

**CITY OF NORWALK
LAND USE AND BUILDING MANAGEMENT COMMITTEE
REGULAR MEETING
FEBRUARY 6, 2019**

ATTENDANCE: Tom Livingston, Chair; Gregory Burnett, Douglas Hempstead, Beth Siegelbaum and Chris Yerinides

STAFF: Alan Lo, Building and Facilities Manager

OTHERS: Jim Giuliano; Christine Bradley, Norwalk Public Library; Laoise King, Assistant to the Mayor

CALL TO ORDER.

Mr. Livingston called the meeting to order at 7:30 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.

III. MINUTES OF PREVIOUS MEETING(S)

January 14, 2019

Due to a mailing delay in the arrival of the Committee's information packets, it was decided to table the minutes of January 14, 2019.

IV. OLD BUSINESS

1. Discussion on the Arts Commission's possible involvement with managing art display in Norwalk City Hall Community Room.

Mr. Livingston said that the Arts Commission had been using the space. He said that he had spoken with Ms. Wallerstein about the Community Room and she had agreed to send a letter to the Committee about this. To date, that letter has not been received.

Mr. Hempstead said that he would like to have some clarification on this issue. Mr. Burnett said that there was a memo from October that mentioned "shared responsibility"

for the Community Room. Mr. Livingston said that they use the Community Room for the Student Art show.

It was agreed that the Committee would wait to receive the letter from the Arts Commission.

V. NEW BUSINESS

A. Norwalk Public Library

1. Review proposed café vendor for Belden Main Library and refer the following to the Common Council for action:

“Authorize the Mayor, Harry W. Rilling, to execute a License Agreement with Blue Teapot LLC to provide café services at the Belden Main Library for one year with an one-year extension option. Terms for the Agreement shall be as outlined in Christine Bradley’s memo dated January 18, 2019.”

**** MR. YERINIDES MOVED THE ITEM.**

Ms. Bradley came forward and gave a brief overview of the proposed project to install a café at the Main Library at Belden Avenue. She said that there was a survey done and out of the 2,000 responses, the number one request was for a cafe. The build out would be all on the vendor. Ms. Bradley said that the vendor has been working with the Library Book Sale for over 10 years. She has insurance and has arranged for the use of a commercial kitchen to do the baking. The initial lease is only for a year.

Ms. Bradley gave the details of where the cafe would be located on the Library’s main floor. The discussion moved to the cost of doing a project like this. Ms. Bradley said that the vendor has sold desserts at the Library Book Sale and many customers would purchase a slice of cake and then return shortly afterwards to purchase the entire cake.

Mr. Hempstead asked if they had gone out to bid. Ms. Bradley said that they had handled this through Purchasing.

Mr. Burnett said that he was curious about the rent of \$1.00/yr. Ms. Bradley said that it was because of the build out. If there is a need to change this in the future, the Library can work out an agreement for a percentage of a sale or another term.

Mr. Yerinides asked for details on where it would be. Ms. Bradley described where their typing room was located on the first floor.

Mr. Burnett asked if the patrons could take the coffee and food anywhere in the library. Ms. Bradley explained that the use of the library has changed and that people bring their

computers and spend longer periods of time in the library. This is why this was such a major request.

Mr. Livingston asked when the café would be opening. Ms. Bradley said that the Friends Book Sale was scheduled for May 4th and that they would like to have it open for that.

**** THE MOTION PASSED UNANIMOUSLY.**

B. Building Management

1. Review request to lease portion of street level of the Health Department for a DMV Express Center and refer the following to the Common Council for approval:

“Authorize the Mayor, Harry W. Rilling, to execute a Lease Agreement with The WorkPlace Inc. to operate a Department of Motor Vehicles Express Center to process driver’s licenses in the street level of the Health Department Building. Terms of the agreement shall be as outlined in Alan Lo’s memo dated January 31, 2019.”

Mr. Livingston said that the request for lease had been withdrawn.

C. Maritime Aquarium Functional Replacement Project

Review request to restructure the current relationship for the Maritime Aquarium Functional Replacement Project and refer the following to the Common Council for action:

1. **“Authorize the Mayor, Harry W. Rilling, to execute an Amendment to the Administrative Settlement Agreement between the State of Connecticut and the City of Norwalk for the Maritime Aquarium at Norwalk Functional Replacement Project in order for the State to provide funding directly to the City and the City to have full responsibility in the management of the funds and project related contracts necessary to implement the Project.”**
2. **“Authorize the Mayor, Harry W. Rilling, to amend the Finance Agreement with Maritime Aquarium at Norwalk dated August 20, 2018 for the Functional Replacement Project in order for the City to receive the State’s Functional Replacement funds directly and to have full project management responsibilities necessary to implement the Project.”**
3. **“Authorize the Mayor, Harry W. Rilling, to execute an Amendment to Amended and Restated Lease Agreement with the Maritime Aquarium at Norwalk in order to terminate Amendment #1 and to incorporate new terms for the City to receive the State’s Functional Replacement funds directly and**

to have full project management responsibilities necessary to implement the Project”

4. **“Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Beyer Blinder Belle Architects and Planners LLP for the Maritime Aquarium at Norwalk Functional Replacement Project to provide schematic redesign services and allowance for design development and construction document phases for a total not to exceed \$225,000.00. Funds available from the State’s Maritime Aquarium Functional Replacement Grant.”**

5. **“Authorize the Mayor, Harry W. Rilling, to execute a Contract with A.P. Construction /O&G Industries as a Joint Venture for the Maritime Aquarium at Norwalk Functional Replacement Project. Terms of the agreement shall include the following:**
 - **Preconstruction Services Fee- \$118,760**
 - **CM Fee – 2.45%**
 - **CM Contingency – 3.00%**

Funds available from the State’s Maritime Aquarium Functional Replacement Grant.”

**** MS. SIEGELBAUM MOVED AGENDA ITEMS C 1-5.**

Ms. King then reviewed the details of memo about these issues. One of the changes is having the City as the fiduciary agent for the project. Another is the amendment to the contract. Ms. King said that the City is planning on retaining the same contractors and architect.

Mr. Burnett said that while the State was guaranteeing that they would pay for the project, it has never been done before. Ms. King said that because the City was now working with the State, the City was willing to act as the fiduciary agent for the project.

Mr. Burnett asked if there was a letter stating that the State would cover the costs. Ms. King said that when the Aquarium was in charge, the Aquarium could have added items in and the State might have disagreed. If that had happened, the Aquarium would have been responsible for paying for non-eligible items. Now the City will be working directly with State and the administration will know exactly what the State will approve. Now there will be a contract between the City and the Aquarium about any item that might be ineligible.

Mr. Yerinides asked what would happen if during the construction, they discovered something unexpected like asbestos. Mr. Lo said that the issue would have to be resolved between the Aquarium and the State.

Ms. King said that because no one has ever done a "functional replacement", the definition is somewhat fuzzy. An example of this could be the replacement of the seal tank. Since the tank was built the standards may have changed and there would be discussion between the State and the Aquarium regarding this.

Mr. Hempstead said that he would like to have a letter from the Aquarium stating that they would cover the cost of ineligible items.

Mr. Lo said that right now, the State has two staff members assigned to the project. He added that he would like to have a signoff form any changes over \$20,000. This would give the City a document that showed that someone from the DOT signed off on it. Ms. King said that there was an accounting process underway to insure that everything was accounted for and the City has a clean slate for the start of this phase of the project.

Mr. Burnett asked if the term "functional replacement" covered the difference between technology that is still available such as the IMAX theater technology, as opposed to the new, cutting edge technology, which is now 4D. Ms. King said that the IMAX technology was obsolete and that the State had already agreed to a 4D replacement. Mr. Lo agreed and pointed out that when they are upgrading, they have to consider moving the Go Fish exhibit, identifying the new exhibit location, but that may include moving another exhibit to a different location. Ms. King said that it would be very important to have the Aquarium signing off on each phase of the project.

Mr. Hempstead pointed out that the City was taking over the project. Mr. Lo said that the Aquarium had already gone through the pre-construction phase with A.P. Construction /O&G Industries. One of the contracts was for the architect and the other is for the construction manager. Since the City will now be involved, they need to start with a clean slate. Mr. Lo reviewed the process.

Mr. Burnett asked if this was a reimbursement project. Mr. Lo said that it was not. The City is acting as a fiduciary agent for the Aquarium.

**** THE MOTION TO APPROVE AGENDA ITEMS C 1-5 PASSED UNANIMOUSLY.**

D. School Construction Projects

1. Review recommendation to replace the Commissioning Agent for Ponus Ridge School addition and renovation project and refer the following to the Common Council for action:

“a. Rescind Common Council Action of August 14, 2018 item VII.D.2. which

authorized the following:

“Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Strategic Building Solutions, LLC d/b/a Colliers International to provide commissioning services for the Ponus Ridge School additions and renovations project for a total not to exceed of \$80,350. Account # 09185010 5777 C0608”

b. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Horizon Engineering Associates LLP to provide building mechanical equipment commissioning services for the Ponus Ridge School additions and renovations project for a total not to exceed of \$76,800. Acct. #09185010 5777 C0608

c. Authorize the NFCC to issue Change Orders on Contract for a total not to exceed \$7,680.”

**** MR. BURNETT MOVED AGENDA ITEMS D 1 A-C.**

Mr. Livingston asked if the City had made a payment to Colliers. Mr. Giuliano said that they had not made a payment to them at this time.

Mr. Giuliano said that they have to abide by the High Building Standards for Schools. After the RFP process was completed, the selected contractor had some disagreements with the contract, which was part of the RFP. When Corporation Counsel and Colliers were unable to agree on the terms, Colliers had agreed to part ways with the City. Thereafter, the City reached out to the second lowest bidder.

Mr. Livingston asked where the \$8,000 payment to Colliers was coming from. Mr. Lo said that the staff has the authority to issue a payment under \$10,000. The money will be drawn from the School Construction Account.

**** THE MOTION PASSED UNANIMOUSLY.**

2. Review request for Eversource to install new gas service to Ponus Ridge School and refer the following to the Common Council:

“Authorize the Mayor, Harry W. Rilling, to execute any and all documents with Eversource for the installation of a new gas service to Ponus Ridge School for a total not to exceed \$30,000. Acct. #09185010 5777 C0608”

**** MR. YERINIDES MOVED THE ITEM.**

Mr. Lo said that gas was cleaner and more efficient. The boiler will not have to be changed right now, but when that time comes, the new boiler will be more efficient. There is now a gas line closer to the building. DPW was scheduled to pave Hunters Lane and they have been asked to delay that until after the gas line and the construction is completed.

Mr. Burnett asked about the cost savings. Mr. Lo said that gas was less expensive and the City was moving completely to gas for all the City buildings. Mr. Giuliano said that there would be savings in terms of delivery. Mr. Burnett said that it was important to have the figures available when they have to speak with the constituents about why these projects were being done.

**** THE MOTION PASSED UNANIMOUSLY.**

E. Building Management

1. Review bid results for the new fresh air intake system at DPW Garage and refer the following to the Common Council for action:

“a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with All State Construction Inc. for the installation of new fresh air intake equipment at DPW Garage Administration Offices for a total not to exceed \$31,971.00. Accounts #09197100 5777 C0119.

b. Authorize the Office of Building Management to issue change orders on contract for a total not to exceed \$3,200.00.”

**** MR. BURNETT MOVED AGENDA ITEMS E 1 A&B**

Mr. Lo said that currently the garage has a heating and cooling system, but there are times during the shoulder seasons when if they have a fresh air intake, they don't have to turn on the air conditioning when the building heats up due to solar gain.

Mr. Livingston asked if they were keeping track of all of the efficiencies. Mr. Lo said that the goal was to keep people comfortable and costs down.

**** THE MOTION PASSED UNANIMOUSLY.**

VI. MISCELLANEOUS/DISCUSSION ITEMS

1. **Update on various school construction projects.**

Mr. Giuliano said that at Ponus trees were being removed, fences were being removed. The portables are in the process of being removed. Construction fencing will be installed soon. The project is moving forward. Mr. Lo said that there was a small amount of ledge on the property and there will be some controlled blasting. The nearby property owners have been notified. The property owners will be offered a free inspection of their homes to document any potential damage. The amount of material to be removed is relatively minor. The other option is using a tool similar to a jack hammer. Mr. Lo pointed out that since the school is located to the blast zone, the school would be the first to sustain any damage from the blasting long before any residence would.

The Columbus project is still on hold.

The NHS projects are moving along. There is a meeting on Monday to review the Culinary Arts project with the architects. There are some issues with some of the bathrooms becoming ADA compliant due to lack of space. The elevator is on order. There are other miscellaneous projects that are under discussion at this time.

Study packages for Jefferson, Columbus and IB schools have been received. These will be reviewed. Cranbury has come in significantly higher than expected. Mr. Livingston asked how the BOE could move forward if the project is over budget. Mr. Lo reminded everyone that when Silver Petrucelli developed the budget two years ago, the figures were preliminary. That was before everyone knew what the full scope of the project was known. Discussion followed.

Mr. Burnett said that the budgeted amounts was running over by \$1.3 million dollars. Mr. Lo agreed and said that he could not do anything more than \$11 million dollars because that was all that was authorized. Mr. Giuliano said that the BOE would have to make the decision regarding what was more valuable to them. Discussion followed about who would make that choice.

The discussion then moved to whether the former Briggs Alternative School building was in use. Mr. Lo said that there were still some programs there that were being used by the Board of Education. Mr. Burnett said that he believed that the Special Education program was being held there. He said that one room is dedicated to auditory testing.

Mr. Burnett said that the numbers that the BOE shared at a recent meeting were not the figures that the Committee was looking for. Mr. Hempstead said that the Committee was looking for the information on how many seats were currently filled and how many seats will it take before the current attendance overage balances out.

Mr. Burnett asked about the status of the IB school training and pointed out that it would take three years to train the staff.

ADJOURNMENT.

**** MR. HEMPSTEAD MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:58 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services