

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 7:35 p.m. and led the Assembly in reciting the Pledge of Allegiance.

Ms. King, City Clerk read the notice stating that 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. Douglas Hempstead Mr. Nicholas Sacchinelli	Mr. Michael Corsello Mr. Bruce Kimmel
District A:	Ms. Eloisa Melendez	Mr. Steve Serasis
District B:	Ms. Faye Bowman (7:39)	Mr. Travis Simms (7:49)
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole Giandurco	Mr. Michael DePalma
District E:	Mr. John Igneri	Mr. Thomas Livingston

At Roll Call, there were thirteen Common Council member present and two (2) absent (Ms. Bowman and Mr. Simms).

Also present were Mayor Harry Rilling; Corporation Counsel, Mario Coppola and City Clerk, Donna King.

II. ACCEPTANCE OF MINUTES

Regular Meeting March 28, 2017

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

III. PUBLIC PARTICIPATION

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

Mr. Paul Braschi said that he lives directly across from the Grasso facility. He said that he reported then less than a week after the last meeting, when they started work at 5:30 a.m.. He called the Police, that they were not clear about the law. He said he has been fighting this battle for 13 years and if the contract is awarded, they are being rewarded for bad behavior.

Ms. Teresa Peterson said that she used to live across from Grasso and moved this summer because of the noise created from this property.

Ms. Bowman and Mr. Simms joined the meeting at 7:39 p.m.

Ms. Peterson said she understands that Joe Grasso Jr. is a separate entity noted that he reached out to the community with a message of change. She said there is a serious noise problem and it impacts the quality of life.

Attorney Peter Nolan, represented the South Norwalk Community Center. He said that the settlement puts the issues with the building to bed; there are some minor disagreements, but fees they will be worked out.

Ms. Pat Kirschner said that the acceptance of Mr. Grasso's bid is a done deal. She said he wrote a letter indicating that he intends to be a good neighbor. She distributed photos taken today showing debris and a silt fence. She asked what Mr. Grasso was going to do differently since he is not compliant today.

Mr. Steve Kirschner asked how they would have a level playing field with Grasso bidding against good Norwalk bidders.

Attorney Tony Leone, represented Grasso Co, LLC said the Common Council is being asked to vote whether or not they wanted to throw out \$128,000. He said the Police were not called at 5:30 a.m. and that he heard that one of the main reasons to consider rejecting this contract is because of certain tax and Zoning violations. He said they are unfounded and not related to Joe Grasso. Attorney Leone said that despite what was heard, Joe Jr. started this company; he did not inherit the company. Over the past several years he has been successful because he is a hard worker.

Attorney Leone said that Joe Grasso bid on this project and was considered to be the low, responsible bidder. The Common Council has no choice but to award this contract to him. He added that Joe Grasso is not the landlord of this property.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: There were no resignations announced this evening.

APPOINTMENTS:

ALICE M. MCQUAID, TRANSIT DISTRICT

**** MR. KYDES MOVED TO APPROVE THE APPOINTMENT OF MS. MCQUAID TO THE TRANSIT DISTRICT**

Mr. Kydes said he has known Ms. McQuaid for a number of years and is sure she will do a great job. Mr. Hempstead said that she is dedicated. Ms. O' Toole Giandurco thanked her for her willingness to serve.

**** MOTION PASSED UNANIMOUSLY**

JOHN P. VEREL, CONSERVATION COMMISSION

**** MR. IGNERI MOVED TO APPROVE THE APPOINTMENT OF MR. VEREL TO THE CONSERVATION COMMISSION**

Mr. Igneri said that he has known Mr. Verel for a long time and that he will do a great job.

**** MOTION PASSED UNANIMOUSLY**

THOMAS J. VETTER, PARKING AUTHORITY

**** MR. KIMMEL MOVED TO APPROVE THE APPOINTMENT OF MR. VETTER TO THE PARKING AUTHORITY**

Mr. Kimmel said that Mr. Vetter did an excellent job when he was a member of the Board of Education.

**** MOTION PASSED UNANIMOUSLY**

REAPPOINTMENTS:

JOHN C. ROMANO, HARBOR MANAGEMENT COMMISSION

**** MR. HEMPSTEAD MOVED TO APPROVE THE REAPPOINTMENT OF MR. ROMANO TO THE HARBOR MANAGEMENT COMMISSION**

Mr. Hempstead said that no one knows the shoreline like Mr. Romano. He is not afraid to speak his mind and he cares. Ms. O'Toole Giandurco said Mr. Romano was unable to be here this evening because he had to attend a special meeting.

**** MOTION PASSED UNANIMOUSLY**

MAYOR'S REMARKS

Mayor Rilling announced upcoming events, including the WALK Bridge public hearing on April 12th, the Easter Egg Hunt at the Rowayton Community Center on April 15th, the Whittingham Cancer Center fundraiser on April 19th and the April 22nd Earth Day City wide clean up. He wished everyone a Happy Passover and Happy Easter.

V. COUNCIL PRESIDENT

Mr. Igneri said that the grand list is growing and continues to grow. This is the perfect time to invest that revenue in the school system.

A. GENERAL COUNCIL BUSINESS:

RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: There were none announced this evening.

APPOINTMENTS: There were none announced this evening.

REAPPOINTMENTS: There were none announced this evening.

B. CONSENT CALENDAR

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

CORPORATION COUNSEL

6A1

6A2

FINANCE COMMITTEE

7A1

PUBLIC WORKS

7B1A

7B3A & 7B3B

7B4A & 7B4B

7B5

7B6

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LAND USE AND BUILDING MANAGEMENT

7C1

7C2

7C3

7C4A , 7C4B, 7C4C

7C6

7A & 7B

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

**1. AUTHORIZATION TO SETTLE CLAIM: ALEJANDRO UBALDO, PPA
NORMA MOLERO V. CITY OF NORWALK
EXECUTIVE SESSION**

**2. AUTHORIZATION TO SETTLE CLAIM: LILLY CHESLER V. CITY OF
NORWALK SARAH CHESLER V. CITY OF NORWALK
EXECUTIVE SESSION**

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

**1. APPROVE A SPECIAL CAPITAL APPROPRIATION IN THE AMOUNT OF
\$277,000.00 TO INCREASE THE APPROPRIATION TO FUND WEST ROCKS
MIDDLE SCHOOL WINDOWS AND DOORS REPLACEMENT PROJECT
(ACCOUNT 09175010-5777-C0566).**

B. PUBLIC WORKS COMMITTEE

**1A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A
SECOND AMENDMENT TO THE SEPTEMBER 18, 2015 AGREEMENT WITH
SAFETY MARKING, INC. FOR PROJECT TRF2015-1 PROPOSED PAVEMENT
MARKINGS, SYMBOLS & LEGEND AT VARIOUS LOCATIONS FOR A SUM
NOT TO EXCEED \$300,000.00.
ACCOUNT NO: 09 17 4021 5777 C0562**

**3A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN
AGREEMENT WITH L. HOLZNER ELECTRIC CO. FOR PROJECT BR 2017-1
SUBSTRUCTURE REPAIRS TO THE GLOVER AVENUE BRIDGE OVER THE
NORWALK RIVER, FOR A SUM NOT TO EXCEED \$243,399.50.
ACCOUNT NO: 09 14 4021 5777 C0526**

09 17 4021 5777 C0526

**3B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS, BRUCE CHIMENTO,
TO EXECUTE ORDERS ON CONTRACT WITH L. HOLZNER ELECTRIC CO.
FOR PROJECT BR 2017-1 SUBSTRUCTURE REPAIRS TO GLOVER AVENUE
BRIDGE OVER THE NORWALK RIVER, FOR A SUM NOT TO EXCEED
\$24,339.95.**

ACCOUNT NO: 09 14 4021 5777 C0526

09 17 4021 5777 C0526

**4A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH DEERING CONSTRUCTION INC., FOR PROJECT PM 2017-2 BITUMINOUS CONCRETE PERMANENT REPAIRS, FOR A SUM NOT TO EXCEED \$309,770.00.
ACCOUNT NO: 03 0000 2602**

**4B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS, BRUCE CHIMENTO, TO EXECUTE ORDERS ON CONTRACT WITH DEERING CONSTRUCTION INC., FOR PROJECT PM 2017-2 BITUMINOUS CONCRETE PERMANENT REPAIRS, FOR A SUM NOT TO EXCEED \$30,977.00.
ACCOUNT NO: 03 0000 2602**

**5. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A 3 YEAR CONTRACT WITH DW TRANSPORT & LEASING, INC., FOR THE TRANSPORTATION & DISPOSAL OF STREET SWEEPINGS/CATCH BASIN GRIT, EXCAVATED MATERIAL AND BROKEN STRUCTURAL CONCRETE AND FOR THE TRANSPORTATION & DISPOSAL OF YARD WASTE MATERIALS, FOR A SUM NOT TO EXCEED \$350,000.00 AS FOLLOWS:
FISCAL YEAR 2017-18 \$350,000
FISCAL YEAR 2018-19 \$350,000
FISCAL YEAR 2019-20 \$350,000
ACCOUNT NO: 01 4042 5299**

**6. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A SOLE SOURCE AGREEMENT WITH AECOM FOR BIDDING PHASE SERVICES, CONSTRUCTION MANAGEMENT ENGINEERING SERVICES, AND CONSTRUCTION INSPECTION SERVICES PERTAINING TO THE FLOCK PROCESS DAM REMOVAL PROJECT FOR A SUM NOT TO EXCEED \$170,000.00
ACCOUNT NO: 35 33 70 5258 (CT DEEP GRANT FUNDS)**

7. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO WITHDRAW FROM ITS CONTRACT WITH THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION FOR PROJECT NUMBER DEPA00002082007.

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

**1. TECHNICAL CORRECTION: OF COMMON COUNCIL ACTION OF MARCH 20, 2017, ITEM VII,
4A – REVISE ACCOUNT NUMBER FROM “09171000 5777 C0526” TO “09171000 5777 C536” AND THE REVISED ACTION SHALL BE AS FOLLOWS:**

“4A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A CONTRACT WITH DPM CONTRACTING FOR THE RESTROOMS

RENOVATION PROJECT AT NORWALK SENIOR CENTER FOR A TOTAL NOT TO EXCEED \$106,088.00. FUNDS ARE AVAILABLE FROM REDEVELOPMENT AGENCY CDBG, HUMAN RELATIONS ADA ACCOUNT NUMBER 09171000 5777 C0536 AND BUILDING MANAGEMENT CAPITAL IMPROVEMENT ACCOUNT NUMBER 0916/17 7100 5777 C0476.

4B. AUTHORIZE BUILDING MANAGEMENT TO ISSUE CHANGE ORDER ON CONTRACT FOR A TOTAL NOT TO EXCEED \$10,608.00.”

2. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH CONNECTICUT YANKEE COUNCIL FOR THE USE OF 3 CLASSROOMS ON THE SECOND FLOOR OF BEN FRANKLIN CENTER FROM JUNE 25, 2017 TO AUGUST 4, 2017 FOR ITS CHILDREN STEM SUMMER PROGRAM. TOTAL COST FOR UTILITY EXPENDITURES SHALL BE \$562.

3. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH OMNI DATA, WEST HAVEN, CT FOR VIDEO INSTALLATION AT 19 SCHOOLS FOR A TOTAL NOT TO EXCEED \$900,000 PLUS A CONTINGENCY NOT TO EXCEED \$100,000.

ACCOUNT NO: 09145010 5799 C0576 \$10,604.29

ACCOUNT NO: 09155010 5799 C0576 \$293,280.50

ACCOUNT NO: 09155010 5777 C0537 \$696,115.30

4A. APPROVE NORWALK FACILITIES CONSTRUCTION COMMISSION (NFCC), ACTING IN ACCORDANCE WITH NORWALK ORDINANCES, AS THE NORWALK SCHOOL BUILDING COMMITTEE FOR THE CRANBURY ELEMENTARY SCHOOL ASBESTOS ABATEMENT PROJECT.

4B. AUTHORIZE THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THE CRANBURY ELEMENTARY SCHOOL ASBESTOS ABATEMENT PROJECT.

4C. AUTHORIZE THE FILING OF A SCHOOL GRANT APPLICATION TO THE STATE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR THE CRANBURY ELEMENTARY SCHOOL ASBESTOS ABATEMENT PROJECT.

6. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH CONSTRUCTION SOLUTIONS GROUP, LLC (CSG) TO PROVIDE PROGRAM MANAGEMENT SERVICES NECESSARY FOR THE IMPLEMENTATION OF THE PROPOSED SCHOOL FACILITIES IMPROVEMENT PLAN. ANNUAL COSTS SHALL BE AS FOLLOWS WITH ADDITIONAL ANNUAL ALLOWANCE OF \$20,000 FOR REIMBURSABLE EXPENSES:

1ST YEAR - \$ 240,000

2ND YEAR - \$ 252,000

3RD YEAR - \$ 264,600

4TH YEAR - \$ 278,951

5TH YEAR - \$ 291,720

**FUNDS ARE AVAILABLE IN THE CAPITAL BUDGET ACCOUNT NO:
09175010 5777 C0585**

7A. RESCIND: COMMON COUNCIL ACTION OF DECEMBER 13, 2016, ITEM VII, C. 1A AND 1B. WHICH AUTHORIZED THE FOLLOWING:

“1A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH STC BUILDING & PROPERTY MANAGEMENT FOR NORWALK CONCERT HALL INTERIOR ADA IMPROVEMENT PROJECT FOR A TOTAL NOT TO EXCEED \$41,350.00.

ACCOUNT NO: 0917 1000 5777 C0536

1B. AUTHORIZE THE OFFICE OF BUILDING MANAGEMENT TO ISSUE CHANGE ORDERS ON THE CONTRACT FOR A TOTAL NOT TO EXCEED \$4,135.00.

7B. NEW ACTION:

AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH DPM CONTRACTING, LLC FOR NORWALK CONCERT HALL INTERIOR ADA IMPROVEMENT PROJECT, FOR A TOTAL NOT TO EXCEED \$52,888.00.

ACCOUNT NO: 0917 1000 5777 C0536

AUTHORIZE THE OFFICE OF BUILDING MANAGEMENT TO ISSUE CHANGE ORDERS ON CONTRACT FOR A TOTAL NOT TO EXCEED \$5,288.00.

**** MOTION PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

**** MR. KIMMEL MOVED THE FOLLOWING:**

2. WHEREAS, SECTION 1-289 OF THE NORWALK CHARTER REQUIRES A 2/3 AFFIRMATIVE VOTE OF THE ENTIRE MEMBERSHIP OF THE COMMON COUNCIL TO INCREASE A SPECIFIC SPENDING LIMITATION ON LOCALLY FUNDED EXPENDITURES DURING THE PROCESS OF ESTABLISHING THE NEXT FISCAL YEAR'S OPERATING BUDGET.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NORWALK THAT:

THE MAXIMUM LIMIT ON TOTAL APPROPRIATIONS FOR THE CITY OF NORWALK FOR FISCAL YEAR BEGINNING JULY 1, 2017 SHALL BE NO MORE THAN \$338,667,747. THIS APPROPRIATION CAP REPRESENTS TOTAL EXPENDITURES OF \$357,909,487 LESS ESTIMATED INTERGOVERNMENTAL GRANTS OF \$19,241,740.

BE IT FURTHER RESOLVED THAT THE RESULT OF THIS VOTE AND RESOLUTION BE FORWARDED BY THE CLERK OF THE CITY OF NORWALK TO THE BOARD OF ESTIMATE AND TAXATION.

Mr. Kimmel explained that the City is not sure what the State legislature is going to do; however, addressing this resolution is mandated by City Charter. This item creates the fiscal readiness if it is needed and the mill rate will remain the same.

Mr. Hempstead asked about the appearance of a conflict of interest because his wife is a teacher. Mr. Coppola said he did not see an appearance of a conflict of interest.

Ms. Bowman asked where the funding will come from if the hospital is not taxed. She also expressed concern about the impact of the people working at the hospital. Mr. Barron said the Board of Estimate promised they will not spend the increased amount, unless required to make the contribution to the teachers' retirement fund.

Mr. Corsello asked if the Tax Assessor's office did an appraisal of the hospital. Mr. Barron said that it is done every year.

Mr. Barron explained that this action creates room if the City is required to make the payment. He noted that the State has not yet approved its budget. Mr. Hempstead said that in theory, the City could spend that money, if the State legislature decides to allow the hospital tax, but not require the City to fund the teachers' pensions.

Mr. Burnette, Chair Board of Estimate and Taxation said the Board of Estimate and Taxation, in partnership, with the Common Council is not trying to create a slush fund; their intent is to manage the situation that might come down from Hartford. He noted there are a lot of "ifs" right now.

Mr. Bonenfant said he was not comfortable raising the cap in anticipation of something that has not yet happened. Mr. Corsello asked where the money will come from to contribute to the retirement fund, if the City is not permitted to tax the hospital. Mr. Burnette said it would come from the taxpayers.

Mr. Barron said the appropriation allows the City to make the payment if required to do so. Mr. Kimmel said that this is all speculation based on what they were told the State will do. The problem is that it is not clear what is going to happen.

**** MOTION FAILED BY ROLL CALL VOTE WITH EIGHT (8) VOTES IN FAVOR (MR. KIMMEL; MS. MELENDEZ; MR. SACCHINELLI; MR. KYDES; MS. MAGGIO; MR. DEPALMA; MR. IGNERI; MR. LIVINGSTON) FIVE (5) VOTES IN OPPOSITION (MR. BONENFANT; MR. CORSELLO; MS. BOWMAN; MR. SIMMS; MS. O'TOOLE GIANDURCO) AND TWO (2) ABSTENTIONS (MR. HEMPSTEAD AND MR. SERASIS)**

A recess was called at 8:56 p.m.

The meeting resumed at 9:03 p.m.

**** MR. CORSELLO MOVED TO RECONSIDER THE VOTE**

**** MOTION PASSED WITH TWELVE (12) IN FAVOR (MR. CORSELLO; MR. HEMPSTEAD; MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MR. SERASIS; MR. KYDES; MS. MAGGIO; MR. DEPALMA; MS. O'TOOLE GIANDURCO; MR. IGNERI; MR. LIVINGSTON) AND THREE (3) IN OPPOSITION (MR. BONENFANT; MS. BOWMAN; MR. SIMMS)**

Ms. Bowman requested that the Corporation Counsel provide a briefing and research on whether this item can be reconsidered. Mr. Kimmel noted that Attorney Beltz Jacobson can provide that information. He added that he has seen motions reconsidered before. Ms. Bowman reiterated her request. Mayor Rilling said the Corporation Counsel rendered an opinion and it is appropriate to reconsider a vote if the meeting is still in session.

**** MR. HEMPSTEAD MOVED THE FOLLOWING AMENDMENT:**

SUBJECT TO THE CONDITIONS OF THE GOVERNOR'S PROPOSED BUDGET CONCERNING THE REQUIREMENT TO TAX THE HOSPITALS TO COVER PAYMENT OF THE TECHERS' PENSIONS. IN ADDITION, THE CAP WILL ONLY BE RAISED IF THE STATE LEGISLATURE TAKES ACTION TO TAX HOSPITALS TO FUND TEACHERS' PENSIONS

Mr. Barron explained that the City's budget has to be approved on May 1st; however, the Governor's budget may be delayed until after the beginning of the new fiscal year on July 1st. He said the Governor has challenged the way they do business this year.

If payment is required, it will be in conjunction with removing the hospital from the tax exempt status.

**** MR. HEMPSTEAD WITHDREW HIS AMENDMENT**

Mr. Barron said an appropriation allows the Board of Estimate and Taxation to establish a budget. The decision to spend that money can be made later in the year.

Mr. Simms asked how this will impact the Board of Education's budget to build a school in the Nathaniel Ely area. He noted that there have been no approvals to build a school. Mr. Barron explained that this has nothing to do with the capital budget. Ms. Bowman asked about the true Board of Education operating budget. Mr. Barron explained that this budget established a cap on February that allows the appropriation to the Board of Education. He said the City owns all of

the City school buildings, but the Board of Education has exclusive use of those buildings. The City pays the debt service on the Board of Education capital expenditures.

Mr. Serasis said their backs are against the wall with the word “if”. Mr. Barron said he did not know if the Governor’s budget is going to pass; however, he added that most communities are appropriating the payment.

Mayor Rilling suggested adding a letter from the Common Council president to the Board of Estimate and Taxation stating that any increase to the cap be allocated to the teachers’ retirement system, should it be required. Mr. Coppola said the Board of Estimate and Taxation has the authority to allocate funding, not the Common Council.

Mr. Kimmel said the Common Council does not have line item authority in the operating budget. He noted that the Finance Directors in many towns in Connecticut are dealing with this.

Ms. Bowman said she is against taxing the hospital. Mr. Barron said if the Governor removes the tax exempt status, the request for a tax abatement would have to come before the Common Council for approval. Mr. Coppola added that there has to be an underlying ordinance to make that happen.

Mayor Rilling said that the increase in the cap is to cover the contribution that may be necessary by the Governor’s mandate to fund the teachers’ retirement fund. Mr. Serasis noted that this is an unknown budget and asked if this request was binding or ceremonial. Mayor Rilling said it is not binding. The City does not expect to make a payment against the appropriation until the Governor’s budget is approved.

**** MS. O’ TOOLE GIANDURCO MOVED THE FOLLOWING AMENDMENT**

THE INCREASE OF \$1.8 M IS A LINE ITEM, PREPARING THE CITY IN THE EVENT IT IS REQUIRED BY THE STATE TO PAY INTO THE TEACHERS’ RETIREMENT FUND

**** MOTION FAILED WITH SEVEN (7) VOTES IN FAVOR (MR. BONENFANT; MR. HEMPSTEAD; MR. SERASIS; MS. BOWMAN; MR. SIMMS; MS. MAGGIO; MS. O’TOOLE GIANDURCO) AND EIGHT (8) IN OPPOSITION (MR. CORSELLO; MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MR. KYDES; MR. DEPALMA; MR. IGNERI; MR. LIVINGSTON)**

Mr. Barron explained that the City’s budget is being adopted in two weeks and once the mill rate is set, the bills will go out at that mill rate. If the payment to the teachers’ retirement fund is required, they will have to decide where the money will come from. Ms. Bowman noted that at some point, this is going to fall on the residents. Mr. Barron said there is every indication that this will be approved together, or not at all.

**** MAIN MOTION FAILED WITH SEVEN (7) VOTES IN FAVOR (MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MR. KYDES; MR. DEPALMA; MR. IGNERI; MR. LIVINGSTON) SEVEN (7) IN OPPOSITION (MR. BONENFANT; MR. CORSELLO; MR. HEMPSTEAD; MS. BOWMAN; MR. SIMMS; MS. MAGGIO; MS. O'TOOLE GIANDURCO) AND ONE (1) ABSTENTION (MR. SERASIS)**

C. PUBLIC WORKS COMMITTEE

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

2A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH THE GRASSO COMPANIES, LLC FOR PROJECT PM 2017-1 PAVEMENT MANAGEMENT PROGRAM, FOR A SUM NOT TO EXCEED \$3,410,044.00; PROVIDED THAT, TO THE EXTENT LEGALLY PERMISSIBLE, THE CONTRACT SHALL INCLUDE A PROVISION THAT ALLOWS THE CITY TO (1) OFFSET ANY VIOLATIONS OF ZONING ORDINANCES OR OTHER FINES, PENALTIES, OR TAXES AND (2) TERMINATE THE CONTRACT IN THE EVENT THAT THE GRASSO COMPANIES, LLC IS IN MATERIAL OR REPEATED VIOLATION OF ANY CITY ORDINANCE, INCLUDING ZONING LAWS AT THE PROPERTY. THIS WILL BE BINDING ON THE SUCCESSORS AND ASSIGNS OF THE GRASSO COMPANIES, LLC.

**ACCOUNT NO: 09 17 4021 5777 C0021
09 17 4021 5777 C0302
09 17 4021 5777 C0318
09 17 4021 5777 C0439
03 0000 2602**

2B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS, BRUCE CHIMENTO, TO EXECUTE ORDERS ON CONTRACT WITH THE GRASSO COMPANIES, LLC FOR PROJECT PM 2017-1 PAVEMENT MANAGEMENT PROGRAM, FOR A SUM NOT TO EXCEED \$341,004.40.

**ACCOUNT NO: 09 17 4021 5777 C0021
09 17 4021 5777 C0302
09 17 4021 5777 C0318
09 17 4021 5777 C0439
03 0000 2602**

Mr. Livingston said he went to Village Creek and saw what a difficult neighbor Grasso is. He noted that the Law Department said Mr. Grasso is in full compliance and he said the son should not pay for the sins of the father. This contract will save the City \$128,000, but the neighbors have legitimate concerns. He said he wants to believe that Mr. Grasso wants to be a good neighbor.

Mr. Simms said they are a duty to the taxpayers and does not think Mr. Grasso is a good neighbor. He said the company went from the father to the mother and now the son. It is the same equipment, address and employees. He said he does not have a personal gripe, but there are other local bidders that do pay their taxes.

**** MR. LIVINGSTON MOVED THE FOLLOWING AMENDMENT:**

THE CITY WILL OFFSET ANY VIOLATIONS DURING THE COURSE OF THE CONTRACT BY ISSUING A PENALTY; THE CITY HAS THE OPTION TO TERMINATE THE CONTRACT IF THEY ARE IN VIOLATION OF ANY CITY ORDINANCES AND THAT THIS BE BINDING ON ANY SUCCESSOR ON THE PROPERTY

Mr. Coppola said that he reviewed the fact regarding the current bidder and determined there are no violations or delinquent taxes. He said there is a history of violations on this property, but not by the current bidder.

Mr. Simms said that Mr. Grasso is in compliance because it is a new company. He asked why this was being entertained. Ms. O' Toole Giandurco asked who the landlord of the property is. Attorney Lione said that Crystal LLC is the property owner. He said he does not know who the members of the LLC are. Mr. Simms said Mr. Grasso's father is the owner.

Ms. Bowman said she will not vote in favor of this because they have a tendency to not be good neighbors. Mr. Serasis said he will not vote on this item unless Mr. Livingston's amendment passes. Mr. Corsello said that less than two weeks ago, they were given the opinion that there were no violations or delinquent taxes. This bidder is competent and will save the City \$128,000. Mr. Livingston's amendment addresses the neighbors' concerns and would be a financial incentive for compliance.

**** MOTION AS AMENDED PASSED WITH TEN (10) VOTES IN FAVOR (MR. CORSELLO; MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MR. SERASIS; MR. KYDES; MS. MAGGIO; MR. DEPALMA; MR. IGNERI; MR. LIVINGSTON) AND FOUR (4) VOTES IN OPPOSITION (MR. BONENFANT; MR. HEMPSTEAD; MR. SIMMS; MS. O' TOOLE GIANDURCO) AND ONE (1) ABSTENTION (MS. BOWMAN)**

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

**** MR. LIVINGSTON MOVED TO APPROVE THE FOLLOWING ITEMS**

5A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH A.V. TUCHY, INC. FOR THE WEST ROCKS MIDDLE SCHOOL WINDOWS AND DOORS REPLACEMENT PROJECT (PHASE 1-SUMMER 2017) FOR A TOTAL NOT TO EXCEED \$1,470,253. FUNDS ARE AVAILABLE IN ACCT. #09175010 5777 C0566, SPECIAL APPROPRIATION FOR STATE REIMBURSEMENT SHARE (ACCT #TBD) AND ACCT. #09175010 5777 C0585

5B. AUTHORIZE THE NFCC TO ISSUE CHANGE ORDERS ON CONTRACT FOR A TOTAL NOT TO EXCEED \$73,513.

Due to a potential conflict of interest, Mr. Hempstead recused himself and left the Common Council Chambers.

Mr. Livingston explained that the windows are in very poor condition and replacement is a high priority.

**** MOTION PASSED UNANIMOUSLY**

Mr. Hempstead returned to the Common Council Chambers.

D. PLANNING COMMITTEE

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

- 1. APPROVE THE FY2017-2018 CAPITAL BUDGET OF THE CITY OF NORWALK WITH MODIFICATIONS AS OUTLINED ON THE ATTACHED MEMO.**

Mr. Kydes explained that this is a well constructed budget; schools are in need of repairs and he feels this budget covers that.

Ms. Bowman said she did not receive any e-mails begging for schools. The community is unsure of what is happening and added that this was not an inclusive process. She asked where the order came from to look at open space in South Norwalk.

Mr. Barbis said there were discussions with the City and to look at City owned properties. The consultants were also told to look at the Armory and a church property. South Norwalk has the biggest growing population of students. Ms. Bowman said that the City should give the Board of Education money to find a better space than the Nathaniel Ely site where they can reach a racial balance.

Mr. Kimmel said the capital budget is excellent; there has been a lot of collaboration and it goes beyond education. Regarding the Board of Education portion, the coverage has been quite extensive. He said he was impressed that the Board of Education looked at the school system as a whole. They are treading water and beginning to deal with long standing problems. Mr. Kimmel said it is time to stop treading water and move forward. The Board of Education came up with a comprehensive plan. It was done with a variety of experts; he recommended not looking at one school in isolation.

Mr. Livingston spoke in favor of the proposed budget. He said he was very impressed by the thorough analysis done.

Mr. Simms said the Nathaniel Ely field has a restrictive covenant; it is fiscally irresponsible to build a school if there is no permission to do so.

**** MR. SIMMS MOVED TO ELIMINATE THE MONEY ALLOCATED TO THE NATHANIEL ELY SCHOOL AND REALLOCATE THAT MONEY TO PURCHASE PROPERTY IN SOUTH NORWALK TO BUILD A SCHOOL**

Mr. Lo explained that remediation was done to the wetland to control any water. Mr. Kydes asked where he was on the project. Mr. Lo said that he is in the beginning stage. He said he can't do anything without approval from the Common Council. Mr. Simms said there is talk about taking a community park from the residents. He said they need to scale back.

Mr. Simms said they are going into an urban district and taking away the park for the kids in Roodner Court and the Ely Avenue area and making the area look like a prison. He said that is the last thing he wants to do to those citizens. He asked why it was ok to take open space and build a school. He added that the architect did not recommend building on the Nathaniel Ely site.

Mr. Barbis described the plans for the ball field and tennis courts and said the recreational space will increase by about an acre; the playground space will triple and sports courts will increase. The open space behind the tennis courts is impassible several months of the year. The representative from Silver Petricelli said he did not say that he did not recommend building on the Nathaniel Ely site.

Mr. Barbis said that early last summer, they looked at sites in South Norwalk with the thought of using eminent domain, but none of the sites were viable.

Mr. Serasis said the Parks and Recreation department got a sizable amount of funding to improve the tennis courts. In committee they discussed having to blow ledge to relocate the existing tennis courts. He said that according to commercial real estate, there is plenty of land. He proposed that if the funding is increased, that those funds be used to go into a long term lease agreement for a school. Mr. Simms said he was open to Mr. Serasis' proposal.

Dr. Adamowski said the properties have to meet specific state standards. It is not a question about occupying a building. He noted that most schools in Connecticut have ledge. It is a nature of Connecticut's topography. When they design the gym, it will have indoor tennis courts, so each student will receive tennis lessons.

Mayor Rilling noted that it was 11:45 p.m. and that a vote needs to be taken to authorize the meeting to go past midnight.

**** MR. SERASIS MOVED TO AUTHORIZE THE MEETING TO GO BEYOND MIDNIGHT**

**** MOTION PASSED UNANIMOUSLY**

Mr. Serasis said this was troubling because this will not be a neighborhood school and there will no longer be any open space.

Dr. Adamowski said the existing school is not a neighborhood school. The issue is that children living within a quarter mile will be given first preference. The rest of the enrollment will be filled by a district wide lottery. Mr. Serasis asked about extending the neighborhood toward the Rowayton side.

Dr. Adamowski explained that all of the schools are at 110% capacity. Students cannot be redistricted, because there is no place for them to go. They are busing students from where there are no schools, to where there are schools.

Mr. Serasis asked where the field will go. Mr. Barbis said that site would be cleaned. The nearby property owners want to sell and this will create an emergency access.

Mr. Simms said the Board of Education has not received approval to build a school on that site and asked why they were discussing approving funding to build on that site. He said that people were not part of the discussion and the residents who live in the district who did come out, were in opposition to building a school.

Mr. Simms asked why they were taking the park away from the neighborhood residents. He said the park needs to stay where it is. Dr. Adamowski said it is very common to swap space when building schools. He said there was an extensive process of community engagement. He said that 750 people responded that they wanted a school on the Nathaniel Ely site. A small group of people who did not want the school are not parents. Dr. Adamowski said there are no other 15 acre sites in South Norwalk to accommodate the school requirements. Last time a school was built was 40 years ago and the last renovation was 17 years ago.

Dr. Adamowski said there were a lot of discussion about this and it has been a highly collaborative process.

Ms. Bowman said this needs Federal/State approval, plus National Parks approval.

**** MS. BOWMAN MOVED THE FOLLOWING AMENDMENT TO MR. SIMMS' AMENDMENT:**

THAT THE FUNDING NOT BE USED UNTIL A COMMITTEE MADE UP OF SOUTH NORWALK RESIDENTS IS CREATED TO LOOK AT SPACE FOR A NEW SCHOOL

Ms. Bowman said there is no rush, because the Board of Education cannot touch the property.

Mr. Simms said the baseball diamond was filled with grass and told Parks and Recreation that the park was neglected. He said the field is not the responsibility of the neighborhood; it is the job of Parks and Recreation. It is a huge issue that they do not do their job to maintain the park. He said that they need to be sure money is in the Parks and Recreation budget to clean up the parks.

Mr. Simms said they are using that as a scape goat to acquire that land. He said the kids from the neighborhood play in that park and it would be catastrophic to take away that park.

**** THE TWO AMENDMENTS FAILED TWELVE (12) IN OPPOSITION (MR. BONENFANT; MR. CORSELLO; MR. HEMPSTEAD; MR. KIMMEL; MR. SACCHINELLI; MS. MELENDEZ; MR. KYDES; MS. MAGGIO; MR. DEPALMA; MS. O'TOOLE GIANDURCO; MR. IGNERI; MR. LIVINGSTON AND TWO (2) IN FAVOR (MS. BOWMAN AND MR. SIMMS) AND ONE (1) ABSTENTION (MR. SERASIS)**

Mr. Hempstead thanked all the parties involved and said he was happy they were taking care of the issues at the schools; however, he said he recalled putting \$70 - \$80,000 in Brien McMahon and Norwalk High schools more recently than 17 years ago. He said he hoped the design takes into consideration making the school buildings more flexible, so they City can have a use for the schools if enrollment declines the way it did a number of years ago.

Mr. Bonenfant told Ms. Bowman and Mr. Simms that he was sympathetic with some of the points of about losing park land.

Ms. Bowman said that this was going to cost more than \$41 million. She said she wants to have a neighborhood school, without making it a magnet school. She said this is their community and no one e-mailed her, which makes her think no one knows about this. She asked that everyone be brought to the table.

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

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

The Common Council members went into Executive Session at 12:23 a.m. and the public was excused and left the Common Council chambers.

A. CORPORATION COUNSEL

EXECUTIVE SESSION

The Common Council members came out of Executive Session at 12:51 a.m. No motions or votes were taken during the Executive Session.

- ** MR. IGNERI MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO SETTLE THE CASE PENDING IN THE CONNECTICUT SUPERIOR COURT, J. D. OF FAIRFIELD AT BRIDGEPORT, KNOWN AS CITY OF NORWALK V. RONALD I. CHORCHES, BANKRUPTCY TRUSTEE FOR NEON, DOCKET NO. FBT-CV-15-6049500-S.**
- ** MOTION PASSED UNANIMOUSLY**

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. KYDES MOVED TO ADJOURN**
- ** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 12:53 a.m.

ATTEST: _____
Donna King, City Clerk