

**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 7:33 p.m. and led the Assembly in reciting the Pledge of Allegiance. Mayor Rilling asked for a moment of silence in memory of a veteran of the Norwalk Police Department, Lieutenant Tim Murphy.

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 26, 2016

**** MR. IGNERI MOVED TO ACCEPT THE MINUTES AS PRESENTED
** MOTION PASSED UNANIMOUSLY**

III. PUBLIC PARTICIPATION

Mr. Mark Simon, business owner on East Avenue spoke about the traffic study portion of the East Avenue engineering study and said that it will be one of, if not the largest underpass in Norwalk. He said that that he expects the Common Council to go forward with the study and hopes that it will clarify the problems, but feels that the scope of the traffic study is too narrow and that it ignores the feeder streets. Mr. Simon added that the planned observation time should be expanded.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: John P. McKenna, Oak Hills Park Authority

Mayor Rilling announced Mr. McKenna's resignation because he moved out of Norwalk.

APPOINTMENTS: None

REAPPOINTMENTS:

Robert Mercurio, Conservation Commission

**** MR. BONENFANT MOVED TO APPROVE THE REAPPOINTMENT OF ROBERT MERCURIO TO THE CONSERVATION COMMISSION**

Mr. Bonenfant said that Mr. Mercurio received good recommendations.

**** MOTION PASSED UNANIMOUSLY**

Karen Destefanis, Conservation Commission

**** MR. KIMMEL MOVED TO APPROVE THE REAPPOINTMENT OF MS. DESTEFANIS TO THE CONSERVATION COMMISSION**

Mr. Kimmel said that Ms. Destefanis' resume is very impressive and she had done a good job.

**** MOTION PASSED UNANIMOUSLY**

MAYOR'S REMARKS:

Mayor Rilling announced that the Senior Tax Relief Workshop will take place on Saturday, February 13th. The first 300 seniors will receive an LED lightbulb. The Police Department will celebrate their annual awards ceremony on February 17th

Mayor Rilling wished everyone a happy Valentine's Day and asked everyone to support our local businesses. City Hall will be closed on Presidents' Day. This is Black History Month and a lot of celebrations are taking place across town.

The newly formed Police Emerald Day Society will hold a St. Patrick's Day parade on March 17th. More details to come.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

Mr. Kimmel said that the Finance Claims Committee increased the income eligibility to widen the number of folks who would be eligible for senior tax relief. The Charter Revision Committee will hold their first public hearing on Wednesday. Mr. Kimmel said that they need to hear what the residents are thinking.

Mr. Kimmel said that as things stand with the budget, the proposed tax increase is probably the lowest in the past 10 years. He said that he was happy to say that the funds are in the budget to fund the Board of Education so that they can restructure Special Education.

The Finance Claims Committee will hold a public hearing on February 15th on the operating budget. The Common Council will vote on the cap for the operating budget in two weeks and then it will go to the Board of Estimate.

RESIGNATIONS AND APPOINTMENTS

There were none this evening.

B. CONSENT CALENDAR

**** MR. DEPALMA MOVED THE FOLLOWING CONSENT CALENDAR:**

CORPORATION COUNSEL

6A1

6A2

ORDINANCE

7A1

HEALTH, WELFARE & PUBLIC SAFETY

7B1

7B2

PUBLIC WORKS COMMITTEE

7C2

7C3 A 7 B

7C4

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

- 1. AUTHORIZE TO SETTLE THE FREQUENCY RECONFIGURATION AGREEMENT EXECUTED ON MAY 22, 2008 AND AMENDED MARCH 26, 2009 AND MARCH 9, 2011. EXECUTIVE SESSION**
- 2. AUTHORIZE TO SETTLE THE PLANNING FUNDING AGREEMENT EXECUTED ON SEPTEMBER 12, 2006 AND AMENDED JANUARY 17, 2008. EXECUTIVE SESSION**

VII. COMMON COUNCIL COMMITTEES

A. ORDINANCE COMMITTEE

- 1. APPROVE PROPOSED REVISIONS TO CHAPTER 19-BIDDING AND PURCHASING-SECTION 19-3 RESPONSIBLE BIDDERS ORDINANCE.**

B. HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE

- 1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE STATE OF CONNECTICUT FOR THE IMMUNIZATION ACTION PLAN (IAP) PROGRAM FOR THE PERIOD JANUARY 1, 2016, TO DECEMBER 31, 2020 IN THE AMOUNT OF \$486,765.00.**
- 2. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS OR AMENDMENTS AS MAY BE NECESSARY TO IMPLEMENT THE IMMUNIZATION ACTION PLAN (IAP) PROGRAM FOR THE PERIOD JANUARY 1, 2016, TO DECEMBER 31, 2020.**

C. PUBLIC WORKS COMMITTEE

- 2. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH AECOM (FORMERLY URS) FOR PROFESSIONAL ENGINEERING SERVICES FOR CONSTRUCTION ADMINISTRATION AND INSPECTION DURING REHABILITATION OF BRIDGE NO. 04154 - PERRY AVENUE BRIDGE OVER NORWALK RIVER, CONNDOT PROJECT 102-319, FOR A SUM NOT TO EXCEED \$410,000.**

80% FEDERAL REIMBURSEMENT (FEDERAL LOCAL BRIDGE PROGRAM).

ACCOUNT:

**09 09 4021 5777 C0392
09 10 4021 5777 C0392
09 11 4021 5777 C0392
09 13 4021 5777 C0392
09 12 4021 5777 C0392
09 13 4021 5777 C0392
09 15 4021 5777 C0392
09 16 4021 5777 C0392**

- 3A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH MILAN'S EXPERT RENOVATION LLC FOR PROJECT DPW 2016-1 - TRANSFER STATION SIDING REPAIRS FOR AN AMOUNT NOT TO EXCEED \$ 69,998.**

- 3B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE ORDERS ON CONTRACT TO MILAN'S EXPERT RENOVATION LLC FOR PROJECT NO. DPW 2016-1, NORWALK TRANSFER STATION SIDING REPAIRS, FOR A SUM NOT TO EXCEED \$6,999.**

ACCOUNT:

09 14 4031 5777 C0515

- 4. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ORDERS ON CONTRACT WITH THE GRASSO COMPANIES, LLC FOR PROJECT NO. DRG2014-1 DRAINAGE IMPROVEMENTS- SCRIBNER AVENUE, EDLIE AVENUE/PREWITT STREET, DEANE CT/BELMONT PLACE, FOR A SUM NOT TO EXCEED \$28,000.**

ACCOUNT: 09 14 4027 5777 C0440

**** MOTION PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

C. PUBLIC WORKS COMMITTEE

**** MR. IGNERI MOVED TO APPROVE THE FOLLOWING ITEM:**

- 1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE THE SECOND AMENDMENT TO THE AUGUST 28, 2007 AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE CITY OF NORWALK AND A. DICESARE ASSOCIATES, P.C., REGARDING THE EAST AVENUE RECONSTRUCTION PROJECT FOR AN AMOUNT NOT TO EXCEED \$359,000 IN ACCORDANCE WITH THE ATTACHED SCOPE OF SERVICES DATED DECEMBER 30, 2015.
ACCOUNT:
09 10 4021 5777 C0471
09 11 4021 5777 C0471
09 12 4021 5777 C0471**

Mr. Igneri said that this item has been in the works for a long time and the plan will coordinate with the State. He said that he looks forward to input from the committee of neighbors.

Mr. Hempstead asked for clarification on the taking of properties. Mr. Chimento, Director of Public Works explained that the state is doing the takings and they are all working easements except for the corner of Fort Point Street and East Avenue.

Mr. Hempstead said that he wants to be sensitive to the East Norwalk residents and asked Mr. Chimento about the vertical clearance of the rail road bridge. Mr. Chimento said that he is waiting to hear back from the State on their recommendation on the vertical changes.

Mayor Rilling said that the State is behind schedule on the design, but meetings are on-going. The Redevelopment Agency voted on an expenditure to mitigate impact on small business owners.

Ms. Maggio said that she has received e-mails and personal outcries against this project. At the last Common Council meeting a resolution was passed. She said that she has heard the constituents loud and clear. She said that she was here for the people who elected her and feels fooling to go forward until they hear back from the State.

Mr. Kydes said that he would vote no tonight.

Mr. Bonenfant said that it was premature to go forward when the request is in front of the DOT.

Mr. Corsello said that efforts have been made to limit the clearance and that he hopes for good news for the City. He said that the study will not commence tomorrow and suggested moving forward.

Mr. Kimmel said that he will support this item. He said that this is an important part of the City and putting things off is counterproductive.

**** MR. HEMPSTEAD MOVED TO AMEND PAGE 11 OF THE AGREEMENT TO REDUCE THE VERTICAL CLEARANCE ON THE EAST AVENUE ROADWAY FROM 14 FEET 2 INCHES TO 13 FEET 6 INCHES**

Mr. Kimmel said that this is an issue to discuss at the State level and sees this as slowing things down. He said that if there is a need for adjustments, the engineers are fully equipped to do so. Mr. Igneri agreed with Mr. Kimmel and said that they need to move forward. He said that they will be talking with the neighbors and will have up to five other public information sessions. He said that this amendment will confuse the issue.

Ms. O'Toole Giandurco said that she supports the amendment because it supports the resolution that was passed at the last meeting. Ms. Maggio said that she was told that this is a work in progress. Mr. Coppola said that all contracts are subject to change if both parties agree.

Mr. Kimmel said that the resolution to the State is one thing, but he does not think they should change the wording of what is presented to the engineering firm; they have to be consistent and not send mixed messages.

Ms. Maggio said that it makes sense to wait for the State before going forward with the engineering study. Mr. Hempstead said that a resolution is a sense of what the Common Council wants and the majority of the Common Council wants 13'6". He said that to start out telling a contractor to ignore what the Common Council wants does not compute. He said that he is ok with 13' 6".

Mr. Igneri said that he felt that they were making a big mistake because it will confuse the issue. The state assured him that they will be back to the City in short order. Mr. Coppola noted that the State usually takes longer.

Mr. Kimmel said that the State did what it considers its due diligence and they are trying to coordinate work with the WALK bridge to minimize the adverse impact on commuters.

Mr. Chimento said that they could do an amendment to the contract. He said that he feels that the traffic study will take several months. He added that the State is anxious to move ahead because it is part of the WALK Bridge and they want to go out to bid in December for the entire project. He said that the contract would have to be amended if the Common

Council approves reducing the vertical clearance. Mr. Coppola suggested giving Mr. Chimento authorization to make changes to the contract with DiCesare Associates.

Mr. Hempstead said that Norwalk should be telling the State what it wants; other communities got what they wanted. Mr. Chimento said that they are talking about roadway and streetscape design; the vertical clearance is what it is.

Mr. Igneri asked Mr. Hempstead if he would withdraw his amendment. Mr. Coppola suggested that the Common Council give Mr. Chimento the ability to make changes to the contract at the administrative level. Mr. Livingston said that this needs to get set up on an almost autopilot and would not suggest that Mr. Chimento could approve a height beyond the current 14' 2".

Mr. Simms said that it seems that folks are undecided and asked if it would be detrimental to move this back to committee. Mr. Chimento said that it would delay getting the traffic study started.

Mr. Hempstead said that he would not withdraw his amendment.

**** THE AMENDMENT PASSED WITH SEVEN (7) IN FAVOR (MR. BONENFANT; MR. HEMPSTEAD; MS. BOWMAN; MR. KYDES; MS. MAGGIO; MR. DEPALMA; MS. O'TOOLE GIANDURCO) AND SIX (6) OPPOSED (MR. CORSELLO; MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MR. IGNERI; MR. LIVINGSTON) AND TWO (2) ABSTENTIONS (MR. SERASIS AND MR. SIMMS)**

**** THE MOTION AS AMENDED PASSED WITH THIRTEEN (13) IN FAVOR (MR. CORSELLO; MR. HEMPSTEAD; MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MR. SERASIS; MS. BOWMAN; MR. SIMMS; MR. KYDES; MR. DEPALMA; MS. O'TOOLE GIANDURCO; MR. IGNERI; MR. LIVINGSTON) AND TWO (2) OPPOSED (MR. BONENFANT AND MS. MAGGIO)**

**** MR. IGNERI MOVED THE FOLLOWING ITEMS:**

5A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH DEERING CONSTRUCTION, INC. FOR PROJECT NO. RD 2016-1 CONCRETE CURBS AND SIDEWALKS AT VARIOUS LOCATION, FOR A SUM NOT TO EXCEED \$769,340.

5B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ORDERS ON CONTRACT WITH DEERING CONSTRUCTION, INC. FOR PROJECT NO. RD2016-1 CONCRETE CURBS AND SIDEWALKS AT VARIOUS LOCATIONS, FOR A SUM NOT TO EXCEED \$76,934. ACCOUNT

09 16 4021 5777 C0318
09 15 1000 5777 C0536
09 16 4021 5777 C0021

Mr. Bonenfant said that he has some issues with some people getting free sidewalks.

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. BONENFANT)**

**** MR. IGNERI MOVED THE FOLLOWING ITEM:**

- 6. APPROVE THE NECESSITY FOR THE ABANDONMENT/DISCONTINUANCE OF A PORTION OF ISAACS STREET BEGINNING AT THE WESTERLY BOUNDARY OF THE PROPERTY LOCATED AT 19 ISAACS STREET (TAX LOT 1-29-54-0) AND HEADING WEST TO THE EASTERLY BOUNDARY OF THE PROPERTY LOCATED AT 20 ISAACS STREET (TAX LOT 1-29-63-0) AS DEPICTED ON A MAP PREPARED BY REDNISS & MEAD ENTITLED "PROPERTY SURVEY DEPICTING AN ABANDONMENT OF A PORTION OF ISAACS STREET PREPARED FOR POKO-IWSR DEVELOPERS, LLC, NORWALK, CONNECTICUT," DATED NOVEMBER 16, 2015, AT A SCALE OF 1" = 40' ON FILE IN THE DEPARTMENT OF PUBLIC WORKS, IN ACCORDANCE WITH SECTION 7.5 OF THE "LAND DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF NORWALK, CONNECTICUT, THE REDEVELOPMENT AGENCY OF THE CITY OF NORWALK AND POKO-IWSR DEVELOPERS, LLC," DATED NOVEMBER 14, 2007 AND APPOINT FREEHOLDERS.**

Mr. Hempstead said that he has no issue with the abandonment but has an issue with the maintenance of the street. He asked if the City would be responsible if someone was injured. Mr. Coppola said that you can't stop anyone from suing the City.

Mr. Chimento explained that the properties have to be congruent with another to make the properties one. Mr. Coppola said that it will function as a road; the City has a duty to maintain the road and someone can file a lawsuit against the City. Mr. Hempstead said that he is concerned about liability, long term and asked why they were not being required to carry liability insurance. He said that he was looking to protect the City. Mr. Coppola noted that it would be the same liability to the City that exists today.

Mr. Bonenfant said that he understands that they are not transferring the road; this acknowledges the necessity to abandon the road. He said that going forward, if the developer does not build what they say will be built, then they do not get to keep the land.

Mr. Hempstead said that the following item should not be on the agenda because it is too premature to enter into an agreement that has not been done. Mr. Coppola said that he does not see an issue with approving the following item.

Mr. Simms said that he is skeptical having this discussion, without having backup information. Mr. Sheehan, Executive Director, Redevelopment Agency said that the survey map and title search were provided. Mr. Simms said that it was challenging to discuss this without having backup.

Mr. Igneri explained that this item approves the appointment of freeholders who will make the decision of whether or not to abandon the property.

Mr. Chimento said that a map of the roadway will be available to the Common Council members and the public.

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

**** MR. HEMPSTEAD MOVED TO TABLE THE FOLLOWING ITEM UNTIL THE CITY ACCEPTED THE FREEHOLDER'S REPORT**

7. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE THE ESCROW AGREEMENT BY AND BETWEEN THE CITY OF NORWALK, CONNECTICUT AND POKO-IWSR DEVELOPERS, LLC FOR THE MAINTENANCE OF THE ABANDONED PORTION OF ISAACS STREET BEGINNING AT THE WESTERLY BOUNDARY OF THE PROPERTY LOCATED AT 19 ISAACS STREET (TAX LOT 1-29-54-0) AND HEADING WEST TO THE EASTERLY BOUNDARY OF THE PROPERTY LOCATED AT 20 ISAACS STREET (TAX LOT 1-29-63-0) AS DEPICTED ON A MAP PREPARED BY REDNISS & MEAD ENTITLED "PROPERTY SURVEY DEPICTING AN ABANDONMENT OF A PORTION OF ISAACS STREET PREPARED FOR POKO-IWSR DEVELOPERS, LLC, NORWALK, CONNECTICUT," DATED NOVEMBER 16, 2015, AT A SCALE OF 1" = 40' ON FILE IN THE DEPARTMENT OF PUBLIC WORKS. THE CITY OF NORWALK WILL BE RESPONSIBLE FOR MAINTAINING THE ROADWAY IN ACCORDANCE WITH CITY STANDARDS FOR TWENTY-FIVE (25) YEARS IN EXCHANGE FOR THE DEVELOPER PROVIDING FUNDS IN AN ESCROW ACCOUNT FOR THE CITY'S USE TO DEFRAY THE COSTS OF SUCH MAINTENANCE.

**** MOTION TO TABLE FAILED BY A SHOW OF HANDS WITH FOUR (4) IN FAVOR (MR. SERASIS; MS. BOWMAN; MR. SIMMS; MR. HEMPSTEAD) AND ELEVEN (11) OPPOSED (MR. BONENFANT; MS. MAGGIO; MS. O'TOOLE GIANDURCO; MS. MELENDEZ; MR.**

LIVINGSTON; MR. IGNERI; MR. KIMMEL; MR. CORSELLO; MR. SACCHINELLI; MR. KYDES; MR. DEPALMA)

**** MOTION PASSED BY A SHOW OF HANDS WITH ELEVEN (11) IN FAVOR (MR. BONENFANT; MS. MAGGIO; MS. O'TOOLE GIANDURCO; MS. MELENDEZ; MR. LIVINGSTON; MR. IGNERI; MR. KIMMEL; MR. CORSELLO; MR. SACCHINELLI; MR. KYDES; MR. DEPALMA) AND THREE (3) OPPOSED (MR. SERASIS; MR. SIMMS; MR. HEMPSTEAD) AND ONE (1) ABSTENTION (MS. BOWMAN)**

D. PLANNING COMMITTEE

**** MR. KYDES MOVED TO APPROVE THE FOLLOWING ITEM:**

- 1. APPROVE THAT THE ATTACHED DOCUMENTS AND PLANS MEET THE CONDITIONS IMPOSED UPON GGP'S CONCEPTUAL MASTER SITE PLAN IN OCTOBER. THE COMMON COUNCIL WILL FURTHER CONSIDER THE PROPOSED PROJECT'S PUBLIC REALM PLAN AND THE UNDERPASS AREA ACTIVATION PLAN AT A FUTURE DATE, NEITHER OF THESE PLANS ARE SUBJECT TO THIS APPROVAL.**

Mr. Kydes said that everyone did a fantastic job looking out for the City's best interest. Mr. Hempstead asked Mr. Sheehan to explain the outstanding items. Mr. Sheehan said that the items that have to come back to the Common Council have to do with the underpass and the garage facility. Mr. Hempstead noted that the Cecil Group did an outstanding job and they are moving along at a nice pace.

Mr. Kimmel said that this is moving ahead nicely and expects to see a rendering of North Water Street. He said that it is difficult to grasp what the parking façade will look like. Mr. Sheehan said that there will be a review of the materials for the entire project.

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

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were none this evening

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none this evening

X. SUSPENSION OF RULES

There were none this evening

XI. ADJOURNMENT

**** MR. IGNERI MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:20 p.m.

ATTEST: _____

Donna King, City Clerk