. Foley had been very helpful to him when he had questions.

**\*\* THE MOTION TO APPROVE THE REAPPOINTMENT OF GERALD FOLEY AS THE PURCHASING AGENT FOR THE CITY OF NORWALK PASSED UNANIMOUSLY.**

**B. REMARKS**

Mayor Moccia apologized for his head cold. He thanked the First Taxing District for the beautiful rededication of the cannon ceremony on the Green. He thanked the First Taxing District Commissioners for all their efforts in restoring the cannon and relocating it on the Green.

Mayor Moccia said that there was a press conference with other concerned parties regarding the closing of the Norwalk Courthouse. He said that many residents who do not cars would have difficulty getting to the Stamford courthouse. He added that the officers would be tied up in Stamford rather than in Norwalk and that domestic violence and the housing dockets would be moved to Stamford also if the courthouse was closed.

**IV. COUNCIL PRESIDENT**

**A. GENERAL BUSINESS**

Rev. Bolden then greeted everyone and said that she would like to express her condolences to Ms. Straniti in the loss of her father. She then encouraged the public to remember the survivors of the recent fire that took place in Norwalk, also.

Rev. Bolden said that on June 10th there would be a Norwalk 101 class in City Hall for those who would be interested in participating in Norwalk government.

She then announced that there would be a “pARTy in the Park” on June 20th and encouraged everyone to attend.

**B. CONSENT CALENDAR:**

**\*\* REV. BOLDEN MOVED TO ADD AN ITEM TO THE HEALTH, WELFARE AND PUBLIC SAFETY CONSENT AGENDA FOR THE COUNCIL TO RECEIVED A JAG POLICE ENFORCEMENT GRANT.**

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

Rev. Bolden then announced that items VII C 5a & 5b would be consent to table. This was agreeable to all.

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

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

**A. CORPORATION COUNSEL**

1. Authorization to Settle Claim: Novia Blount v. Sofia Morawski, et al

**VII. COMMON COUNCIL COMMITTEES**

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

- 1a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the Connecticut Department of Education under the Youth Service Bureau Enhancement Grant Program for 2009-2011.
- 1b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement a Youth Service Bureau Enhancement Program, pursuant to such grant funding.
- 2a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State Department of Education and the State Department of Social Services for the 2009-2011 Quality Enhancement Grant Program.
- 2b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement the Quality Enhancement Grant Program.
- 3a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the Connecticut Health Foundation for the 2009-2016 for implementation funding for the Community Implementation Plan (CIP).
- 3b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement the Community Implementation Plan.
4. Authorize the Purchasing Agent to execute a purchase order, on behalf of the Norwalk Police Department, to Mar-Vel International, Inc, the low bidder, for the purchase of 10 sets of accessories for the recently purchased Colt Model 6940 Law Enforcement Carbines, for an amount not to exceed \$ 9,400. Funds to be taken from Federal Asset Forfeiture Account # 0300002660.”
5. Receive JAG Grant Application



**B. PUBLIC WORKS COMMITTEE**

1. Approve proposed revisions to DPW Rate and Fee Schedule.
5. Authorize the Mayor, Richard A. Moccia, to execute a City/State Agreement for Demand Deposit for the West Avenue Traffic Improvement Project 102-334 for an amount not to exceed \$15,400.00. Account No. Redevelopment Agency
6. Authorize the Mayor, Richard A. Moccia, to execute an amendment to the Agreement with FGB Construction Company for Project No. PM 2009-1, Proposed Pavement Management Program, for a sum not to exceed \$1,500,000.00. Account No. 09100404021005777C0021
7. Authorize the Mayor, Richard A. Moccia, to execute the Second Amendment to the Agreement with Vanasse Hangen Brustlin, Inc. for 4R Pavement Management Program for a sum not to exceed \$150,000.00. Account No. 09100404021005777C0021

**C. PLANNING COMMITTEE**

1. Authorize the Mayor, Richard A. Moccia to execute all DECD Urban Act Application documents related to the proposed \$5M grant for the Waypointe Project.
4. Authorize the Mayor, Richard A. Moccia to execute all documents necessary to execute the Urban Act Grant Assistant Agreement between DECD and the City of Norwalk for a \$5M grant for the Waypointe Project.
- 5a. Approve the Professional Service Agreement between the City of Norwalk and the Norwalk Redevelopment Agency in the amount of \$482,000 to manage all DECD \$5M the grant expenditure contracts for the Waypointe Project. CONSENT TO TABLE
- 5b. Authorize the Mayor, Richard A. Moccia to execute all documents required to implement the Agreement subject to review by the Norwalk Office of Corporation Counsel. CONSENT TO TABLE
6. Authorize the Mayor, Richard A. Moccia to negotiate and execute a Professional Services Agreement with the Norwalk Redevelopment Agency designating the Agency with the administrative responsibilities associated with the current grant award to the City of Norwalk from the State of Connecticut's Municipal Brownfields Pilot Program. The execution of this Professional Services Agreement is subject to the review of the City of Norwalk's Corporation Counsel Office. CONSENT TO TABLE FOR FURTHER REVIEW BY THE FINANCE DIRECTOR & CORPORATION COUNSEL.

8. **Approve the list of organizations for the 2009 Neighborhood Assistance Tax Credit Program.**

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

**VII B. PUBLIC WORKS COMMITTEE**

Ms. Lindstrom said that in Mr. Krummel's absence, she would like to move all the items together since they are all related. This was agreeable to all.

**\*\* MS. LINDSTROM MOVED THE FOLLOWING ITEMS:**

- 2a. **Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Deering Construction for Project RD 2009-1 West Avenue Roadway Improvements for an amount not to exceed \$4,745,287.70.**
- 2b. **Authorize the Director of Public Works to issue Orders on Contract to Deering Construction for Project RD 2009-1 West Avenue Roadway Improvements for an amount not to exceed \$474,528.77. Account No. Redevelopment Agency**
- 3a. **Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Deering Construction for Project RD 2009-1A Crescent Street Project for an amount not to exceed \$621,053.95.**
- 3b. **Authorize the Director of Public Works to issue Orders on Contract to Deering Construction for Project RD 2009-1A Crescent Street Project for an amount not to exceed \$62,105.39. Account No. Redevelopment Agency**
- 4a. **Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Deering Construction for Project RD 2009-1B North Water Street Project for an amount not to exceed \$609,583.75.**
- 4b. **Authorize the Director of Public Works to issue Orders on Contract to Deering Construction for Project RD 2009-1B North Water Street Project for an amount not to exceed \$60,958.38. Account No. Redevelopment Agency.**

Ms. Lindstrom stated that this project would result in a widening of the road and widening of the sidewalks. Mr. Geake said that while he was aware of the state of the economy, 95/7 had been underway for a quarter of a century, Waypointe does not still have control of all the property, and he asked why this would happen now. Mr. Alvord said that the improvements from Garner to Butler would help 95/7 and Waypointe attract tenants with the improvements. He said that there was no reason not move forward on the Crescent Street project at this time. North Water Street could be done at a later date, but there is funding available for both now.

Mr. Kydes said that with the improvements he felt that it was a good idea. He then asked Ms. Lindstrom to describe what the process of choosing the streets was and commented that the improvements were vastly needed. The Mayor pointed out that the process for choosing streets for repairs was something that was done in committee. Mr. Kydes thanked Mr. Alvord for working so hard on this.

Mr. Hempstead said that from economic point of view, this was the perfect time to get this done. Having this in place means that the economy will turn and in the past, Norwalk has missed three other opportunities like this. He said that once this is done, the City would be in place to attract tenants and also have some State funding.

Ms. Brown asked about the out of pocket funding. Mr. Alvord said that there had been funds approved for the City's Capital Budget.

**\*\* THE MOTION TO APPROVE AGENDA ITEMS VII B 2a-4b PASSED UNANIMOUSLY.**

**8. Authorize the Mayor, Richard A. Moccia, to execute a Planting Maintenance Agreement with the Connecticut Department of Transportation related to the planting of trees along US Route 1 (Van Buren Avenue).**

**\*\* MS. LINDSTROM MOVED THE ITEM.**

Ms. Lindstrom then gave a very brief overview of the project.

Ms. Brown asked who requested the trees. Mr. Alvord said that they were requested by the Spring Hill/Hospital Neighborhood Association. She then asked what kind of trees would be planted and how much the trees cost. Mr. Alvord said they would be red maples and gave her the current price. This funding is part of the \$25,000 Tree Planting yearly allocation.

Mr. Bonenfant expressed concerns about the sight lines. Mr. Alvord said that these trees would be planted on van Buren and because of the elevation, they would not create sight line issues.

Ms. Brown asked if there were any other tree plantings planned for with State encroachments. Mr. Alvord said that this was the first tree planting permit from the State and that there were no other ones planned.

**\*\* THE MOTION TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE A PLANTING MAINTENANCE AGREEMENT WITH THE CONNECTICUT DEPARTMENT OF TRANSPORTATION RELATED TO THE PLANTING OF TREES ALONG US ROUTE 1 (VAN BUREN AVENUE) PASSED UNANIMOUSLY.**

## **C. PLANNING COMMITTEE**

### **2. Approve the Project Financing Plan & Budget.**

**\*\* REV. BOLDEN MOVED THE ITEM.**

**\*\* THE MOTION TO APPROVE THE PROJECT FINANCING PLAN & BUDGET PASSED UNANIMOUSLY.**

### **3. Approve the execution of a Certified Resolution authorizing DECD to extend financial assistance to the Waypointe Project.**

**\*\* REV. BOLDEN MOVED THE ITEM.**

**\*\* THE MOTION TO APPROVE THE EXECUTION OF A CERTIFIED RESOLUTION AUTHORIZING DECD TO EXTEND FINANCIAL ASSISTANCE TO THE WAYPOINTE PROJECT PASSED UNANIMOUSLY.**

### **7. Authorize the Norwalk Redevelopment Agency to pursue the necessary revisions to the existing Project Development Plan for the Water Street Industrial Development Project allowing residential development on the City-owned properties at 13 Day Street and 20 Day Street.**

**\*\* REV. BOLDEN MOVED THE ITEM.**

Mr. Hempstead asked Mr. Sheehan about this being part of a larger project involving Washington Village. Mr. Sheehan said that it was not. In terms of the proposal, there had been statements made that this was a zone change. This is not a zone change, it had a restriction on the use until 2011, which requires the property remain for industrial use. As time has progressed, it is not the intended use according to the City's Master Plan of Use and Development. Mr. Sheehan then cited the appropriate statement in the Master Plan for the Commission. The Planning Commission spent months dealing with the Master Plan and the Redevelopment Agency is seeking to implement the Master Plan. Mr. Hempstead asked if there had been discussion with the Housing Authority about this. Mr. Sheehan had said there had been discussions about having housing here. He said that he had no problems having this as a mixed use site. The Agency said that they had heard from the public that this site was requested for affordable housing.

Mr. Geake asked if there were contamination issues. Mr. Sheehan said that there had been a proposal for development and that a developer had been working on the remediation for a number of years.

Ms. Duleep asked if that was part of the Water Street Master Plan or the South Norwalk Plan. She said that she did not see the section cited in her copy of the South Norwalk Master Plan. Mr. Sheehan said that it was the City Master Plan that he cited. She then had several detailed questions regarding the lease on the property, which Mr. Sheehan answered. Ms. Duleep said that she did not see why this was in the agenda right now. Mr. Sheehan said that this process takes time and that there had been extensive feed



back from the community about this. Ms. Duleep asked if the site was on a flood plain and expressed concerns about putting housing in a known flood plain. Mr. Sheehan said that there are issues with the state's policy regarding affordable housing in a flood plain. He said that the State would not be putting their resources into the project, however CHAFA would be willing to put funding in if there is insurance on the land. The Federal Government also would be willing to help with funding.

Ms. Duleep asked several other questions regarding the State restrictions on housing located within a flood plain. Mr. Sheehan said that the current Commissioner is looking to bring about a change in the policy because the State cites the 500 year flood plain. Major swathes of real estate are affected by this.

Ms. Duleep said that there had been other suggested uses such as recreational use for children under 18 years of age. Mr. Sheehan said that there were other two plans that were developed by the Planning Commission not by the Redevelopment Agency. The tenants of those plans were then moved forward to the City Master Plan.

Ms. Duleep asked what happens in 2011. Mr. Sheehan said that the restriction will be removed, but the city shouldn't wait to work on a use that is inconsistent with the City's Master Plan.

Mr. Hilliard said that he would like to know if that a delay of a month would be a major issue because he would like more time to look at this.

Ms. Brown asked if there were any firm plans for these two properties. Mr. Sheehan said that they had discussed the potential use of these properties with developers. He then repeated that this is not a zone change proposal, it is permission to ask the State to release the sites from the restrictions in order to allow the developers to propose projects.

Mr. Kydes asked if it ultimately would be a zoning issue. Mr. Sheehan said that it eventually would be an zoning issue. Mr. Kydes asked about the change of zone with this because of the limited industrial use in the City and converting it into residential without taking into consideration the schools and other impacts. Mr. Kydes said that he had an issue with this. A few years ago, the Zoning Commission had an Industrial Use Committee and this area was not identified as one of the industrial areas. Mr. Kydes said that he would have to vote against this issue.

The Mayor asked if the City was in danger of falling below the 10% of affordable housing. Mr. Sheehan then reminded everyone that in the last 10 years, the City had added more units to the housing stock without affordable units, so the City could slip below the 10% affordable housing threshold.

Rev. Bolden then reviewed the details of the resolution. She then said that the Committee had spent a great deal of time on the City's Master Plan of Development.

Mr. Bonenfant asked if the Redevelopment Agency had an obligation for relocation for the tenant. Mr. Sheehan said that he did not recall any obligation to help the current tenant relocate.

Mr. Bondi said that there were properties available in the City for light industry and felt that the City needed affordable housing. This would help the City maintain the 10% affordable housing ratio.

### **RECESS**

The Mayor declared a recess at 9:10 p.m. The meeting resumed at 9:24 p.m.

**\*\* REV. BOLDEN MOVED TO TABLE ITEM 7 AUTHORIZE THE NORWALK REDEVELOPMENT AGENCY TO PURSUE THE NECESSARY REVISIONS TO THE EXISTING PROJECT DEVELOPMENT PLAN FOR THE WATER STREET INDUSTRIAL DEVELOPMENT PROJECT ALLOWING RESIDENTIAL DEVELOPMENT ON THE CITY-OWNED PROPERTIES AT 13 DAY STREET AND 20 DAY STREET UNTIL THE NEXT COUNCIL MEETING.**

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

#### **D. PERSONNEL COMMITTEE**

1. NMEA Tentative Agreement EXECUTIVE SESSION

9. Discussion of potential acquisition of property within Redevelopment areas. EXECUTIVE SESSION

10a. Approve application to the U.S. Department of Housing and Urban Development (HUD) for Brownfields Economic Development Initiative (BEDI) Grant and for Section 108 loans. EXECUTIVE SESSION

10b. Authorize the Mayor, Richard A. Moccia to sign such documents as required to submit the applications. EXECUTIVE SESSION

**\*\* MR. BONDI MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A UNION AGREEMENT AND LAND ACQUISITION.**

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

The Council entered into Executive Session at 9:25 p.m. Mr. Kydes left the meeting during the session. The Council returned to public session at 10:40 p.m.

The Mayor announced that Mr. Kydes had been present for the NMEA discussion, but had recused himself before the discussion of the property acquisition within the Redevelopment area began.

#### **NMEA Tentative Agreement.**

**\*\* REV. BOLDEN MOVED TO APPROVE THE NMEA TENTATIVE AGREEMENT.**

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

**10a. Approve application to the U.S. Department of Housing and Urban Development (HUD) for Brownfields Economic Development Initiative (BEDI) Grant and for Section 108 loans**

**10b. Authorize the Mayor, Richard A. Moccia to sign such documents as required to submit the applications**

**\*\* REV. BOLDEN MOVED AGENDA ITEMS VII C 10a & 10b.**

**\*\* THE MOTION TO APPROVE AGENDA ITEMS VII C 10a & 10b PASSED WITH EIGHT IN FAVOR (BONDI, BROWN, GEAKE, BONENFANT, BOLDEN, HILLIARD, HEMPSTEAD AND CONROY) AND FIVE ABSTENTIONS (MCQUAID, DULEEP, SERASIS, LINDSTROM, AND STRANITI).**

**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 motions to consider at this time.

**X. SUSPENSION OF THE RULES**

There were no suspensions of the rules at this time.

**XI. ADJOURNMENT**

**\*\* MS. BROWN MOVED TO ADJOURN.**

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

The meeting adjourned at 10:45 p.m.

Respectfully submitted

Sharon L. Soltes  
Telesco Secretarial Services