

**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**

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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 Donna King at [dking@norwalkct.org](mailto:dking@norwalkct.org) to provide written public comment prior to the meeting.

## **AGENDA**

A moment of silence was observed in memory of Ms. Laura Epstein.

I. **ROLL CALL** 14, Mr. Dumas absent

II. **ACCEPTANCE OF MINUTES**

Regular Meeting: July 14, 2020

**APPROVED AS AMENDED**

III. **PUBLIC PARTICIPATION** 1

IV. **MAYOR**

A. **RESIGNATIONS AND APPOINTMENTS**

**RESIGNATIONS:** Joshua M. Goldstein, Zoning Commission, Alternate, District B **ACCEPTED**

**APPOINTMENTS:** Joshua M. Goldstein, Zoning Commission, Regular, District B **APPROVED**

**REAPPOINTMENTS:** Galen Wells, Zoning Commission, Regular, District E **APPROVED**

**MAYOR'S REMARKS:** The Mayor reported that COVID 19 cases and deaths have been drastically reduced in Norwalk. He thanked the citizens and business owners for their efforts to accomplish this. He encouraged them to continue what they are doing. He recognized and thanked the Department of Public Works, Recreation and Parks Department, Police Department and Fire Department for working hard to clean up the city after Storm Isaias. Lastly, the Mayor announced a new Connectivity Initiative that will close the digital divide for school-aged children in Norwalk.

**V. COUNCIL PRESIDENT**

Council President Barbara Smyth read a statement from the Common Council:

The City of Norwalk fully supports our Public Safety Officers. In the spirit of Public Act 19-111, enacted on October 1, 2019, the City proactively compensated Officer Roselle fully after he was wounded on-duty during training at the Norwalk Police Department's firing range on September 5, 2017.

The members of the Norwalk Common Council have reviewed the information Officer Roselle has provided and the report submitted by the City to the Community Services and Personnel Committee regarding Officer Roselle's eligibility for the additional compensation contemplated under Public Act 19-111. In accordance with the City procedure, Officer Roselle has been provided with a copy of that report and the associated documents.

A review of the report establishes that the settlement of Officer Roselle's Worker's Compensation claims against the City included a very substantial amount of money, and that the documents Officer Roselle signed in that settlement acknowledge that the settlement money included all future wages, and all claims for additional compensation. Officer Roselle also agreed that he would not seek any additional money from the City under any other law or regulation, or in any other forum.

The Public Act under which Officer Roselle makes this claim allows the legislative body of the municipality (the Common Council) to consider making up the difference between the public safety officer's base salary and the combination of the pension payments and Worker's Compensation payments. The facts of Officer Roselle's case establish that the City has already paid to him in the Worker's Compensation settlement and pension entitlement more money than the adjustment contemplated under this Act. In addition, Officer Roselle's injury predates Public Act 19-111. Officer Roselle is therefore not eligible for any additional compensation from the City. **APPROVED**

**A. GENERAL COUNCIL BUSINESS:**

1. Vote on application of retired Police Officer Phillip Roselle regarding eligibility for additional compensation under Public Act 19-111. **DENIED**

**B. CONSENT CALENDAR:** VI.A.1, VI.A.2, VII.B.1, VII.D.1a, VII.D.1b, VII.D.2a, VII.D.2b, VII.D.3a, VII.D.3b, VII.F.1

**VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS**

**A. CORPORATION COUNSEL**

1. Authorization for discussion: Settlement: Luther Atkinson v. City of Norwalk, et al  
**EXECUTIVE SESSION** **APPROVED**
  
2. Discussion regarding proposed settlement with the CC Rivington Defendant in litigation titled, City of Norwalk and City of Norwalk Redevelopment Agency vs. ILSR Owners, LLC and Wall St Opportunity Fund, LLC, Docket No. FST-CVIS-6038249-S, which is currently pending in the Stamford-Norwalk Judicial District at Stamford.  
**EXECUTIVE SESSION** **APPROVED**

**VII. COMMON COUNCIL COMMITTEES**

**A. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE**

- 1a. Authorize the Mayor, Harry W. Rilling, to enter into an agreement with Field Turf USA, Inc. (Sole Source) for the Synthetic Turf Surface at West Rocks School Proposed Soccer Field Complex for a sum not to exceed \$443,088.00. Account #'s 09206030-5777-C0631, 09216030- 5777-C0631. **AUTHORIZED**
  
- 1b. Authorize the Director of Recreation and Parks to execute change order on contract with Field Turf USA, Inc. (Sole Source) for the Synthetic Turf Surface at West Rocks School Proposed Soccer Field Complex for a sum not to exceed \$44,308.00. Account #'s 09206030-5777-C0631, 09216030-5777-C0631. **AUTHORIZED**

**B. PUBLIC WORKS COMMITTEE**

1. Authorize the Mayor, Harry W. Rilling, to execute any and all documents necessary for the conveyance of the following land from Norwalk Land Development, LLC to the City of Norwalk at no cost subject to a release of mortgage(s) encumbering said land:
  - a. Certain piece or parcel is identified as "Conveyance Area A" having an area of 1,263±S.F. as shown on map entitled "Right of Way Survey City of Norwalk Map Showing Land Acquired from Norwalk Land Development, LLC by the City of Norwalk" dated November 2019 prepared by Langan CT, Inc;
  
  - b. Said piece or parcel of property is identified as "Conveyance Area B" having an area of 237±S.F. as shown on map entitled "Right of Way Survey City of Norwalk Map Showing Land Acquired from Norwalk Land Development, LLC by the City of Norwalk" dated November 2019 prepared by Langan CT, Inc. **AUTHORIZED**

**C. COMMUNITY SERVICES AND PERSONNEL COMMITTEE**

- 1a. Authorize the Mayor, Harry W. Rilling, to execute any and all documents necessary to accept grant funds from the Ritter Foundation and Per and Astrid Heidenreich Family Foundation in the amount of \$125,000 each for the period September 1, 2020 through August 30, 2021. **AUTHORIZED**

1b. Authorize the Mayor, Harry W. Rilling, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Connectivity Initiative Family Navigator Program Grant for the period September 1, 2020 through August 30, 2021. **AUTHORIZED**

**D. LAND USE AND BUILDING MANAGEMENT COMMITTEE**

1a. Authorize the Purchasing Department to issue Purchase Order(s) to Schoolwide, Inc. for elementary and middle schools English and Spanish literacy materials for a total not to exceed \$277,549.15 (shipping costs have been waived) Acct. #09215010 5777 C0609 **AUTHORIZED**

1b. Authorize a contingency allowance in the amount not to exceed \$8,000 in the event of order adjustments. **AUTHORIZED**

2a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with AM Electric Company LLC. for the Silvermine Elementary School Air Conditioning and Electrical Upgrades Project for a total not exceed \$345,000. Funds are available in Acct. #09205010 5777 C0652. **AUTHORIZED**

2b. Authorize the NPS Facilities Department to issue Change Orders on this contract for a total of \$34,500. Funds are available in Acct. #09205010 5777 C0652. **AUTHORIZED**

3a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Premier Building Associates, LLC for the Ben Franklin Center Roof Replacement project (Phase 2) for a total not to exceed \$249,000.00. Funds are available from account #0920/21 7100 5777 C0295 **AUTHORIZED**

3b. Authorize the Office of Building Management to issue change orders on the contract for a total not to exceed \$24,900.00. **AUTHORIZED**

**E. ORDINANCE COMMITTEE**

1. Approve the following revisions/amendments to Chapter 36 of the City Code:

Chapter 36: Enterprise Zones

- Section § 36-1 Applicability
- Section § 36-2 Benefits; Eligibility
- Section § 36-3 Reports
- Section § 36-4 Sunset Provision
- Section § 36-5 When effective

The accompanying Enterprise Zone map

**APPROVED**

**F. HEALTH AND PUBLIC SAFETY COMMITTEE**

1. Authorize the Mayor, Harry W. Rilling to sign a Memorandum of Understanding with the American Red Cross regarding their Disaster Services Programs in Norwalk and the facility use agreement to provide shelter operations at Brien McMahon HS and Norwalk HS in the event of an emergency at no cost.

**AUTHORIZED**

**VIII. RESOLUTIONS FROM COMMON COUNCIL**

**RESOLUTION TO ENACT LEGISLATION PROHIBITING SALE OF DOGS, CATS AND RABBITS IN PET STORES**

WHEREAS state and federal inspection reports document that certain pet stores have obtained puppies from commercial breeders with deficient animal welfare records, and

WHEREAS the documented abuses endemic to commercial breeder include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter, lack of socialization, exercise and enrichment; and lack of sanitation; and

WHEREAS it is in the interests of the residents of Norwalk to ensure that dogs, cats and rabbits are raised in safe, humane conditions, and kept in safe, humane conditions, and

WHEREAS as a result of improper commercial breeding, pet store puppies have a higher risk of being sick and having behavioral problems

WHEREAS some pet stores have been known to mislead consumers as to the origin of the puppies and kittens in such stores and make false health and behavior guarantees thereby causing consumers to incur hundreds or thousands of dollars in veterinary bills while suffering the heartbreak of having their newly acquired pet suffer, and in some cases die, and

WHEREAS according to the U.S. Centers for Disease Control and Prevention pet store puppies pose a health risk to consumers as over one hundred Americans, including at least two Connecticut residents, have contracted an antibiotic-resistant Campylobacter infection from contact with pet store puppies; and

WHEREAS there are dogs, cats and rabbits being held at the Norwalk Animal Shelter that are in need of good homes; and

WHEREAS prohibiting pet stores from selling dogs, cats and rabbits is likely to decrease the demand of puppies and kittens bred in puppy and kitten mills and decrease the burden that such puppies and kittens that end up in animal shelters place on local agencies and taxpayers.

THE NORWALK COMMON COUNCIL RESOLVES and strongly urges that our State Representatives by this Resolution enact legislation that prohibits the sale of dogs, cats and rabbits in pet stores or a clarifying provision stating that municipalities have the authority to regulate pet stores in a manner that is more restrictive than state law.

**APPROVED AS AMENDED**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

X. SUSPENSION OF RULES

XI. ADJOURNMENT 9:11 PM

**APPOINTMENTS**

<b>ZONING COMMISSION</b>	<b>M/C</b>	<b>Nwlk. Code 79</b>
<b>JOSHUA M. GOLDSTEIN (D)</b> 21 Ann Street, Apt. B41 Norwalk, CT 06854	<b>APPROVED</b>	Term Expires 07/01/2023 Regular District B

**REAPPOINTMENTS**

<b>ZONING COMMISSION</b>	<b>M/C</b>	<b>Nwlk. Code 79</b>
<b>GALEN WELLS (D)</b> 224 West Norwalk Road Norwalk, CT 06850	<b>APPROVED</b>	Term Expires - 07/01/2023 Regular District E