

**CITY OF NORWALK
LAND USE AND BUILDING MANAGEMENT COMMITTEE
REGULAR MEETING
SEPTEMBER 6, 2017**

ATTENDANCE: Tom Livingston, Chair; Richard Bonenfant, Faye Bowman,
Michael DiPalma, Nick Sacchinelli, Bruce Kimmel

OTHERS: James Giuliano, Consultant; Michael Sgobbo

CALL TO ORDER.

Mr. Livingston called the meeting to order at 7:05 p.m.

I. ROLL CALL

Mr. Livingston called the roll. A quorum was present.

II. PUBLIC PARTICIPATION

There was no one present who wished to address the Committee at this time.

MINUTES OF PREVIOUS MEETINGS.

June 27, 2017 (Joint Public Hearing with Finance Committee)

**** MR. BONENFANT MOVED THE MINUTES OF THE JUNE 27, 2017 (JOINT PUBLIC HEARING WITH FINANCE COMMITTEE).**

**** THE MOTION TO APPROVE THE MINUTES OF THE JUNE 27, 2017 (JOINT PUBLIC HEARING WITH FINANCE COMMITTEE) AS SUBMITTED PASSED UNANIMOUSLY.**

July 5, 2017

**** MS. BOWMAN MOVED THE MINUTES OF THE JULY 5, 2017 MEETING.**

The following correction was noted:

Page 4, under South Norwalk School at Ely site, paragraph 1, line 2: please change the following from:

“between this location and Norwalk Community College appears to be”

to:

“between Springwood Avenue and Wilton Avenue appears to be”

**** THE MOTION TO APPROVE THE MINUTES OF THE JULY 5, 2017 MEETING AS CORRECTED PASSED UNANIMOUSLY.**

August 2, 2017

**** MS. BOWMAN MOVED THE MINUTES OF THE AUGUST 2, 2017 MEETING.**

**** THE MOTION TO APPROVE THE MINUTES OF THE AUGUST 2, 2017 AS SUBMITTED PASSED WITH THREE (3) IN FAVOR (BOWMAN, KIMMEL AND BONENFANT) AND THREE (3) ABSTENTIONS (LIVINGSTON, SACHINELLI AND DIPALMA).**

IV. OLD BUSINESS

A. Review request for assignment of agreement for the City Hall Coffee Shop Concession and refer the following to the Common Council for action:

“Authorize the Mayor, Harry W. Rilling, to execute an Amendment to the License Agreement with Marinellos Pizzeria LLC for the City Hall Coffee Shop Concession in order to assign the Agreement to Rolling Dough Express, LLC.”

**** MR. KIMMEL MOVED THE ITEM.**

Mr. Sgobbo gave a brief overview of the updates in agreement, which involved a name change of the vendor, to the Committee.

**** THE MOTION PASSED UNANIMOUSLY.**

V. NEW BUSINESS

A. Building Management

1. “Authorize the Purchasing Agent to issue a Purchase Order to New England Energy Controls for the installation of controls for the new fan coil units at the Norwalk Museum for a total not to exceed \$52,690.00. Funds are available from account #'s 0914 7100 5777 C0325 and 0916 7100 5777 C0325.”

**** MR. BONENFANT MOVED THE ITEM.**

Mr. Sgobbo said that the unit needed to be replaced but price had come in significantly higher. The City engineers did a mock up, which lowered the price. He explained how the project was split up into three portions. It will be a wireless switch.

Mr. Bonenfant asked about the details of the control system. Mr. Sgobbo said that the fans were leaking. The City has purchased the necessary fan coils. The proposal will complete the job.

**** THE MOTION PASSED UNANIMOUSLY.**

B. Norwalk Public Schools

1. Review proposed land-lease terms for the school bus depot and refer the following recommendation to the Common Council for action:

“a. Authorize the Mayor, Harry W. Rilling, to execute a 25 year Lease agreement with 332 Wilson Avenue, LLC, with the City acting as joint tenant with the Norwalk Board of Education, for property located at 332-334 Wilson Avenue to be used as the school bus depot for Norwalk Public Schools. Lease payments to be made from the Board of Education operating budget, Account #16127001-749-61.

b. Authorize the Mayor, Harry W. Rilling to execute a sublease agreement, with the Norwalk Board of Education as joint sublandlord , and First Student, Inc. as subtenant for the property located at 332-334 Wilson Avenue to be used in connection with its contract for student bus transportation services. Term of the sublease will be commensurate with the term of the services contract for student transportation services.”

Mr. Hamilton, the BOE Finance Director, explained that this project had started almost three years ago when the Board went out for bids. Currently the Board spends about \$9 million for transportation. One of the reasons that they were not able to attract bidders was because there was no site for a bus depot. This is an effort to have the City control the site. Currently there is a lease between First Student and the Wilson Avenue property owner.

Mr. Livingston asked about the length of the contract, which is 25 years. Mr. Hamilton said that they did not think they would be able to find another parcel. A staff member said that there was a direct impact on the land because the length of the contract enabled the BOE to have a lower rent. In exchange for the five year lease blocks, the overall increases were lowered. The staff added that they also looked at other properties and there was nothing really suitable. Mr. Hamilton said that it would save \$56,000 in the first year, and then the rent will escalate at a reasonable rate. There were also environmental concerns and the Legal Department has examined this. He reviewed the

reasons for moving forward with this. Both the main contract and the sublease have been approved by the BOE and needs to go to the full Council. The City is signing as a sub landlord, so it must be approved by the Council.

Mr. Kimmel asked if the BOE had compared the costs that other cities pay. Mr. Hamilton said that he believed the amount would be between 5% and 10% in savings. He added that in the past, there often was only one bid and at the most there were two bids.

Mr. Bonenfant said that they could outright purchase the land and pay it off in 10 years. Mr. Hamilton said that if the City bought the property, there could be liabilities.

Mr. Sacchinelli asked if there was an early termination clause. The staff member explained that she did not know but would get that information to Mr. Sacchinelli.

Ms. Bowman asked if the sublease was for 25 years. The staff member explained that the sublease was only for the current provider.

Ms. Bowman expressed strong concerns about the fact that the streets were very narrow in that area and that there could be a traffic nightmare since elementary schools have the highest volume of traffic.

Mr. Sacchinelli asked about potentially sharing the site with other towns. Mr. Hamilton replied that he did not foresee that happening.

Mr. Livingston asked about the Zoning Compliance. The staff member said that the sublease requires all the regulations and the site plan approval. EPA has been out to the site and the noise comes from two sources. The first issue is the back up signals on the buses, which are mandated by Federal Law. The second one is the warming up phase during the cold months. While First Student has refused to put up fencing, the field house is putting up bushes as a barrier.

Mr. Kimmel pointed out that the buses have been parking there for years and there have been no major changes. Zoning compliance has been in place and the buses will be there regardless of whether the Committee voted yes or no.

Ms. Bowman asked if there had been a traffic study because this was a State road and a major highway. Putting a school there will cause problems. Ms. Bowman said that she wished to be on the record as being against this. She had questions about the planning that was done and spoke about a small patch of land that had trees on it but will now be cut down for a ball field. The roads are narrow. Ms. Bowman indicated a number of streets on the map that were narrow in this area. She said she did not think this was a good idea. This is the time when the Committee should think about what they are about to do, since the lease would be for 25 years.

Ms. Bowman indicated where parents would be turning on the roads to get to the school on the map. She expressed strong concerns about the traffic congestion when the school day would be starting and ending.

Mr. DiPalma said that while those were fair points about the traffic, and Mr. Bonenfant's suggestion about purchasing the property was also valid, since they couldn't find a large parcel for a school, it was unlikely that they would be able to find a parcel for a bus depot. He said that he was trying to look at this realistically.

Mr. Sacchinelli said that he would be more comfortable for the record if they did 15 years with an option for 10 years. He asked what the cost savings would be.

Mr. Livingston asked about the early termination clause. Discussion followed about the details.

**** THE MOTION FAILED WITH THREE (3) IN FAVOR (LIVINGSTON, KIMMEL, AND DIPALMA) AND THREE (3) OPPOSED (BONENFANT, BOWMAN AND SACCHINELLI).**

C. NFCC

1. Review recommendation for architect for the proposed Ponus Ridge School Improvement Project and refer the following to the Common Council:

“a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Perkins Eastman Architects, DPC to provide architectural design services for the Ponus Ridge School Improvements Project for a total not to exceed of \$2,290,522.00. Acct. #09185010 5777 C0608

b. Authorize to establish a contingency for additional services as may be required for a total not to exceed \$40,000.”

Mr. Giuliano reviewed the selection process and said there were 14 responses. 4 finalist had interviews. The Selection panel chose Perkins Eastman.

Mr. Kimmel said that he did not understand the Contingency and it seemed low. Mr. DiPalma pointed out that there was also a construction Contingency as well.

Mr. Bonenfant asked why Silver Petrucelli was the lowest bidder. Mr. Giuliano said that a great deal had to do with their presentation, and their concept for design. Mr. Kimmel said that it would be helpful to have copies of the score sheets for the full Council.

Ms. Bowman said that it was a large project and wanted to know if they would complete the job in the number of hours stated. Mr. Giuliano said that the number of hours was just for comparison. The cost they provided was for the completion of the project.

Ms. Bowman asked who would make the final decision on the design. She was told that there would be a Building Committee. Ms. Bowman said that there were no members of the Community on the selection committee. Mr. Livingston said that the two school principals were on the selection committee.

**** THE MOTION PASSED WITH FIVE (5) IN FAVOR (LIVINGSTON, BOWMAN, DIPALMA, KIMMEL AND SACCHINELLI) AND ONE (1) OPPOSED (MR. BONENFANT).**

Mr. Bonenfant said that he voted against the item because he did not see enough information. Mr. Livingston reminded everyone that the score sheets would be included in the Council packets

2. Review recommendation for architect for the proposed South Norwalk School at Ely site and refer the following to the Common Council:

“a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with JCJ Architecture, PC to provide architectural design services (Tasks A, B, F, G, H, & I) for the new South Norwalk School at Ely Site for a total not to exceed of \$850,000. Acct. #09185010 5777 C0607

b. Authorize to establish a contingency for additional services as may be required for a total not to exceed \$40,000.”

**** MR. DIPALMA MOVED THE ITEM.**

Mr. Giuliano said that there had been interviews held for both schools.

Ms. Bowman asked about the items that were omitted. Mr. Giuliano said that the items that are up for approval are to bring the architect to design development only and the items that were removed involved would be presented after the land swap was finalized. Once the City has full control of the property, they will come back to the Council for additional approvals.

Ms. Bowman stated for the record that she was against this. She said that the information stated that the school would be K-8 and she believed that originally it was for K-5. Having K-8 on the property will have too many students at the school.

Mr. Bonenfant said that he understood the reduction of cost but had some detailed questions about the contract administration phase. Mr. Giuliano said that construction

administration would not be needed until the project was under construction. Mr. Livingston said that that amount was not included in the \$850,000.

Mr. Sacchinelli had some questions about the geothermal listing. He was told that this was to keep the options open.

**** THE MOTION PASSED WITH FIVE (5) IN FAVOR (LIVINGSTON, BONENFANT, DIPALMA, KIMMEL AND SACCHINELLI) AND ONE (1) OPPOSED (MS. BOWMAN).**

3. Executive Session: South Norwalk School at Ely Site – consider the proposed acquisition of properties and to determine property values for negotiation. (Staff representatives: Tom Hamilton and Jim Giuliano)

**** MR. DIPALMA MOVED TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LEGAL ISSUES REGARDING THE ACQUISITION OF PROPERTY.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Committee members, Mr. Hamilton and Mr. Giuliano entered into Executive Session to discuss legal issues regarding property acquisition at 8:24 p.m. They returned to Public Session at 8:46 p.m. No actions were taken during the Executive Session.

**** MR. KIMMEL MOVED TO AUTHORIZE CITY STAFF TO PROCEED WITH NEGOTIATION WITH PROPERTY OWNERS ADJACENT TO SPINGWOOD ELY PARK FOR THE CITY TO ACQUIRE SAID PROPERTIES FOR THE PROPOSED SOUTH NORWALK SCHOOL PROJECT.**

**** THE MOTION PASSED WITH FIVE (5) IN FAVOR (LIVINGSTON, BONENFANT, DIPALMA, KIMMEL AND SACCHINELLI) AND ONE (1) OPPOSED (MS. BOWMAN).**

VI. MISCELLANEOUS/DISCUSSION ITEMS

There were no additional items for discussion at this time.

ADJOURNMENT

**** MR. DIPALMA MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:47 p.m.

Respectfully submitted, S. L. Soltes, Telesco Secretarial Services