

**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 Rilling called the meeting to order at 7:39 p.m. and led the Assembly in reciting the Pledge of Allegiance.

Ms. King, City Clerk read the notice stating ha the meeting was being videotaped and audio recorded for the public broadcast and that assisted listening devices were available.

**I. ROLL CALL**

Ms. King called the Roll. The following Common Council members were present:

Council at Large:	Mr. Richard Bonenfant	Mr. Michael Corsello
	Mr. Bruce Kimmel	Mr. Nick Sacchinelli
	Mr. Douglas Hempstead	
District A:	Ms. Eloisa Melendez	Mr. Steven Serasis
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole Giandurco	Mr. Michael DePalma
District E:	Mr. Thomas Livingston	Mr. John Igneri

There were 15 (fifteen) Common Council members present.

Mayor Harry Rilling, Ms. Donna King, City Clerk and Mr. Mario Coppola, Corporation Counsel were also present.

**II. ACCEPTANCE OF MINUTES**

**Regular Meeting(s): January 12, 2016**

**\*\* MR. IGNERI MOVED TO ACCEPT THE MINUTES AS PRESENTED  
\*\* MOTION PASSED WITH ONE (1) ABSTENTION (MR. HEMPSTEAD)**

### **III. PUBLIC PARTICIPATION**

Ms. Janet Evelyn spoke about the N.I.C.E. event that came out of a series of discussions with Recreation and Parks where they discussed various festivals and decided to launch a full-fledged multi-cultural event. Ms. Evelyn who is the founder behind the event, said that it will feature local artists and various art forms, such flamenco dancers.

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

### **IV. MAYOR**

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

APPOINTMENTS: There were none this evening.

REAPPOINTMENTS: There were none this evening

#### **MAYOR'S REMARKS:**

Mayor Rilling gave a tremendous shout out to the team at Public Works for their work during the recent blizzard. He thanked them for their diligence in plowing – he said that they did a remarkable job. Mayor Rilling also thanked the community for staying off the roads and for cleaning the snow from around fire hydrants.

Mayor Rilling reported that he attended the U. S. Conference of Mayor in Washington, DC and had the honor of meeting with President Obama when he spent an hour with the mayors. He said that it was a great experience followed by a reception in the East Wing of the White House.

Mayor Rilling announced that the Mayor's Ball was coming up; 560 people have signed up and the recipients will be the Open Door Shelter and the Human Services Council.

Mayor Rilling noted that February is Black History Month and there will be events around the City celebrating Black History.

### **V. COUNCIL PRESIDENT**

#### **A. GENERAL COUNCIL BUSINESS:**

#### **RESIGNATIONS AND APPOINTMENTS**

RESIGNATION: There were none.

APPOINTMENTS: There were none

Mr. Kimmel commended the Tax Collection Department for their collection rate. The next Tax Sale will take place on July 16, 2016 and the department has begun working on it. This generates a fair amount of money for the City.

Mr. Kimmel reported that the Finance Committee looked into senior tax relief and decided to raise the income eligibility to allow more participants.

A public information meeting was held this week and a variety of conflicting views were expressed by all who attended. Mr. Kimmel commended those who came out to express their views.

## B. CONSENT CALENDAR

**\*\* MS. BOWMAN MOVED THE FOLLOWING CONSENT CALENDAR:**

**CORPORATION COUNSEL  
6A1**

**RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE  
7A2  
7A3  
7A4**

**FINANCE COMMITTEE  
7B1  
7B2  
7B3  
7B4**

**PUBLIC WORKS COMMITTEE  
7C1**

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

### **A. CORPORATION COUNSEL**

**1. AUTHORIZATION TO SETTLE CLAIM: EVERSOURCE ENERGY FACILITIES V. CITY OF NORWALK**

### **A. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE**

**2. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE NORWALK SYMPHONY ORCHESTRA FOR THE USE OF CRANBURY PARK AND GALLAHER MANSION FOR A POPS CONCERT TO BE HELD SUNDAY, SEPTEMBER 18, 2016 FROM 5:00 PM -7:00 PM. SET UP TO TAKE PLACE FRIDAY, SEPTEMBER 18, 2016 AT 8:00 AM WITH TEAR DOWN NO LATER THAN 10:00 PM ON FRIDAY, SEPTEMBER 18, 2016. ESTIMATED ATTENDANCE 600.**

**3. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH TEAM MOSSMAN EVENTS FOR THE USE OF CALF PASTURE BEACH FOR A MOSSMAN SPRINT TRIATHLON TO BE HELD SUNDAY, JULY 10, 2016 FROM 6:30 AM - 11 :00 AM. SET UP TO TAKE PLACE SATURDAY, JULY 9, 2016 FROM 10:00 AM AND 5:00 AM ON SUNDAY, JULY 10, 2016 WITH TEAR DOWN NO LATER THAN 3:00 PM ON SUNDAY, JULY 10, 2016. ESTIMATED ATTENDANCE 400.**

**4. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH NICE INC. (NORWALK INTERNATIONAL CULTURAL EXCHANGE) FOR THE USE OF OYSTER SHELL PARK FOR THE N.I.C.E. FESTIVAL TO BE HELD SATURDAY, JULY 9, 2016 FROM 12:00 NOON -9:00 PM. SET UP TO TAKE PLACE FRIDAY, JULY 8, 2016 AT 12:00 NOON WITH TEAR DOWN NO LATER THAN 12:00 NOON ON MONDAY, JULY 10, 2016. ESTIMATED ATTENDANCE 4,000.**

**B. FINANCE COMMITTEE**

**1. ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: JANUARY 5, 2016**

**2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED JANUARY 12, 2016.**

**3. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED: DECEMBER 31, 2015.**

**4. RESOLUTION, AUTHORIZING A SPECIAL CAPITAL APPROPRIATION IN THE AMOUNT OF \$756,068 FOR THE NORWALK EARLY CHILDHOOD CENTER DEVELOPMENT PROJECT, REPRESENTING THE ANTICIPATED STATE OF CONNECTICUT SHARE FOR THIS PROJECT (ACCOUNT NO. 09165010- 579 9-C0555).**

**C. PUBLIC WORKS COMMITTEE**

**1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH K & J LANDSCAPING, LLC PER RFP# 3630 FOR TREE REMOVAL/TRIMMING SERVICES (FOR A SUM NOT TO EXCEED \$100,000 PER YEAR). ACCOUNT NO. 0140 29 5298**

**\*\* MOTION PASSED UNANIMOUSLY**

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

**A. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE**

**\*\* MR. SIMMS MOVED TO APPROVE THE FOLLOWING ITEM:**

**1. ADDED CONDITION TO PARK USAGE POLICY:**

**ANY EVENT AT THE DISCRETION OF THE RECREATION, PARKS AND CULTURAL AFFAIRS COUNCIL COMMITTEE WHICH INVOLVES TICKET SALES OR ADMISSION WILL BE FORWARDED TO THE FULL COUNCIL FOR A FORMAL AGREEMENT INCLUDING A PUBLIC GATHERING PERMIT.**

Mr. Simms explained that this policy provides an opportunity for Recreation and Parks and the Common Council to review any events that will sell tickets or have an admission fee with over 100 attendees. This gives the Common Council time to look into the event.

Mr. Bonenfant added that this policy relates to an incident that took place in Cranbury Park. He said that this is a good compromise which will allow the Recreation and Parks Committee to flag events

Mr. Hempstead asked if the Common Council can designate its authority to a committee. Mr. Coppola said that he believed it could.

Mr. Serasis said that during the Recreation and Parks Committee meeting, the issue of liability came up with these events. He said that the Committee realized that they need to do something before anything happens. He noted that the Committee worked cooperatively together.

**\*\* MOTION PASSED UNANIMOUSLY**

**C. LAND USE AND BUILDING MANAGEMENT COMMITTEE**

**\*\* MR. LIVINGSTON MOVED TO APPROVE THE FOLLOWING ITEM:**

**1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AMENDMENT TO A. P. CONSTRUCTION COMPANY'S CONTRACT AS THE CONSTRUCTION MANAGER (CM) FOR THE NORWALK EARLY CHILDHOOD CENTER PROJECT AT 11 ALLEN ROAD. TERMS OF THE AGREEMENT SHALL INCLUDE THE FOLLOWING:**

<b>TOTAL TRADE CONTRACTORS' COSTS</b>	<b>\$ 1,646,847</b>
<b>CM FEES (3% OF TOTAL TRADE COSTS)</b>	<b>\$ 59,749</b>
<b>CM CONTINGENCY (3% OF TOTAL TRADE COSTS)</b>	<b>\$ 78,877</b>
<b>CM GENERAL CONDITIONS FEES</b>	<b>\$ 336,599</b>
<b>ADDITIONAL BOND AND INSURANCE COSTS (OVER \$1.2)</b>	<b>\$ 16,825</b>
<b>GENERAL TRADES</b>	<b>\$ 72,639</b>
<b>GUARANTEED MAXIMUM PRICE (GMP)</b>	<b>\$ 2,211,536</b>

**ACCT. #09155010 5777 C0555, #09045010 5777 B0291, #030000-2633,  
#09155010 5777 C0537 AND #09165010 5799C0555**

Mr. Livingston explained that since the agenda was created, the bid was revised. This is for the Early Childhood Center project at the former Roosevelt School to create six classrooms He said that this is an accelerated process and should be completed in August.

**\*\* MR. LIVINGSTON MOVED TO AMEND THE MOTION TO READ AS FOLLOWS:**

**1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AMENDMENT TO A. P. CONSTRUCTION COMPANY'S CONTRACT AS THE CONSTRUCTION MANAGER (CM) FOR THE NORWALK EARLY CHILDHOOD CENTER PROJECT AT 11 ALLEN ROAD. TERMS OF THE AGREEMENT SHALL INCLUDE THE FOLLOWING:**

<b>TOTAL TRADE CONTRACTORS' COSTS</b>	<b>\$ 1,735,639</b>
<b>CM FEES (3% OF TOTAL TRADE COSTS)</b>	<b>\$ 59,749</b>
<b>CM CONTINGENCY (3% OF TOTAL TRADE COSTS)</b>	<b>\$ 78,877</b>
<b>CM GENERAL CONDITIONS FEES</b>	<b>\$ 336,599</b>
<b>ADDITIONAL BOND AND INSURANCE COSTS (OVER \$1.2)</b>	<b>\$ 16,825</b>
<b>GENERAL TRADES</b>	<b>\$ 72,639</b>
<b>GUARANTEED MAXIMUM PRICE (GMP)</b>	<b>\$ 2,300,328</b>

**ACCT. #09155010 5777 C0555, #09045010 5777 B0291, #030000-2633,  
#09155010 5777 C0537 AND #09165010 5799C0555**

Mr. Kimmel said that this is a great project and will free up some classrooms. He said that he was assured that there would not be any adverse impact on the senior center during construction.

Ms. Bowman said that she is in favor of this project because it will free up some space in the schools and provide state of the art classroom for the students.

**\*\* AMENDMENT PASSED UNANIMOUSLY**

**\*\* MOTION AS AMENDED PASSED UNANIMOUSLY**

**\*\* MR. LIVINGSTON MOVED TO APPROVE THE FOLLOWING ITEM:**

**2. AUTHORIZE THE NFCC TO ISSUE CHANGE ORDERS ON  
CONTRACT FOR A TOTAL NOT TO EXCEED \$103,630.**

Mr. Livingston said that this is part of the previous resolution; it allows the Commission to make changes without coming back to the Common Council.

**\*\* MOTION PASSED UNANIMOUSLY**

#### **VIII. RESOLUTIONS FROM COMMON COUNCIL**

**\*\* MR. KYDES MOVED TO SUSPEND THE RULES TO ADD A  
RESOLUTION TO THE AGENDA**

**\*\* MOTION PASSED UNANIMOUSLY**

#### **COMMON COUNCIL RESOLUTION**

**\*\* MR. KYDES MOVED THE FOLLOWING RESOLUTION:**

Sponsored by: John Kydes (District C) & Michelle Maggio (District C)

Replacement of Metro North Railroad Bridge over East Avenue

**WHEREAS, NORWALK RESIDENTS ADAMANTLY OPPOSE THE  
LOWERING OF THE ROADWAY UNDER THE METRO NORTH  
BRIDGE ON EAST AVENUE TO A HEIGHT CONDUCTIVE TO LARGE  
TRUCK ACCESSIBILITY.**

***THEREFORE, BE IT RESOLVED THAT, THE CITY OF NORWALK, CT, REQUESTS THE CT DEPARTMENT OF TRANSPORTATION RESCIND CURRENT PLANS (CONN DOT PROJECT #170-1375) TO LOWER SAID ROADWAY TO FOURTEEN FEET, THREE INCHES AND RESTRICT THE PROJECT HEIGHT TO A CLEARANCE OF NOT MORE THAN THIRTEEN FEET, SIX INCHES; AND***

***THEREFORE, BE IT FURTHER RESOLVED THAT, THE CT DEPARTMENT OF TRANSPORTATION ENSURE THAT ALL EMERGENCY VEHICLES RETAIN SUFFICIENT CLEARANCE TO SAID BRIDGE, AS CURRENTLY ALLOWED.***

***THEREFORE, BE IT FURTHER RESOLVED THAT THE CT DEPARTMENT OF TRANSPORTATION EXPLORE EFFECTIVE METHODS TO ENSURE THAT OVERSIZED TRUCKS DO NOT STRIKE THE BRIDGE.***

Mr. Kydes said that this resolution is not directed to the item before Public Work; this is specifically to the East Avenue railroad bridge.

Ms. Maggio said that she and Mr. Kydes came to a good compromise when this first came about. They were told that the DOT will do what they want on East Avenue, but they need to pay attention to the neighbors.

Mr. Kimmel said that this resolution has nothing to do with the engineering study of the section of East Avenue. He said that he is going to oppose this resolution because the notion of increased truck traffic is based on speculation. He said that getting off of exit 16 is difficult because it is very narrow and constricted and is not sure an 18 wheel truck would be able to do it.

Mr. Kimmel said that another issue that bothers him is that if trucks can't get under the bridge, they will have to make a right onto St. John Street or go into South Norwalk if they turn right on Fort Point Street; these are all primarily residential neighborhoods. Mr. Kimmel said that he did not think it was a good idea to send trucks into residential neighborhoods.

Mr. Kimmel said that he will vote against the resolution, because the section of East Avenue around the train station is not residential.

Mr. Igneri said that it is ironic when he was adamantly against the Rowayton Bridge and now to have this before the Common Council. He said that he understands where Ms. Maggio and Mr. Kydes are coming from, but feels they should focus on the traffic study. Mr. Igneri said that he will abstain from voting on this resolution, but fully supports the engineering traffic study.

Ms. Bowman said that she will support this resolution and hopes that it will urge the State to take changes into account.

Mr. Serasis said that when he was on the Common Council six years ago, there was a traffic study done. He asked why they are spending money on a new traffic study. Mr. Igneri explained that things have changed and people are looking for bicycle lanes. Mayor Rilling added that there is also talk about left hand lanes. There are a few issues coming to light.

Ms. Maggio said that she found out that only a traffic count was done six years ago. The last traffic study was done in 1987. She said that she is in favor of doing a traffic study.

Mr. Kimmel said that the main issue when there is a commuter station, is that you will have 100s of people rushing to cross the street. He said that it is a dangerous situation with the bridge now. It is almost impossible to cross under the bridge when there is a slippery situation or it snows; a lot of work is needed in that area. He said that they are dealing with a big piece of the City's population who use the commuter station and a lot of people are there early in the morning and late in the evening; their safety is paramount.

Mr. Bonenfant commented that all he is hearing tonight reinforces that they do not need more trucks going down East Avenue.

Mr. Hempstead said that he grew up on Edie Avenue and the purpose of the resolution is to discourage trucks from going down East Avenue. Opening up East Avenue makes it more convenient for trucks. He said that he supports the resolution.

Mr. Livingston said that he will support the resolution. He said that he understands and agrees that it is important to separate this from the traffic study.

**\*\* MOTION PASSED BY A SHOW OF HANDS WITH THIRTEEN (13) IN FAVOR; ONE (1) ABSTENTION (MR. IGNERI) AND ONE (1) VOTE IN OPPOSITION (MR. KIMMEL)**

#### **IX. MOTIONS POSTPONED TO A SPECIFIC DATE**

There were none.

#### **X. SUSPENSION OF RULES**

There were none.

#### **XI. ADJOURNMENT**

**\*\* MR. IGNERI MOVED TO ADJOURN  
\*\* MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:35 p.m.

ATTEST: \_\_\_\_\_  
Donna King, City Clerk