

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.

CALL TO ORDER

Mayor Rilling called the meeting to order at 7:40 p.m. and led the assembly with the pledge of allegiance.

City Clerk King read the notice that this meeting is being video taped and audio recorded for public broadcast, and assisted listening devices are available.

I. ROLL CALL

City Clerk King called the roll. The following Council Members were present:

Council at Large:	Mr. Richard Bonenfant Mr. Michael Corsello Mr. Bruce Kimmel	Mr. Douglas Hempstead
District A:	Ms. Eloisa Melendez	Mr. Steve Serasis
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms (8:15 p.m.)
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Michael DePalma
District E:	Mr. John Igneri, Council President	Mr. Thomas Livingston

Mayor Harry Rilling; Attorney Mario Coppola, Corporation Counsel; Donna King, City Clerk;
Meeting began with 13 present. Travis Simms entered the meeting at 8:15 p.m.
14 present: Absent: Nick Sacchinelli

II. ACCEPTANCE OF MINUTES - Regular Meeting – June 27, 2017

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES FROM THE MEETING OF JUNE 27, 2017 AS SUBMITTED.**
**** THE MOTION PASSED WITH THIRTEEN VOTES IN FAVOR, NONE OPPOSED AND ONE ABSTENTION (DEPALMA).**

PUBLIC PARTICIPATION

City Clerk King read the rules for public participation and noted that comments were to be on agenda items and speakers should adhere to the three-minute time limit

1. Alex Knopp, 35 Fifth Street, Norwalk, spoke on the issue of parking for Norwalk Public Library and in support of the resolution to fund the agreement for the 11 Belden Avenue property... What we are purchasing is the opportunity to put the city in the driver's seat regarding the development of the whole area around the library. He provided a recap of the complicated details surrounding the issue and noted it was much more than parking, but was the future development and best interests of the City. He described his role as President of the Library Board of Trustees and how his involvement with the legal matter evolved into the negotiation process with Corporation Counsel. He thanked the Common Council members and Committee Chairs of Land Use, Planning, and Finance and in particular Tom Livingston and John Igneri for the partnership in what was a very collaborative process. On behalf of the Library Board, he spoke on the opportunity to enhance/enlarge the Library as a key institution to the City of Norwalk. He highlighted the surrounding Fairfield County towns and cities that have expanded their libraries in recognition of the vitality and preservation of a core center of education, technology and community involvement.
2. Jim Clark, 9 Golden Hill spoke on the issue of parking for Norwalk Public Library and echoed his support of the resolution as a key to the future learning centerpiece for the City. He spoke on the importance of adhering to a vision to increase accessibility to the Library along with enable future enhancement and building improvements.
3. Todd Bryant, 23 Morgan Avenue spoke on behalf of the Historical Commission Trust in support of issue of parking for Norwalk Public Library. He read excerpts of his letter submitted to the City Planning Commission and provided an overview of the Carnegie Library, the importance of restoring the stairs to bring the Library back to its former glory.
4. Ralph Bloom, 50 Aiken Street in support of the resolution to fund the agreement for the 11 Belden Avenue property. He thanked the Council in advance for their support and noted the quality of collections and the staff of those that run the Library.
5. Eric Chandler, 101 Ledgebrook spoke of the possibility down the road of having to pay a lot of money to purchase this property because of what are considered in some circles to be votes gone wrong... The people out here should not be punished for that... he emphasized the importance of the future investment and benefits of a vibrant Library as a centerpiece for the City.
6. Diane Lauricella 21 Blue Mountain Ridge Road, noted there was great stuff on the agenda and fabulous appointments and reappointments. She noted Items F2A&B were FEMA credits for flood insurance; B1 Noise Ordinance much needed in particular for SONO. She spoke on the issue of parking for Norwalk Public Library and in support of the resolution, to please support the plan or it will be lost forever. She noted the importance of adhering to a vision to increase accessibility to the Library along with enable future enhancement and building improvements.
7. Paul Retter, 2 Overlook Road thanked all their service and the value opportunity which is much more than the issue of parking for Norwalk Public Library. He spoke about the importance of the bus line and the needs of youth to increase accessibility to the Library along with enable future enhancement and building improvements.
8. Laurie Goins (no address given) spoke in support of the Norwalk Public Library, on the opportunity to enhance the library and the vibrancy it adds to the City to bring it up to the 21st century and beyond.

Mayor Rilling asked if there was anyone who wished to speak and hearing none, closed the public participation portion of the meeting at 8:15 p.m.

(Mr. Simms entered the meeting at 8:15 p.m.)

MAYOR:

RESIGNATIONS None

APPOINTMENTS:

Brian Baxendale Planning Commission
Tamsen C. Langalis, Planning Commission

Mr. Kydes spoke in support of the appointment of Brian Baxendale, referred to his resume of qualifications and experience, and noted that he would be an asset to the Commission.

**** MR. KYDES MOVED TO APPROVE THE APPOINTMENT OF BRIAN BAXENDALE TO THE PLANNING COMMISSION WITH A TERM TO EXPIRE 07/01/2021.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Bonenfant spoke in support of the appointment of Tammy Langalis, highlighted her service to the City, referred to her background and qualifications, and noted that with her real estate experience she would be an asset to the Commission. Comments of support were added by Mr. Igneri and Mr. Livingston.

**** MR. BONENFANT MOVED TO APPROVE THE APPOINTMENT OF TAMSEN LANGALIS TO THE PLANNING COMMISSION WITH A TERM TO EXPIRE 07/01/2021.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mayor Rilling suggested the Reappointments be next in the order approvals, followed by the Arts Commission.

REAPPOINTMENTS:

Steven Ferguson, Planning Commission
Nathan Sumpter, Zoning Commission
Galen W. Wells, Zoning Commission

Mr. Igneri spoke in support of the reappointment of Steven Ferguson, highlighted his positive contributions and noted that with this experience his continuance would be an asset to the Commission. Comments of support were added by Ms. Bowman and Ms. O'Toole Giandurco.

**** MR. IGNERI MOVED TO APPROVE THE REAPPOINTMENT OF STEVEN FERGUSON TO THE PLANNING COMMISSION WITH A TERM TO EXPIRE 07/01/2021.**

**** THE MOTION PASSED UNANIMOUSLY.**

APPOINTMENTS/REAPPOINTMENTS – continued

Mr. Serasis spoke in support of the reappointment of Nathan Sumpter, highlighted his many years of dedication and service to the City, his positive contributions and noted that with this experience his continuance of serving on the Zoning Commission would be an asset.

Mr. Kimmel noted the dedication involved with serving on the Zoning Commission and the complexities with regulations that affect the application details and so much of the work involved. Comments of support of Nathan Sumpter were added by Mr. Kimmel, Mr. Corsello, Ms. Bowman and Mr. Simms.

- ** MR. SERASIS MOVED TO APPROVE THE REAPPOINTMENT OF NATHAN SUMPTER TO THE ZONING COMMISSION WITH A TERM TO EXPIRE 07/01/2020.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Mr. Livingston spoke in support of the reappointment of Galen Wells, highlighted her background in legal and many years of dedication and service to the City, her ability to work with diverse groups, knowledge, and positive contributions and noted that with this experience, continuance would be an asset to the Commission.

Comments of support of Galen Wells were added by Mr. Igneri and Ms. Bowman.

- ** MR. LIVINGSTON MOVED TO APPROVE THE REAPPOINTMENT OF GALEN WELLS TO THE ZONING COMMISSION WITH A TERM TO EXPIRE 07/01/2020.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Jennifer Bangser, Arts Commission
T.C. Burt, Arts Commission
Becki Christopherson, Arts Commission
Janet G. Evelyn, Arts Commission
Nori Grudin, Arts Commission
Lynn Massey, Arts Commission
Helen Roman, Arts Commission
Danielle Vinci, Arts Commission
Susan Wallerstein, Arts Commission

Mayor Rilling asked for a motion to move the above appointments as one group.

Ms. Melendez spoke in support of the Arts Commission appointments and noted that many of these individuals have already served and their dedication and service to the City has enhanced the importance of the Arts. Comments of support were added by Ms. O'Toole Giandurco, Mr. Hempstead, Mr. Bonenfant, Mr. Kimmel, Mr. Serasis, and Mr. Igneri.

Mayor Rilling thanked all of the individuals for their willingness to serve and their positive contributions. He noted that in particular, Susan Wallerstein has served the City in an exceptional manner with her involvement on the Commission and the importance of the Arts to the City.

**** MS. MELENDEZ MOVED TO APPROVE THE FOLLOWING APPOINTMENTS TO THE ARTS COMMISSION WITH TERMS TO EXPIRE AS NOTED:**

	<u>Term Expires:</u>
Jennifer Bangser, Arts Commission	07/11/2020
T.C. Burt, Arts Commission	07/11/2018
Becki Christopherson, Arts Commission	07/11/2019
Janet G. Evelyn, Arts Commission	07/11/2020
Nori Grudin, Arts Commission	07/11/2020
Lynn Massey, Arts Commission	07/11/2018
Helen Roman, Arts Commission	07/11/2019
Danielle Vinci, Arts Commission	07/11/2018
Susan Wallerstein, Arts Commission	07/11/2019

**** THE MOTION PASSED UNANIMOUSLY.**

The appointees and reappointments were sworn in by City Clerk King and acknowledged by the assembly.

MAYOR'S REMARKS

Mayor Rilling noted that summer concerts at Calf Pasture beach were started last week and prior to tomorrow's concert there will be a walk around the beach with his wife at 6:00. He noted that Norwalk ranks among the top 80 best beaches in the country.

He noted the individuals for their willingness to serve on the Arts Commission and noted that the docents will be providing tours of the WPA Murals at City Hall as part of highlighting the Arts in the City.

Mayor Rilling congratulated the following Department Heads on their retirement:

Mike Mocciae, Director, Recreation, Parks, Cultural Affairs;

Tim Callahan, Health Department Director

He noted that Calf Pasture truly showcases the City and much of the improvements are attributed to the hard work of Mike Mocciae. He added that Mr. Callahan had led the Health Department through the accreditation with was a major endeavor for the City.

Mayor Rilling spoke on the success of the NICE Festival and commented the Chair, Janet Evelyn for her hard work in bringing this event to the City last year and her persistence again this year with making it a beautiful display of how a world of peace would be. He thanked Janet and the committee of volunteers who worked so hard to coordinate this event and looks forward to next year and encouraged all to attend.

COUNCIL PRESIDENT

Mr. Igneri thanked all involved for the support of the Library resolution and noted the many meetings and negotiations that took place that involved Boards, Commissions, Corporation Counsel and in particular Former Mayor Alex Knopp for his leadership in the process

Mr. Igneri asked the Council members if there was exception to cancellation of the July 24, 2017 Common Council meeting, based on the absence of time-sensitive agenda items. Hearing no opposition, the meeting of July 24, 2017 is cancelled.

Mr. Igneri asked Mr. Kydes to present the consent calendar.

CONSENT CALENDAR

Mr. Igneri explained to the Assembly that items on Consent would not be deliberated on the Council floor and representatives in attendance would be free to leave the meeting, as there would be no further discussion.

**** MR. KYDES MOVED THE CONSENT CALENDAR AS PRESENTED WITH ITEMS AS FOLLOWS:**

VI. A.1; VII.A.2; VII. D. 2a, 2b; 3a. 3b, 4a, 4b; VII F1, F2a, 2b

**** MOTION PASSED UNANIMOUSLY.**

Items on the Consent Calendar are in bold as follows:

**VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS
A. CORPORATION COUNSEL**

1. Approve Authorization to Settle Claim: Jeffrey Haynes v. Mark Paus and the City of Norwalk.

ITEMS VI. A. 2a. 2b.

ON CONSENT TO DEFER TO THE END OF MEETING FOR EXECUTIVE SESSION

FINANCE COMMITTEE

2. Approve resolution with respect to the authorization, issuance, and sale up to \$30,000,000.00 City of Norwalk General Obligation Refunding bonds.

ORDINANCE COMMITTEE

On Consent to be sent back to Committee:

**Approve authorization to hire acoustical expert, Eric Zwerling of the Noise Consultancy, LLC, to assist the City of Norwalk in revising Chapter 68 of the Norwalk City Code (Noise Ordinance) pending Finance Department approval.
See the attached materials concerning Eric Zwerling of the Noise Consultancy, LLC.**

Consent Calendar – continued

D. LAND USE AND BUILDING MANAGEMENT COMMITTEE

2a. Rescind Common Council Action of May 9, 2017 Item VII, B, 4a and 4b which authorized the following:

“4a. Authorize the Mayor, Harry W. Rilling, to execute a contract with Domus Constructors LLC, for roof repairs on the Lockwood Mathews Mansion Museum for a total not to exceed \$167,400.00. Account No: 0917/18 6310 5777 C0092

4b. Authorize the Historical Commission to execute change orders on Contract for a total not to exceed \$30,000.00”

2b. New Action:

Authorize the Mayor, Harry W. Rilling, to execute an agreement with G.L. Capasso, Inc. for Roof Repairs- Lockwood Mathews Mansion Museum – Phase IV for a total not to exceed \$123,500.00. Account No: 0917/18 6310 5777 C0092.

Authorize the Historical Commission to issue change orders on Contract for a total not to exceed \$12, 350.00.

3a. Authorize the Mayor, Harry W. Rilling, to execute a contract with HAZ-PROS, INC., for the Cranbury Elementary School Asbestos Floor Tiles Removal Project for a total not to exceed \$73,600.00. Funding for this project is available from account #09175010 5777 CO595.

3b. Authorize BOE Facilities Dept. to issue Change Orders on Contract for a total not to exceed \$7,360.00.

4a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with R&R Mechanical Services, LLC for Norwalk Museum fan coil replacement project for a total not to exceed \$29,000.00. Account #09144071 5777 C0325.

4b. Authorize the Office of Building Management to issue change orders on contract for a total not to exceed \$2,900.00.

E. PLANNING COMMITTEE

1. Authorize the Mayor to execute any and all documents associated with the submission of the PY43AAP to HUD and all documents consistent with the approved 2015-2019 Consolidated Plan and PY43 Annual Action Plan,

- 2a. Approve advancing to the Common Council Planning and Zoning's request to have the City of Norwalk participate in FEMA's Community Rating System**
2b Approve advancing to the Common Council Authorization for Mayor Rilling to sign related documents.

**** MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

The following items were deliberated at the meeting:

COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. Resolution approving a Special Capital Appropriation in the amount of \$460,000.00 to fund the option to purchase agreement for 11 Belden Avenue property and authorizing the issuance of \$460,000.00 General Obligation Bonds of the City to meet said appropriation.

Mr. Kimmel moved the item for discussion and offered the following addendum as an amendment to the item:

Addendum

This approval is subject to Corporation Counsel including additional provisions in the Option Agreement which, in the opinion of the Corporation Counsel, provides additional protections to the City's option to purchase the subject property.

Mr. Kimmel asked Corporation Counsel Coppola to lead the discussion on rationale in support of the amendment and he fielded comments and questions from the Council members.

Attorney Coppola outlined the background where the city had negotiated with the developer for more than a year, and, at one point had a deal tentatively in place with the Redevelopment Agency, but when that deal fell apart former Mayor Knopp stepped in and negotiated by the law department and we worked closely with former Mayor Knopp to strategize and negotiate the agreement itself, then Councilman Igneri, assisted to close the deal. He thanked the Committee Chairs of Land Use, Planning, and Finance and in particular Former Mayor Alex Knopp for the leadership with the complexity of the negotiations in what led to a collaborative partnership.

Mr. Bonenfant stated in the future he hopes that the city will do its own negotiating, not defer to third parties to bargain away either our money or our land. He added that although he is torn on this amount of money, he is agreeing to do what is right for the future growth of the Library.

Mr. Kimmel stated that he has had many discussions on this and explained that nothing was bargained away, but the opposite—we took land that was not City land, adjacent to the library.

He added that there were some serious issues regarding the future expansion of the library as well as issues regarding the parking—we did the best we could in a very complicated situation.

Mayor Rilling thanked all involved in this collaboration adding this was a very complex deal that took many, many hours of time, energy, thought – working through different deals.

B. FINANCE COMMITTEE—continued

Following the discussion and comments, Mayor Rilling asked for a vote on the amendment and resolution as amended.

**** MR.KIMMEL MOVED TO APPROVE THE AMENDMENT TO ITEM VII. A1.**

This approval is subject to corporation counsel including additional provisions in the option agreement which, in the opinion of the corporation counsel, provides additional protections to the city's option to purchase the subject property.

**** THE MOTION PASSED UNANIMOUSLY.**

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

RESOLUTION approving a Special Capital Appropriation in the amount of \$460,000.00 to fund the option to purchase agreement for 11 Belden Avenue property and authorizing the issuance of \$460,000.00 General Obligation Bonds of the City to meet said appropriation.

This approval is subject to Corporation Counsel including additional provisions in the Option Agreement which, in the opinion of the Corporation Counsel, provides additional protections to the City's option to purchase the subject property.

**** THE RESOLUTION AS AMENDED PASSED UNANIMOUSLY.**

VII. COMMON COUNCIL COMMITTEES—continued

C. HEALTH, WELFARE, PUBLIC SAFETY COMMITTEE

Approve the Health department fee schedule as set by the Director of Health with the concurrence of the Board of Health at their June 28, 2017 meeting.

Ms. Bowman moved the item for discussion and asked a member of the Health Department to come forward.

Mr. Tom Closter, Chief Environmental Officer came forward and fielded questions and comments relative to the fees charged for resident vs. non-resident. There was discussion on the number of inspections required for vendors of food trucks, and the costs involved with the four time visits of health department operations.

There was further discussion. Mr. Kimmel explained that it appears the item should have further discussion, but based on the time and other items on the agenda, suggested this be further deliberated in Committee.

C. HEALTH, WELFARE, PUBLIC SAFETY COMMITTEE-- continued

Mr. Serasis asked if this could be approved due to the time sensitive nature of the fees and revisited in the future as fee exceptions arise.

Ms. Melendez noted that this item had come to Ordinance and sent to Health, Welfare, Public Safety Committee and based on her experience with procedure, it can come back to Committee for deliberation and ruling on fees and exceptions.

**** MR. SERASIS MOVED TO APPROVE THE HEALTH DEPARTMENT FEE SCHEDULE AS SET BY THE DIRECTOR OF HEALTH WITH THE CONCURRENCE OF THE BOARD OF HEALTH AT THEIR JUNE 28, 2017 MEETING.**

**** MOTION PASSED UNANIMOUSLY.**

D. LAND USE AND BUILDING MANAGEMENT COMMITTEE

Authorize the Mayor, Harry W. Rilling, to execute any and all documents with 587 CT Ave., LLC for the proposed acquisition of property located at 11 Belden Avenue relating to the Belden Library development project Terms the acquisition shall be as outlined in Attorney Mario Coppola, Corporation Counsel's memo dated June 1, 2017.

Mr. Livingston moved the item for discussion and spoke in support of the acquisition. He reviewed library statistics of attendance and noted the importance of a vibrant updated Library in relation to growth of a City.

Mr. Hempstead outlined that it avoids the cost of doing other things with this lot--a reprieve from a building that nobody wants, but while it's very cost effective, all the Norwalk bodies involved have an obligation to begin planning now to move forward in six years. He added that we have a habit sometimes as a city--that we'll worry about it tomorrow; but hope that money is allocated before the fall election to get started in this whole process and to establish a plan.

Mr. Kimmel added that in six years, we should be in fairly decent shape in relation to our debt service, if we begin to prepare now set aside reserve... funding, we have to make sure Zoning is in place that we are comfortable with... we have to have a vision for that part of the city with a

library sitting right smack dab in the middle of it, with the appropriate kind of Zoning that dovetails with what's going on, on both sides, going on West Avenue or going down Wall Street.

Mr. Kydes added that we are paying a premium for this property, but it's mainly due to our capital budget constraints, to our school projects. But in the end it will be the right decision, and this wouldn't be here if not for former Mayor Knopp.

Mayor Rilling called for a vote on the item.

D. LAND USE AND BUILDING MANAGEMENT COMMITTEE -- continued

**** MR. LIVINGSTON MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL DOCUMENTS WITH 587 CT AVE., LLC FOR THE PROPOSED ACQUISITION OF PROPERTY LOCATED AT 11 BELDEN AVENUE RELATING TO THE BELDEN LIBRARY DEVELOPMENT PROJECT TERMS THE ACQUISITION SHALL BE AS OUTLINED IN ATTORNEY MARIO COPPOLA, CORPORATION COUNSEL'S MEMO DATED JUNE 1, 2017.**

**** MOTION PASSED UNANIMOUSLY.**

E. PUBLIC WORKS COMMITTEE

1a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Deering Construction, Inc. for State Project 102-355 Safe Routes To School Roton Middle School Project, for a sum not to exceed \$811,392.50.

Account No: 09-18-4021-5777-C0441 09-13-4031-5777-C0514

1b. Authorize the Director of Public Works, Bruce J. Chimento, to execute Orders on Contract with Deering Construction, Inc. for State Project 102-355 Safe Routes To School Roton Middle School Project, for a sum not to exceed \$81,139.00.

Account No: 09-18-4021-5777-C0441 09-13-4031-5777-C0514

Mr. Igneri presented the item and moved it for discussion. He noted it had gone through Committee, it was a state project, and it was time-sensitive that required approval to meet the timing of the start of school.

**** MOTION TO APPROVE ITEM VII. E.1a.1b. PASSED UNANIMOUSLY.**

Ms. O'Toole Giandurco left the meeting at 9:20 p.m.

**** MR. IGNERI MOVED TO ENTER INTO EXECUTIVE SESSION FOR PURPOSES OF DISCUSSION AND POSSIBLE ACTION OF CORPORATION COUNSEL ITEMS VI A. 2a. 2b:**

VI. A. 2a. Discussion of possible action concerning receipt of funds and authorization for Mayor to execute general release/settlement agreement.

2b. Discussion of possible future suit against Hanover Insurance Company.

**** MOTION PASSED UNANIMOUSLY.**

The meeting went into Executive Session at 9:20 p.m. with members in attendance as listed on page one (with the exception of City Clerk King and Ms. O'Toole Giandurco).

The meeting was reconvened into Public Session at 9:57 p.m. There were no votes or actions taken.

**** MR. IGNERI MOVED TO APPROVE THE AGREEMENT AS SUBMITTED FROM CORPORATION COUNSEL FOR RECEIPT OF FUNDS AND AUTHORIZATION FOR MAYOR RILLING TO EXECUTE GENERAL RELEASE/SETTLEMENT AGREEMENT WITH HANOVER INSURANCE.**

**** MOTION PASSED WITH ELEVEN VOTES IN FAVOR, NONE OPPOSED AND TWO ABSTENTIONS (BOWMAN, HEMPSTEAD).**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE - none

X. SUSPENSION OF RULES – none

XI. ADJOURNMENT

**** MS. MAGGIO MOVED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

M. Knox; Telesco Secretarial Services

ATTEST _____
Donna King, City Clerk Date: