

CITY OF NORWALK
LAND USE AND BUILDING MANAGEMENT COMMITTEE
THURSDAY, APRIL 16, 2009

ATTENDANCE: Douglas Hempstead, Chairman; Richard Bonenfant; Anna Duleep; Laurel Lindstrom; Nicholas Kydes; William Krummel; Michael Geake

STAFF: Alan Lo, Building and Facilities Manager;

OTHERS: Louis Schulman, Administrator, Transit District; Don Gray; David Park, Chairman, Historical Commission; Mary Geake; Hal Alvord, Director, Public Works

At 7:00 p.m., Mr. Schulman led a tour of the Transit District offices. He pointed out the restored WPA murals. He also described their funding structure.

**PRESENTATION BY NORWALK TRANSIT DISTRICT ON THE PROPOSED
SOUTH NORWALK INTERMODAL STUDY**

Mr. Don Grey provided a power point presentation describing the South Norwalk Railroad Station Intermodal Facility Study. He said that they maintain a project website: www.Sonorailstudy.org. Mr. Grey also presented a three dimensional animation of the plan. He said that the preferred plan will not impact on existing private property owners. The location of parking has not yet been finalized; Mr. Grey noted that underground parking is very cost prohibitive. Test borings have been done on the property; none of them encountered any ledge, but they did find the water table, which is about two levels below grade. The test borings were done in the late summer, early fall.

Mr. Schulman explained that this is a 4-6 year project, assuming Norwalk Transit District can secure the funding. They currently have \$990,000 in place. Mr. Grey said that the proposed cost estimates are showing a three year escalation in costs.

Mr. Bonenfant asked who was paying for this project. Mr. Schulman explained that the Norwalk Transit District are seeking state and federal funding. Mr. Alvord added that the City of Norwalk owns the railroad station. Mr. Hempstead asked Mr. Schulman to provide copies of the presentation. Mr. Schulman said that it is on their website along with the animation. Mr. Hempstead asked about cost to the City. Mr. Schulman said that the Redevelopment Agency and the City have each provided \$25,000 for the cost of the study.

Mr. Hempstead called the meeting to order at 8:15 p.m.

MINUTES OF PREVIOUS MEETING(S)

March 19, 2009

- ** MS. LINDSTROM MOVED TO ACCEPT THE MINUTES AS SUBMITTED**
- ** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

Human Relations and Fair Rent Department – *Item referred back from March 24, 2009 Common Council meeting:*

1. Review request to extend the License Agreement with United Haitian American Society of Norwalk for the occasional use of Conference Room #124 in City Hall and refer the following to the Common Council for approval:

The Committee discussed why this item was sent back to Committee. Mr. Krummel said that the comment was about clients making poor use of the facility and that it was not appropriate to the City Hall environment. Mr. Geake said that he spoke with Mr. Bovilsky, the Human Relations and Fair Rent Director about that and the staff had no complaints. There was only one instance of a person sleeping on the bench.

Mr. Krummel said that this is a perception that has to be addressed and that there should be a means of control when people come in to make use of the service. Mr. Kydes said that he also spoke with Mr. Bovilsky and he was assured that there is not a frequency of people sleeping at the facility. He said that Mr. Bovilsky and his staff have no complaints and will be sure that no incidents like that happen again. Mr. Kydes said that he believes what Mr. Bovilsky said and supports his objective of allowing free use of the facility.

Ms. Lindstrom said that she spoke with Mr. Bovilsky on Tuesday and went through the complaints she heard. She said that Mr. Bovilsky addressed the complaints and said that none of the concerns should prevent this underserved group from using the facility. Ms. Lindstrom said that she heard in Caucus of the possibility of incidents, but does not see an issue.

Ms. Lindstrom said that it was mentioned that some of the people coming through are not Norwalk residents, but Mr. Bovilsky said that he does not see that as an issue, because this is a Haitian group. Another issue was that this is a day time use and there are not supposed to be more than 10 people using this service at a time because of parking issues. Ms. Lindstrom said that Mr. Bovilsky said that other groups use the facility.

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Ms. Lindstrom said that she went there yesterday, before noon and the parking lot was packed and the entire corridor was packed with people waiting to get in. She said that Mr. Bovilsky said that the overcrowding was greater than average, because the person who does passport assistance was an hour late. Ms. Lindstrom said that she did not feel it was a threatening situation.

Ms. Duleep said that she spoke with Mr. Bovilsky several times and visited the room. She said that some of the concerns she feels are about not having exposure to other groups. She said that they need to remember that a lot of the Haitian community members do live in Norwalk and this gets them access to City Hall that they might not at other areas. Ms. Duleep said that it is not a problem to have people from other areas go to City Hall; it provides a valuable service to them.

Mr. Bonenfant asked how long this group has been doing this. Mr. Lo said that he believed it was two years.

Mr. Hempstead said that if there are no issues, he feels confident they could send this item back to the Common Council for renewal. Ms. Duleep said that Mr. Bovilsky said that he was confident they could accommodate other groups if requested. Mr. Kydes noted that if another group from the City asked for the same kind of service, they would have to be given the same opportunity.

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

“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.”

Mr. Krummel suggested that Mr. Bovilsky prepare a statement because he anticipates there may be comments based on negative experiences. Mr. Lo said that from a building management standpoint, they have never received a complaint. He said that the City does not provide a waiting area and people sit on the floor when they are waiting. Mr. Lo said that if City Hall is the place to provide consulate services, they may need to find a room that can be used for a waiting area.

**** MOTION PASSED UNANIMOUSLY**

**** MR. GEAKE MOVED THE FOLLOWING ITEM:
B. Acceptance of Feasibility Study: New Municipal Power Authority dated February 5, 2009.**

**** MOTION PASSED UNANIMOUSLY**

NEW BUSINESS

A. Norwalk Transit District

1. Review proposed easement for City property located on Burnell Boulevard and approve the following:

Mr. Schulman presented site plans of the Burnell Blvd. pulse point. He described the location and said that he has funding for this project. Mr. Hempstead noted that this project has been in the works for a couple of years.

Mr. Schulman said that the proposed building would abut the Yankee Doodle garage. He said that Norwalk Transit District needs a facility for the drivers with two bathrooms and a small lunchroom. He said that the Redevelopment Agency does not recommend putting the building at that location. He said that it is a problem because the proposed facility would be built using stimulus funds. The Transit District has to go out to bid in June. Norwalk and Bridgeport are the only two transit districts in the State to receive stimulus funds. If this can not be done, the Norwalk Transit District will lose the confidence of the State and Feds and may impact on the District ability to obtain funding for future projects.

Mr. Schulman said that Redevelopment Agency suggested putting the building in the Garage, but the Parking Authority said that there is no room. This request is asking for a City easement but the request does not stipulate where. Mr. Schulman said that the District is in a bind.

Mr. Krummel asked if they could place the building below grade. Mr. Alvord explained that is a storage area and is not very big. In addition, there is a water table issue and sanitary drainage issue. The preferred site from a safety standpoint is on the north side of the street.

Mr. Hempstead asked if there is space in the garage for the building. Mr. Alvord said that there is, but would impact other Parking Authority plans. The Redevelopment Agency was on the Advisory Committee and never said anything until the design was completed.

Ms. Duleep asked what was in the way of getting an easement from the other site. Mr. Kydes said that he would vote against Eminent Domain. Mr. Schulman said that he has tried contacting the property owner, who has not responded to anything.

Mr. Alvord explained that Mr. Schulman could put the package out to bid without the driver's building, but if it can be located on the north side, they would have to re-dig the area to put in underground utilities. Ms. Lindstrom said that she can't approve this item without a location. Mr. Schulman said that there is an understanding with the union to provide a lunchroom for the drivers.

Mr. Hempstead asked if this item has gone before the Planning Commission. Mr. Schulman said that Mr. Greene said that this item has to go before both the Planning and Zoning Commissions. Mr. Hempstead said that he is not comfortable with approving this without a location, but wants to be sensitive to the timeline. He said that he would like to see all of the groups involved get together to discuss this. Mr. Schulman said that if they do not get approval for the driver's building, they will go out to bid for the rest of the project, but would have to disclose that to the FDA before they go out to bid in June.

**** MR. KRUMMEL MOVED TO TABLE THIS ITEM**

Mr. Hempstead asked Mr. Schulman to get all of the parties involved together.

a. Refer the following action to Planning Commission for State Statutes, Section 8-24 Review;

b. Refer the following action the Common Council: **“Authorize the Mayor, Richard A. Moccia, to execute any and all documents with Norwalk Transit District for an easement in front of Yankee Doodle Garage on Burnell Boulevard to construct a drivers’ building.”**

**** MOTION PASSED UNANIMOUSLY TO TABLE**

B. Building Management

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

1. Review Tumble Bugs’ request for improvement at Roosevelt Center and approve the following:

“Approve the proposed lighting retrofit project with Tumble Bugs/ U.S.A.G. under CL&P’s Small Business Energy Advantage Program and authorize payment for the work for a total not to exceed \$7,255.23 with funds from Tumble Bugs’ Reserves for Replacement account #03-000-2633.”

Mr. Bonenfant explained that when they pay rent, a certain amount is set aside to pay for repairs.

**** MOTION PASSED UNANIMOUSLY**

C. Historical Commission

Review proposal to lease 35 Smith Street, Unit 1 and refer the following to the Common Council:

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

Authorize the Mayor, Richard A. Moccia to execute a residential Lease Agreement with Leo Esposito for 35 Smith Street Unit 1 (a.k.a. Old Smith Street Jail). Lease payment shall be \$600 per month and Lease shall expire April 30, 2010

Mr. Hempstead asked Mr. Park for the methodology for renting the apartment. He noted that it was always problematical to rent because of the location. Mr. Park explained that he went to the Law Department to get a lease agreement for this apartment and was told that the Mayor would have to sign the lease, after it was approved by the Common Council.

Mr. Park explained that the apartment had been vacant for over two years; it had been trashed by the previous tenant. The new handyman renovated the entire apartment and it was inspected by the Health Department. There are two apartments in the building the money from rent goes into the City's general fund.

Mr. Bonenfant asked how the tenant was chosen. Mr. Park said that he, Mr. Bondi and Ms. Gunn-Bromley discussed running an ad, but it would cost several hundreds of dollars and they would have to have someone available to field the calls and review the applications. Mr. Park said that they have one paid City staff person; the rest are volunteers. The City staff person's day is filled with her day to day work. After their discussion, they decided to rent through word of mouth. This is an one room efficiency unit and the person who rents the space would be someone with limited living and storage space requirements.

Ms. Duleep asked Mr. Park why they did not run an ad on Craig's list. Mr. Park said that they all agreed that this was the best way. Ms. Duleep asked if someone knew this person. Mr. Park said that it took a few weeks to find someone. This rental was Mr. Bondi's responsibility and he found this person through word of mouth.

Mr. Lo said that the Historical Commission always did this through a realtor in the past. Mr. Geake commented that they did a bang up job with the last one. Mr. Hempstead asked if someone else would have the same opportunity, since this is a City owned property. Mr. Park said that they wanted to get the apartment rented on a timely basis. Ms. Duleep said that Craig's list is so fast. Mr. Park said that they still need City staff to monitor the responses and they are over worked. Ms. Duleep asked how hard it is to check e-mails.

Mr. Park said that this rental was discussed at their last Commission meeting. At that meeting, Mr. Serasis made the motion to rent the apartment at this price and to make it a one year lease so that they can review the price. In addition because the apartment uses electric heat they wanted to keep the cost reasonable.

Ms. Lindstrom said that this was not advertised, which leaves the City open to challenges and that is a concern. She said that she wants people to have the opportunity to rent the space and this puts the City in a vulnerable position. Ms. Lindstrom said that she would want the Corporation Counsel to provide a letter stating that they were satisfied with how the apartment was rented.

Ms. Lindstrom said that one of the Common Council members said that they know this individual quite well, and that is a concern. Mr. Bonenfant said that he agreed and added that not everybody is being up front in this process.

Mr. Hempstead suggested tabling this item to the next meeting so that the Law Department can provide past practices from the Historical Commission and if they agree with the rental procedure.

Mr. Kydes asked Mr. Lo what has been done in the past. Mr. Lo said that previous Historical Commissioner would find a tenant through a realtor. He believed that there was no charge. Mr. Kydes asked if all Historical Commissioners were in favor of this rental. Mr. Park said that they were all in favor, with one abstention.

Mr. Kydes said that based upon past practice he does not see any objection, except for other people's innuendos. Mr. Hempstead asked Mr. Park if they used a realtor. Mr. Park said that the discussion never came up, because it was believed there would be a fee involved. Ms. Duleep asked how they would open a dialogue or come up with future practices. Mr. Hempstead said that they need to get an opinion from Corporation Counsel. He also said that they do not want to lose revenue. The City charged the Historical Commission to oversee various properties.

Ms. Lindstrom said that if there is rental money coming in, then there is funding available for advertising. That money would come back from the rental fee.

**** MR. GEAKE MOVED TO TABLE THIS ITEM UNTIL THE LAW DEPARTMENT PROVIDES AN OPINION AS TO THE CORRECT PROCEDURE TO PURSUE A RENTAL TENANT AND TO PROVIDE PAST PRACTICES**

**** MOTION PASSED UNANIMOUSLY**

Review recommendation to accept grant funding for the preparation of a Preservation Plan of City owned historic properties and refer the following to the Common Council:

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

Authorize the Mayor, Richard A. Moccia, to execute any and all documents with Connecticut Trust for Historic Preservation to accept and expand matching grant funds in the amount of \$25,000 for the preparation of a Preservation Plan of City owned historic buildings and real estate (Finance Department confirmed the availability of matching funds in Capital Budget Account. #09096310*5777 C0456 – Preservation Plan

Mr. Park said that an explanatory letter was attached. He said that once a vendor is chosen this item will come back to the Committee. He said that the Historical Commission hope to do this is a short period of time. Mr. Krummel said that a plan should be developed and moved on.

**** MOTION PASSED UNANIMOUSLY**

MISCELLANEOUS/DISCUSSION ITEMS

B. Discussion of Historical Preservation

Mr. Hempstead said that one of the issues is 93 East Avenue because the historical property registry is from 1978. Ms. Lindstrom asked Mr. Hempstead if he invited Mr. Bryant to attend this meeting. Mr. Hempstead said that he invited the Chairman of the Historical Commission. Ms. Lindstrom said that they should have someone here from the Norwalk Historical Preservation Trust. Mr. Hempstead said that he wanted the person who the City entrusted to oversee the buildings.

Ms. Lindstrom said that 93 East Avenue is a non-City property. She said that if they talk about preservation, they need Mr. Bryant here. Mr. Hempstead said that he mentioned 93 East Avenue for discussion only.

Mr. Hempstead said that the City should provide funding to encourage historical preservation. They need to update the inventory of historical properties in Norwalk. He said that was done over 30 years ago by the Historical Commission. He said that he would like to start the process and asked what the City would be willing to do to encourage historical preservation. He asked what is needed by the Historical Commission to begin this work. Mr. Hempstead said that he would like to see a lump sum request to do the inventory.

Ms. Lindstrom said that the ENNA gives historic updates monthly and Norwalk Preservation Trust has a grant application to get involved moving on their end because

there are private properties they are looking at and need to increase the preservation trust. Mr. Hempstead said that the challenge is that the funding they are seeking for the grant is not sufficient. Ms. Lindstrom said that if they do not ask for a lot of details, the cost may fall within the budget.

Mr. Hempstead asked if there is interest in the Committee moving forward to encourage historical preservation. Ms. Lindstrom said that the Redevelopment Agency is keen on historical preservation. This Committee is specific to City buildings and is not sure if this can be done through this Committee. Mr. Hempstead said that it could. He said that the Historical Commission can not enter into an agreement without the approval of this Committee and then the Common Council.

Ms. Duleep said that they could identify various historical districts and move from there. She said that she would support looking at that component.

Mr. Krummel said that there is enormous potential if they look at this in a broader way. There are specific historic project that have a lot of ramifications having to do with tourism and real estate development. It has to get started somewhere and it is fine to start here. He said that it would have tremendous value to the City.

Mr. Kydes said that he loves ancient history and cherishes private property ownership. He said that no one knows how 93 East Avenue got on some register and how the state attorney got involved. He said that if they infringe upon private property they will open a Pandora's Box. The City can't get into the business of limiting an owner's use; that is against the Democratic form of government. He said that he would be careful about authorizing historical preservation groups that have the ability, without the consent of the property owner, to declare a property historical.

Mr. Hempstead said that the discussion is that there is a present list of buildings of interest that may be historical. No one has talked about taking away property rights. Mr. Hempstead said that he is all about property rights. Mr. Kydes said that he does not want to open a Pandora's Box because one thing can lead to another. He does not want tax bills going up because the City gives a carrot to someone who has an historic property, to preserve their building. Mr. Kydes said that he did not believe the current economic conditions call for that. Mr. Hempstead said that this is simply a discussion item.

Mr. Kydes said that they can not move forward without knowing the potential repercussions. Mr. Geake agreed.

Ms. Lindstrom said that she was concerned that they were going to compromise themselves with these discussions if there are legal issues. She said that if something is going on in the City and the Committee discusses that, they may get into an issue they should not. Mr. Geake suggested getting an opinion from Corporation Counsel. Mr. Hempstead said that as elected officials, it is their privilege to discuss this.

Mr. Hempstead said that past practice was to go to the land records and then Mr. Bloom would look at the house and determine if it was historical. This did not stop anyone from tearing their house down.

Ms. Duleep said that she would like to know about trends in different neighborhoods. She said that she understands that Wall Street is considering becoming an historic district. She said that there should not have to be anything invasive and she supports this.

Ms. Lindstrom asked if they have a staff person to get information in the event they decide if they should move forward. Mr. Hempstead said that this is an open ended discussion.

Mr. Krummel said that as Councilmembers, they represent specific districts. He suggested that members of this Committee make a list of suggestions based on their own experience. Mr. Hempstead asked Mr. Park to provide a copy of the inventory and booklet created by the Historical Commission.

A. Ben Franklin Center – Heating system conversion and boiler replacement project update

Mr. Hempstead said that there was an explanatory memo from Mr. Lo attached. Mr. Hempstead thanked Mr. Lo for saving the City a significant amount of money.

Mr. Hempstead talked briefly about two upcoming land purchases. He said that they will be coming up for discussion and that details will be provided.

The next meeting will take place at the Ben Franklin Center.

**** MR. GEAKE MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 10:10 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services