

**COMMON COUNCIL ACTION OCTOBER 9, 2012**  
**NORWALK, CONNECTICUT 8:00 P.M. EST. 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 8:04 p.m. and led the assembly in the Pledge of the Allegiance. He also asked for a moment of silence for two Norwalk citizens Donald Nelson and Jonathan Brown and offered his condolences to the two families.

**I. ROLL CALL 12 PRESENT (ABSENT: FRED A. BONDI,  
NICHOLAS D. KYDES, AND JOANNE ROMANO)**

**II. ACCEPTANCE OF MINUTES  
ACCEPTED**

Special Meeting: September 26, 2012

**III. PUBLIC PARTICIPATION 3  
SPEAKERS**

**IV. MAYOR  
A. RESIGNATIONS AND APPOINTMENTS**

**RESIGNATIONS:**

**APPOINTMENTS:** Carolyn Wall, South Western Regional  
Planning Agency (SWRPA)  
**FOR ANNOUNCEMENT**

**PURPOSES ONLY**

**REAPPOINTMENTS:** Sheldon Miller, Transit District Commission  
**APPROVED**

**MAYOR'S REMARKS:** The Mayor stated that there were two tragic losses for both families. Stated that he personally wanted to give his condolences to both families for their loss.

**V. COUNCIL PRESIDENT  
A. GENERAL COUNCIL BUSINESS**

**COMMON COUNCIL ACTION OCTOBER 9, 2012**  
**NORWALK, CONNECTICUT 8:00 P.M. EST. COUNCIL CHAMBERS**

**APPOINTMENTS:**

- B. CONSENT CALENDAR** VII.A.1, VII.B.1., VII.B.2, VII.B.3., VII.B.4., VII.C.1

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

**A. CORPORATION COUNSEL**

**VII. COMMON COUNCIL COMMITTEES**

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

1. To authorize the Mayor Richard A. Moccia, to execute an agreement with Jaques Personnel, Inc to conduct a Fire Department Entry Level Examination for a sum not to exceed \$25,000 from

Account #01-31-40-5258

**AUTHORIZED**

**B. PLANNING COMMITTEE**

1. Approve Wall Street Redevelopment Parcel 3 redeveloper MF DiScala Companies to conduct site testing at the public property delineated in attached Schedule A. **AMENDED AND**

**APPROVED**

2. Approve Corporation Counsel to produce a license agreement that enables the site testing. **APPROVED**

3. Authorization of Mayor Richard A. Moccia to execute the license agreement.

**AUTHORIZED**

4. Approve attached resolution:

**APPROVED**

**A Resolution**

**Common Council of the City of Norwalk, Connecticut  
the Section 108 Loan Request As Made By Wall Street Theater Company, Inc.**

**WHEREAS**, the Common Council of the City of Norwalk, Connecticut has, since approving the Wall Street Redevelopment Plan in 2004, sought the redevelopment of the Globe Theater to house

**COMMON COUNCIL                      ACTION                      OCTOBER 9, 2012**  
**NORWALK, CONNECTICUT            8:00 P.M. EST. COUNCIL CHAMBERS**

a public cultural use that would increase the economic value and enhance the livability of the Wall Street area; and

**WHEREAS**, the Common Council has long recognized the potential need for public financing to accomplish this objective and recognized that the City could be called upon to participate in a redevelopment financing structure along with other private and public investors; and

**WHEREAS**, the Wall Street Theater Company, Inc. is seeking to advance a redevelopment concept that would transform the Globe Theater into an activated performance venue and has requested the City's consideration of a public investment in the form of a Section 108 Loan Guarantee; and

**WHEREAS**, the intended use of the Section 108 Loan Guarantee funding and the entire project's proposed financial structure has been reviewed by the Planning Committee of the Common Council over the course of several meetings; and

**WHEREAS**, the intended Section 108 Loan Guarantee has been determined by the Planning Committee to warrant continued but cautious advancement into the formal application process with HUD with certain structuring requirements and restrictions; and

**WHEREAS**, such requirements and restrictions include but are not limited to the following: (A) the provision by the developer of cash equivalent collateral to guarantee any predevelopment draw on the City's guarantee currently estimated at \$275,000; (B) upon drawing on the remaining City guarantee the City be fully secured for such funds by an A rated bank or better; (C) these guarantees are to be equal to the City's full financial exposure during the term of the Section 108 Loan Guarantee; (D) the Redevelopment Agency be charged with approving the requested guarantee disbursements; (E) the final application contain an in-depth market study that considers the economic feasibility of the intended project whose results are acceptable to the City; and

**WHEREAS**, if this structure is achievable, it significantly mitigates the City's potential call risk by HUD upon the City's annual entitlement allocation of Community Development Block Grant (CDBG) funds which are being used to secure the debt structure should the Wall Street Theater Company, Inc. default on the secured loan and warrants meaningful consideration from the full Common Council; and

**WHEREAS**, such consideration take the form of directing the Redevelopment Agency as the City's CDBG Administrator to prepare for the Common Council's further review and consideration a Section 108 Loan Guarantee Application consistent with the terms as generally outlined herein.

**NOW THEREFORE BE IT RESOLVED: that the Common Council of the City of Norwalk on this date hereby approves this resolution and indicates its support for the proposed redevelopment of the Globe Theater as presented by the Wall Street Theater Company, Inc. and directs the Norwalk Redevelopment Agency to undertake the development of the requested Section 108**

**COMMON COUNCIL ACTION OCTOBER 9, 2012**  
**NORWALK, CONNECTICUT 8:00 P.M. EST. COUNCIL CHAMBERS**

**Loan Application consistent with the terms and conditions so outlined herein for the consideration of this legislative body. ACCEPTED**

**C. PUBLIC WORKS COMMITTEE**

1. Authorize the Mayor, Richard A. Moccia, to execute an amendment to the Agreement with Reliable Excavating Co., Inc. for Project No. PM 2012-2 Bituminous Concrete Permanent Pavement Repairs for a sum not to exceed \$118,500.00.

Account No. 0913 3310 5777 C0473 (\$50,000 P&Z sidewalks)  
030000-2602 (\$10,000 contractor bond, \$58,500 additional pavement repair)

**AUTHORIZED**

**VIII. RESOLUTIONS FROM COMMON COUNCIL**

A Resolution of the Norwalk Common Council

**Sponsored** by Council Members Warren A. Peña (At-Large), David Watts (District A), Matt Miklave (District A), John Igneri (District E), Anna Duleep (At-Large),

**Whereas**, in 1994, the International Association of Chiefs of Police (IACP), conducted an extensive review of the operations of the Norwalk Police Department (NPD); and in May 1995 issued the report entitled "A Study of the Management, Organization and Resource Requirements of the Norwalk Police Department", and in March 2007 the Board of Police Commissioners engaged the IACP to revisit the 1995 report specifically to review recommendations relating to organization of the command structure; and

**Whereas**, the IACP study recommends to eliminate one level of command (Captain Rank) and the position of Deputy Chief, **and** effectively ending a career at the Lieutenant rank, and where the City of Norwalk has ignored this study and has promoted both Captains and Deputy Chiefs since 1996; and

**Whereas**, eliminating Captains would result in an excessive (12 - 1) span of management control (to the Deputy Chief) which hampers the NPD's ability to promote public safety, and to have efficient and effective direction, coordination and oversight; and creates glass ceiling; and

**Whereas**, expanding the span of control of the police force would provide more superior officers to focus on investigations, street patrols, detective work and administration; and open a career path to reward loyal and dedicated public servants, promote management succession and build management infrastructure to respond to critical situations; and

**Whereas**, an inquiry with the Connecticut Conference of Municipalities (CCM) on September

**COMMON COUNCIL ACTION OCTOBER 9, 2012**  
**NORWALK, CONNECTICUT 8:00 P.M. EST. COUNCIL CHAMBERS**

28, 2012 states "The following is in response to your request for information regarding municipalities that have adopted the IACP study and rid their police department of captains and deputy chiefs in favor of commanders. CCM is currently unaware of any municipalities that have adopted this practice. Police departments in areas such as Chicago, San Francisco, Los Angeles and the Metropolitan Police District have created commander positions. However, those municipalities still have captains and deputy or assistant chiefs."

**Whereas**, the Common Council supports the rank of Captain in the NPD, to effectively manage span of control at 9 - 1 or 6 - 1 (rank and file officers for every superior officer), and take action on a promotional list due to expire November 2012 to make Captains, and to open the process for other qualified candidates to the rank of Captain; and

**Now, therefore**, be it resolved by the Common Council of the City of Norwalk that:

The Common Council calls on the City of Norwalk and the Board of Police Commissioners to overturn the Captains ban and to begin promoting Captains.

**Adopted** by the Common Council of the City of Norwalk on October 9, 2012.

**REMOVED AND TABLED BACK TO COMMITTEE**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

X. SUSPENSION OF RULES

XI. ADJOURNMENT 8:31 P.M.

**APPOINTMENTS**

SOUTH WESTERN REGIONAL PLANNING AGENCY (SWRPA) M

NWLK 89

Carolyn Wall (D)

Term Exp. 11/01/15

38 Westmere Avenue

Rowayton, CT 06853

**APPROVED**

**REAPPOINTMENTS**

TRANSIT DISTRICT COMMISSION

M/C

**COMMON COUNCIL                      ACTION                      OCTOBER 9, 2012**  
**NORWALK, CONNECTICUT            8:00 P.M. EST. COUNCIL CHAMBERS**

**PUBLIC ACT 261**  
**Sheldon Miller (R)**  
Exp. 09/30/16  
2 Pumpkin Lane  
Norwalk, CT 06851

**APPROVED**

Term