



LAND USE AND BUILDING MANAGEMENT COMMITTEE

MEETING AGENDA

WEDNESDAY, JULY 1 2020 AT 7:30 PM

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at www.norwalkct.org/meetings.



Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.



Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section. Please find the information using the link above.



Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Alan Lo at alo@norwalkct.org to provide written public comment prior to the meeting.

I. ROLL CALL

II. PUBLIC PARTICIPATION

III. MINUTES OF PREVIOUS MEETING(S)

May 6, 2020 and June 3, 2020

IV. NEW BUSINESS

A. City Property

1. Review request from Mr. Gino Mattera to purchase City property located at the corner of West Cedar and Scribner Avenue. Suggested action:
Schedule public hearing

B. Norwalk Public Schools

1. **Authorized the Mayor, Harry W. Rilling to enter into a contact with Board of Education and Durham School Services L.P. to sublease 334 Wilson Avenue for purpose of student transportation.**
2. Review bids for the Roton Middle School Portable Air Conditioning and Electrical Upgrades project and refer the following to the Common Council for action:
“a. Authorize the Mayor, Harry W. Rilling, to execute an Agreements with Stewart Mechanical Services, Inc. for the Roton Middle School Portable Air Conditioning and Electrical Upgrade – Phase 2 Project for a total not exceed \$394,000. Funds are available in Acct. #09205010 5777 C0652.
b. Authorize the NPS Facilities Department to issue Change Orders on this contract for a total of \$39,400. Funds are available in Acct. #09205010 5777 C0652.”
3. Review bids for the district wide oil tank replacement project and refer the following to the Common Council for action:
“a. Authorize the Mayor, Harry W. Rilling, to execute an Agreements with Salamone & Associates, P.C. for the Norwalk Public Schools Oil Tank Replacement Project for a total not exceed \$106,670. Funds are available in Acct. #0921 5010 5777 C0789.
b. Authorize the NPS Facilities Department to issue Change Orders on this contract for a total of \$10,700. Funds are available in Acct. #0921 5010 5777 C0789.”

C. School Construction Projects

1. Projects update

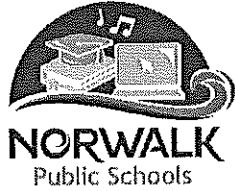
2. Review bid results for moving services for Jefferson School and refer the following to the Common Council for action:
“a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Precision Placement LLC. for the Jefferson Elementary School renovation and improvement project for a total not to exceed \$55,230. Funds are available in Acct. #09195010 5777 C0619.
b. Authorize the Land Use & Building Management Committee to issue Change Orders on Contract for a total not to exceed \$5,500.”
3. Review request to increase contract allowance with Meyer to provide moving services for Ponus School and refer the following to the Common Council for action:
“Authorize the Office of Building Management to issue Change Orders on Contract with William B. Meyer, Inc. for moving services for the Ponus Ridge School Addition and Alterations project for a total not to exceed \$20,000.00. Acct. #09185010 5777 C0608.”
4. Designate representatives from Land Use and Building Management Committee to participate in School Advisory Committees for Cranbury School and Naramake School improvement projects

D. Maritime Aquarium

1. Review recommendation for the amendment of O&G/AP Construction’s agreement for the Maritime Aquarium Functional Replacement Project and refer the following to the Common Council for approval:
“Authorize the Mayor, Harry W. Rilling, to execute an amendment to the O&G Industries/AP Construction TMA, A Joint Venture agreement for the Norwalk Maritime Aquarium Functional Replacement Project to provide additional staff support for a total not to exceed \$100,000 and to extend the completion date for the 4D Theater to January 15, 2021 and the Seal Tank to March 19, 2021. Funds are available from the Maritime Aquarium State Functional Replacement account #09194031 5799 C0635”

V. MISCELLANEOUS ITEMS

Prepared by Alan Lo,
Dated: June 25, 2020



NORWALK PUBLIC SCHOOLS

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Thomas Hamilton
Chief Financial Officer

DATE: June 25, 2020

TO: The Members of the Land Use and Building Management Committee

FROM: Thomas Hamilton, Chief Financial Officer

RE: School Bus Depot Sublease Agreement

The District's five-year transportation contract with First Student for Type I and Type II school buses expires on June 30, 2020. On December 19, 2019 the District issued an RFP for transportation services for the five-year period beginning July 1, 2020. The last time that the District issued an RFP for transportation services, contractors were required to locate and secure their own bus depot location. This was recognized as a serious impediment to fostering strong competition from interested vendors, because bus depot sites in Norwalk are difficult to find, especially in the relatively short window afforded during a bidding situation.

In December of 2017, Norwalk Public Schools and the City of Norwalk entered into a long-term lease for the current depot at 332-334 Wilson Avenue at a substantial savings from the lease costs that had been passed onto the District under the prior arrangement. Moreover, by having the District and City lease a site and make it available to any prospective bidder, we were confident that this would foster greater competition when we solicited transportation proposals. The number and competitiveness of the proposals we received this year for transportation services validates the decision made several years ago to directly lease the bus depot location.

The proposals that the District received indicated that there is strong interest among qualified transportation vendors to serve as Norwalk's transportation provider. Two of the proposers (our incumbent, First Student, and Durham School Services) proposed pricing for next year that was lower than the amount we are being charged in 2019-20 under the expiring contract. Durham School Services submitted the lowest cost proposal at a FY 2020-21 savings of \$407,603 or 7% below our current daily rate. Durham's proposal is also approximately \$200,000 less than the proposal submitted by First Student for FY 2020-21, and generates savings of \$788,000 over the next five-years. Based on the strong proposal submission from Durham, the NPS Board approved a five-year transportation contract with Durham School Services, for the period beginning July 1, 2020. As part of this contract, I would add that for the first time the District is moving to a propane-fueled bus fleet, in order to substantially reduce diesel pollution and particulates that present a known health hazard to children and adults in our community.

While the transportation contract itself falls under the purview of the Board of Education, because the lease of the property at 332-334 Wilson Avenue for the school bus depot involves real property and exceeds a five-year term, the City of Norwalk must be a party to this lease. Moreover, since we anticipated that the transportation vendor could periodically change, there is also a sublease agreement with the transportation provider, and the City is also a party to that sublease. As part of the final new contracts prepared under the auspices of the City Law Department, we need to enter into a new sublease with Durham School Services, pursuant to our master lease agreement with the property owner.

Therefore, we are requesting the following action:

Authorized the Mayor, Harry W. Rilling to enter into a contact with the Board of Education and Durham School Services L.P. to sublease 334 Wilson Avenue for purpose of student transportation services.

TERM SHEET

RE: SUBLEASE OF 334 WILSON AVENUE, NORWALK, CONNECTICUT, BY AND BETWEEN THE CITY OF NORWALK AND NORWALK BOARD OF EDUCATION, AS SUBLANDLORDS, AND DURHAM SCHOOL SERVICES, L.P., AS SUBTENANT.

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Parties: The Sublandlords will be the City of Norwalk and Norwalk Board of Education. Subtenant will be Durham School Services, L.P.

Subleased Premises: 334 Wilson Avenue, Norwalk, Connecticut.

Permissible Use: For performance of School Bus Contract.¹

Term: The term of this Sublease will be July 1, 2020 and be coterminous with the term of the School Bus Contract, as the School Bus Contract may be extended from time to time, unless sooner terminated pursuant to any provision of this Sublease or the Master Lease. The term of the School Bus Contract currently ends on June 30, 2025.

General: Subtenant bound to all obligations of the Sublandlords under the Master Lease except for Carve Outs set forth below. As used here, "Master Lease" means the Lease entered into by and between 332 Wilson Avenue, LLC, as landlord, and the City of Norwalk and Norwalk Board of Education, as tenants, dated December 11, 2017.

Carve-Outs: Consistent with the prior sublease with the prior subtenant, First Student, Inc., the following provisions of the Master Lease were excluded from the Sublease: Section 1.02 (establishing a lease term of 25 years), Section 1.03 (providing the City and Board with two 5 year options to extend the term of the Mater Lease), Article 3 (concerning base and additional rent obligations), Article 6 (responsibility for maintenance and monitoring of underground storage tanks and pre-existing environmental conditions pertaining the prior subtenant, First Student, Inc.), Section 8.03(a) and (b) (concerning pre-existing environmental conditions pertaining the prior subtenant, First Student, Inc.), Article 25 (relating to brokerage fees), Article 26 (concerning subordination in connection with Landlord's mortgage(s) and financing), and Article 34 (relating to Landlord representations).

Taxes and Usage Fees: Notwithstanding the Carve-Outs pertaining to Article 3, Subtenant responsible for paying all real estate taxes and sewer usage fees.

¹ Sublandlords and Subtenant have executed an Agreement For Type and Type II Student Transportation Services pursuant to which Subtenant has agreed to provide school bus transportation services on behalf of the Norwalk Public Schools and the Norwalk Board of Education (the "School Bus Contract"). In furtherance of the School Bus Contract, Sublandlord and Subtenant have agreed to enter into this Sublease for the Subleased Premises to be used and occupied exclusively by Subtenant as a school bus storage, fueling, maintenance and dispatch facility and administrative office in furtherance of the School Bus Contract.

Insurance: As required under Master Lease except Subtenant not permitted to have 1MM deductible permitted to Sublandlords under said Master Lease.

Alterations: Not permitted without written approval of Sublandlords.

Assignment: Not permitted without written approval of Sublandlords.