

**CITY OF NORWALK
PLANNING COMMISSION
October 16, 2018**

PRESENT: Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King (after roll call and left at 10:15 p.m.)

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Christine Bradley; Bob Barron; Angela Fogel; Deborah Goldstein; Diane CeCe

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 7:03 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. DISCUSSION AND/OR DECISION

- a) **Action item on Subdivision #3605 – Troy – 419 Newtown Avenue – 2 lots – Return of maintenance bond**

Mr. Wrinn said that the site was fine and that staff recommended the return of the maintenance bond.

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the request to release the surety held on Subdivision #3605 – Troy – 419 Newtown Avenue – 2 lots – Return of maintenance bond be **APPROVED** and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 26, 2018.

Ms. Langalis seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.

No one opposed.

No one abstained.

b) Subdivision #3637 – 35 Meeker Court, LLC – 35 Meeker Court – 4 Lots – Calling of erosion and sediment control surety

Mr. Wrinn explained that there have been problems during the rains which are not being resolved. There is a recommendation for a public hearing. There was a discussion about this item which had been approved in 2015. Although there had been additional conditions to the resolution they were not in compliance. There was a discussion of the houses being built on the property. There was a discussion about the drainage on Meeker Court and how it had been approved in the first place. There was also a discussion about another lawsuit in the area. There was a discussion about whether to have a public hearing for this application. It would be on the Planning Commission agenda in November.

***** MS. DIMEGLIO MOVED** to hold the public hearing for this application at the November Planning Commission meeting on November 13, 2018.

Mr. Davidson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.

No one opposed.

No one abstained.

c) Action item on Capital Project Close-Out – Norwalk Public Library – Close out of the Children’s Room Renovation project (Acct. #C0570) with the balance of \$66,000 and d) Action item on Capital Project Close-Out – Norwalk Public Library – Close out of Security Cam System project (Acct. #C0489) with the balance of \$13,500 e) Action item on Special Capital Appropriation – Norwalk Public Library – Review and approve \$75,000 in for the purchase of a mobile pop-up library

Ms. DiMeglio asked that items c), d) and e) be discussed together and then began by discussing past Capital Budgets. She noted that the security cameras and Children’s Room projects were not being completed. She also noted that she would not be voting in favor of these items.

Ms. Bradley, the director of the Norwalk Public Library, explained that the Children’s Room was part of a larger project as an extra story room. She explained that it could not be done because of the logistics of moving other parts of the main library. She also explained why the security cameras would not be installed. It had been a project that had been around for 10 years. Bob Barron explained that the Finance Department did not need permission to move from one account to another. They closed accounts and then take that to the total Capital Budget fund. He explained the appropriation process further. There was then a discussion about the timeline of these appropriations. Ms. Bradley was asked when she knew that the appropriation would be rejected because funds had not been returned, not because of the validity of the project. There was a discussion about projects that have historically not been completed, especially by the Department of Public Works (“DPW”). There was a further discussion about the security camera project at the South Norwalk Library. Ms. King thought that the security camera project should be completed. She also thought that the Children’s Room project should be completed and thought that all of these projects should be funded.

There was a discussion about how these close-outs had come about. There was then a discussion about the fact that there is a guard at the South Norwalk Library so that the security cameras were not necessary. Mr. Mushak said he would be supporting these appropriations. There was a discussion about whether this was a trade-off which Ms. Bradley said that it was not because these projects were not moving forward. Ms. DiMeglio noted that Planning Commission had always been a supporter of the Library and still was not convinced that these projects should be closed out. Ms. Langalis asked if corporations had been asked to support the Pop-Up Library but Ms. Bradley said they had not. Ms. DiMeglio noted that she was now support it but with reservations because she was not happy about how the process had worked.

Action item on Special Capital Appropriation – Norwalk Public Library – Review and approve \$75,000 in for the purchase of a mobile pop-up library

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Planning Commission that the capital project appropriation request from the Norwalk Public Library in the amount of \$75,000 for the purchase of a mobile pop-up library be **APPROVED**; and

BE IT FURTHER RESOLVED that the reasons for this action are:

1) To implement the Plan of Conservation and Development goal to "Provide sufficient school facilities and programs in order to afford all citizens the opportunity to obtain a quality education." (D.3.1. p. 30); and

2) To implement the Plan of Conservation and Development goal to "Allow for the future needs of Norwalk to be met as identified in this plan (i.e. housing, economic growth, community facilities, etc.)." (F.1.1.6. p. 42); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Davidson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.

No one opposed.

No one abstained.

f) Action item on Zoning Referral – #5-18R – Zoning Commission – Proposed amendment to Section 118-1460 Violations and Penalties to allow the Commission to revoke any permit for noncompliance

Mr. Kleppin explained why this proposed amendment was before the commissioners after they had problems with property owners that were not in compliance. There was a discussion about no longer taking anonymous complaints from residents. Mr. Kleppin said that this was a staff decision outside of the Zoning regulations. She did not agree with this and was

disappointed with the decision. Mr. Kleppin noted that someone had anonymously made complaints on 20 different properties in the same area. She noted that this was one bad apple and was concerned that people would not make complaints. Ms. DiMeglio noted that the Planning Commission did not know about this change in policy. Mr. Kleppin said that there would be many complaints on a property if it was such an egregious violation.

There was a discussion about a “gross violation” in the proposed amendment. Mr. Kleppin said it was purposely subjective and had been written by Corporation Counsel. Mr. Davidson thought that attorneys would appeal what is “gross” and should be removed. Everyone agreed to have it removed and forward it to the Zoning Commission.

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “**#5-18R** – Zoning Commission – Proposed amendment to Section 118-1460 Violations and Penalties to allow the Commission to revoke any permit for noncompliance” and dated September 24, 2018, be **approved, but recommends that the amendment be revised to remove the word “gross” from line 1.**

BE IT FURTHER RESOLVED that the reason for this action is to implement the Plan of Conservation & Development to:

- 1) “Rules and regulations are only as good as the enforcement provided.” (F. Regulations and Incentives)
- 2) “Provide stability in land use and zoning” (F.2.1.2, p. 42); and
- 3) “Establish and maintain an effective program of zoning enforcement” (F.6.1.1, p. 45); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

Mr. Davidson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.

No one opposed.

No one abstained.

At this point the commissioners took a 5 minute break and returned at 8:03 p.m.

g) Planning Commission’s role in Capital Budget, 1 year to 5 years

Mr. Kleppin explained that staff had provided the commissioners with a memo about how other municipalities handled POCD impacts on the Capital Budget. Mr. Davidson began by explaining how the Capital Budget process, as it was discussed by the Planning Commission, did not include the 5 year plan. They only reviewed the upcoming 1 year of it. He believed they were ignoring their responsibilities by not including the other 4 years. Mr. Barron introduced Angela Fogel, the new Director of Management and Budget Director. She explained her background to the commissioners and said she was happy to be with the City of Norwalk. Ms.

King noted that there was now performance based budgets. She asked whether Mr. Barron had received the packet which included these case studies. One of them was of Baltimore, MD and she was impressed with that city.

Mr. Barron said that he agreed with Mr. Davidson's argument to look at the full 5 year budget. He then explained how he came up with the Capital Budget. He also explained why he extended out to a 10 year plan. He thought it was important to let everyone know these impacts. He thought that they should make their decisions based upon the out years when making their decisions for the Capital Budget. Mr. Barron noted that Stamford's Budget department had visited that day and would enact some practices that they saw in Norwalk's department. Mr. Baxendale and Ms. Peniston agreed with Mr. Davidson that they should be reviewing the 5 year plan. Ms. King did say that she agreed that they should review the 5 years. There was a discussion about whether to approve the out years as well. Mr. Barron suggested reviewing those years but not necessarily making changes to it. There was a discussion about how the Planning Commissioners should implement the process. Mr. Barron explained his process with the Department Heads. Ms. King made a suggestion on how to change the Capital Budget process so that the Capital Budget process would be shorter. There was a discussion about whether a couple of commissioners could attend the meetings with Mr. Barron and the Department Heads. Other towns used a similar model. Mr. Kleppin would ask Corporation Counsel if this would work for Norwalk. There was a further discussion about how much to look ahead at the 5 year for the Capital Budget. Mr. Barron said, "When the Planning Commission makes its recommendations on which projects it will support, you should consider all 5 years. But the recommendation for the upcoming year should not change to a multi-year." Mr. Barron said that he makes recommendations on what the city can afford as far as debt. He also noted that residents could make recommendations as to what the priorities for the City should be. He said he looked at debt capacity. Mr. Davidson then made a recommendation that the Planning Commissioners focus on the first year but consider each of the 4 years and formulate an economic plan that conforms to the POCD. Some of the other commissioners thought that they could discuss the other 4 years but would not formulate recommendations on any more than the 1st year. Mr. Davidson said that since he would no longer be on the Planning Commission after June of 2019 and this would be his last Capital Budget cycle, he would defer to the other Planning Commissioners.

h) Discussion of outcome based budgets and new POCD impacts

Mr. Barron said that in the past they had not used the POCD in anticipation of the new 2018 POCD. He explained how they would handle the new one. He then said that he would have new descriptions from the new POCD in the budget materials. There was a discussion about how Mr. Barron would have a copy of it by November 9 when he sends out materials to the Department Heads. There was a discussion about the Oversight Committee meeting for the POCD. The Planning Commission would receive a draft the following week. Mr. Kleppin explained that the Department Heads could receive a draft of the POCD by the end of November to be able to insert those references into their Capital Budget requests.

Mr. Barron discussed the Government Finance Officers Association, both in the United States and Canada, (“GFOA”)’s Outcome Based Budgets paper. He said there were 8 steps in the Budget process and noted which they do already and where they needed improvements, especially the last 3 steps. He also discussed that they should get better details on a Department’s justification for a project. He said that there are many capital items that there may not be a measurable outcome. There was a discussion about the Baltimore, MD model of outcome based budgeting. He thought there should be more information about the outcomes from the departments. The system would take a year or two to implement. Ms. Fogel shared an academic study with the commissioners of what worked and what did not. Mr. Barron said that his department can get better with recommendations from everyone. Mr. Mushak explained that the data warehouses cost a lot of money and that some cities are not employing them adequately. It will cost Norwalk to change the budget process. There was a discussion about mapping the POCD to the Budget. It would have to be a hybrid process. Mr. Kleppin asked what would happen if the mapping did not match the old POCD to the new POCD. Mr. Barron said it would be re-done every year.

Ms. DiMeglio said she was suspending the rules to invite members of the public to speak at this time.

Deborah Goldstein said that performance based budgeting was not the same as outcome based budgeting and explained the differences. Mr. Barron and Ms. King said that they did not agree with the explanation.

Diane CeCe explained her thoughts on outcome and performance based budgeting. Ms. Goldstein further explained her thoughts on this as well.

i) Changes to the By-Laws

Ms. DiMeglio noted her changes to the By-Laws, as well as Ms. Langalis. There was a discussion about allowing the public to speak and the problems that could be raised.

***** MS. DIMEGLIO MOVED** to APPROVE the changes to the By-Laws.

Mr. Davidson seconded.

**Frances DiMeglio; David Davidson; Brian Baxendale; Mary Peniston;
Tammy Langalis; Mike Mushak; Nora King voted in favor.**

No one opposed.

No one abstained.

j) East Avenue TOD

Mr. Kleppin began the presentation by explaining that he was hoping to get the contract out. He has also given the scope of work out. He hoped it would be ready to be signed by the end of the month. The payment schedule still had to be structured. The state was paying for it through a grant.

k) POCD update

Mr. Kleppin said he was not happy that he had not seen the whole draft yet. He would send it electronically to everyone on the Oversight Committee, hopefully by this Friday, October 19 but possibly not until the following week. Ms. DiMeglio said that nothing should be paid until they received all materials. Mr. Kleppin explained some of the delay issues that were being experienced. He said that he had added some things to the draft that he has received which is not yet the document the committee would see. Ms. King asked for a schedule from Mr. Kleppin. She was also concerned that they had not seen a draft since July 2018. She also noted that this should have been delivered by the end of the summer. He hoped that everyone would get it electronically by October 22 and then by hard copy by October 23. There was a discussion about the schedule and how it would be communicated to Stantec as well as the other members of the Oversight Committee.

At this time, the commissioners decided to take a break and returned at 9:55 p.m.

IV. ELECTIONS – NOMINATIONS FROM THE FLOOR FOR CHAIR, VICE CHAIR, AND SECRETARY

Mr. Davidson nominated Steve Ferguson for Chair, Brian Baxendale for Vice Chair and Tammy Langalis for Secretary. It was then decided to nominate by the office so Ms. King nominated Fran DiMeglio for Chair which Mr. Baxendale seconded. Mr. Davidson voted for Mr. Ferguson for Chair.

***** MS. KING NOMINATED Ms. DiMeglio for the office of Chair.**

Mr. Baxendale seconded.

Frances DiMeglio; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.

No one opposed.

No one abstained.

For the office of Vice Chair, Ms. DiMeglio nominated Ms. King and Mr. Davidson nominated Mr. Baxendale. He declined to accept.

***** MS. DIMEGLIO NOMINATED Ms. King for the office of Vice Chair.**

Mr. Mushak seconded.

Frances DiMeglio; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.
No one opposed.
No one abstained.

Ms. DiMeglio nominated Mr. Mushak for secretary and Mr. Davidson nominated Ms. Langalis. She asked what the position entailed and declined the nomination.

***** MS. DIMEGLIO NOMINATED Mr. Mushak for the office of Secretary.**

Mr. Baxendale seconded.
Frances DiMeglio; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.
No one opposed.
No one abstained.

Ms. Peniston noted that all of the positions were described in the By-Laws.

V. ADOPTION OF ANNUAL MEETING SCHEDULE: 2019 Meeting schedule

There was a discussion about the months that are different. There was also a discussion about the Capital Budget meetings with Department Heads. It was suggested to do some at their regular Planning Commission meeting. There was also a discussion about dates in February when schools were closed. There was also a discussion about which departments might need their own dates for presentation. There was also a discussion about starting earlier on some of the Capital Budget meetings. Ms. King noted that she would not be available on February 19 for the vote on the Capital Budget.

***** MS. DIMEGLIO MOVED** to accept the 2019 Planning Commission meeting, as drafted, with the exception of the Capital Budget meetings on Jan 30 and 31 and on Feb 19 which will start at 6:30 pm.

Mr. King seconded.
Frances DiMeglio; David Davidson; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak; Nora King voted in favor.
No one opposed.
No one abstained.

VI. APPROVAL OF MINUTES: September 25, 2018

**** MS. DIMEGLIO MOVED to approve the September 25, 2018 Planning Commission minutes, including changes.**

Mr. Davidson seconded.

Frances DiMeglio; David Davidson; Tammy Langalis; Mike Mushak voted in favor.

No one opposed.

Brian Baxendale; Mary Peniston abstained.

VII. COMMENTS OF THE DIRECTOR

There were no comments from the Director.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Baxendale seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Mary Peniston; Tammy Langalis; Mike Mushak voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Diana Palmentiero